

ORDINANCE NO. 3925

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING SECTION 20.75.100 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE RELATING TO THE TIME LIMIT FOR PRELIMINARY SUBDIVISION APPROVAL AND ESTABLISHING SECTION 20.75.107 RELATING TO AN EXTENSION TO THE TIME LIMIT FOR CERTAIN SHORT PLATS.

WHEREAS, in response to a citizen request, the Parks, Planning & Public Works Council Committee tasked the Planning Board with considering an amendment to Section 20.75.100 of the Edmonds Community Development Code entitled “Preliminary approval – Time limit” to increase the time frame in which preliminary short plat approval is valid; and

WHEREAS, after a discussion on February 27, 2013 and a public hearing held on March 27, 2013, the Planning Board forwarded a recommendation to the City Council regarding a proposed amendment to the time frame in which preliminary formal and short subdivision approval is valid, clarifying the decision-making bodies for preliminary subdivision approval and appeals, and adding a time limit extension for certain short plats that would have expired prior to the effective date of this ordinance; and

WHEREAS, the proposed amendments are consistent with RCW 58.17.140 “Time limitation for approval or disapproval of plats – Extensions”; and

WHEREAS, state law is silent on the amount of time a short plat applicant may be allowed to finalize and record a short plat; and

WHEREAS, the state legislature, in twice recently amending RCW 58.17.140, has effectively given new life to previously expired preliminary (long) plats to allow developers more time to record plats that have been difficult to complete due to the economic climate; and

WHEREAS, the City Council would like to do something similar for short plats, the duration of which is not addressed by state law; and

WHEREAS, the City Council discussed the proposed code revisions on April 23, 2013 and held a public hearing on the topic on May 7, 2013; and

WHEREAS, after the public hearing, the City Council deliberated regarding the proposed amendments and voted to direct the City Attorney to prepare an ordinance that adopts the Planning Board's recommendations; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Section 20.75.100 of the Edmonds Community Development Code, entitled "Preliminary approval – Time limit," is hereby repealed and replaced with the following text:

20.75.100 Preliminary approval – Time limit.

A. Approval of a preliminary plat shall expire and have no further validity at the end of the time period established under RCW 58.17.140, unless the applicant has acquired final plat approval prior to the expiration date established under RCW 58.17.140. The time period for subdivisions shall commence upon the date of preliminary plat approval by the issuance of a written decision by the Edmonds Hearing Examiner. In the event that the decision of the hearing examiner is appealed to the Edmonds City Council and/or Snohomish County Superior Court, the time period shall commence upon the date of final confirmation of the preliminary plat decision by the City Council or judiciary.

B. Approval of a short plat shall expire and have no further validity at the end of seven years if preliminary short plat approval is issued on or before December 31, 2013 and five years if preliminary short plat approval is issued on or after January 1, 2014, unless the applicant has acquired final short plat approval within the specified time period. The time period for short plats shall commence upon the issuance of a final, written staff decision. In the event that the decision of staff is appealed to the Edmonds Hearing Examiner and/or Snohomish County Superior Court, the time period shall commence upon the date of final confirmation of the preliminary short plat decision by the Hearing Examiner or judiciary.

Section 2. A new Section 20.75.107, entitled "Preliminary approval – Time limit extension for previously approved short plats," is hereby added to the Edmonds Community Development Code to read as follows:

20.75.107 Preliminary approval – Time limit extension for previously approved short plats.

Short plats that received preliminary approval on or after January 1, 2006 and would have expired prior to the effective date of this ordinance shall have their preliminary

approvals automatically extended for a period of two years from the effective date of this ordinance. Preliminary approval of such short plats shall expire and have no further validity at the end of two years from the effective date of this ordinance, unless the applicant has acquired final short plat approval within the specified time period. Notice of the two-year extension from the effective date of this ordinance shall be provided to the parties of record of such preliminary short plats.

Section 3. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

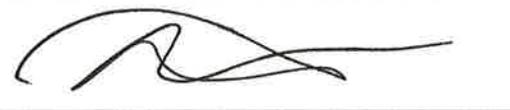
APPROVED:


MAYOR DAVID O. EARLING

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JEFF TARADAY

FILED WITH THE CITY CLERK:	05-31-2013
PASSED BY THE CITY COUNCIL:	06-04-2013
PUBLISHED:	06-09-2013
EFFECTIVE DATE:	06-14-2013
ORDINANCE NO. <u>3925</u>	

SUMMARY OF ORDINANCE NO. 3925

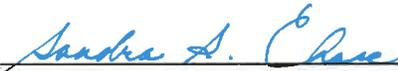
of the City of Edmonds, Washington

On the 4th day of June, 2013, the City Council of the City of Edmonds, passed Ordinance No. 3925. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING SECTION 20.75.100 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE RELATING TO THE TIME LIMIT FOR PRELIMINARY SUBDIVISION APPROVAL AND ESTABLISHING SECTION 20.75.107 RELATING TO AN EXTENSION TO THE TIME LIMIT FOR CERTAIN SHORT PLATS.

The full text of this Ordinance will be mailed upon request.

DATED this 5th day of June, 2013.



CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.

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The full text of this Ordinance will be mailed upon request.
DATED this 5th day of June, 2013.
CITY CLERK, SANDRA S. CHASE
Published: June 9, 2013.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 3925

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

June 09, 2013

and that said newspaper was regularly distributed to its subscribers during all of said period,

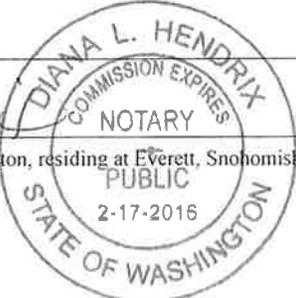
Karen E. Zomer

Principal Clerk

Subscribed and sworn to before me this 10th

day of June, 2013

Diana L. Hendrix



Notary Public in and for the State of Washington, residing at Everett, Snohomish County.