

ORDINANCE NO. 4568

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON RELATING TO ELLENSBURG MUNICIPAL CODE TITLE 12 “SUBDIVISIONS” AND AMENDING SECTIONS 12.06.480, 12.06.800, AND 12.08.480 .

WHEREAS, the State of Washington adopted Substitute Senate Bill 6544, amending the State Subdivision Code RCW 58.17.140 and RCW 58.17.170 to extend the time limit for approval of plats to seven years for all final plats granted preliminary plat approval between June 10, 2010 and December 31, 2014, and

WHEREAS, Title 12 of the Ellensburg Municipal Code entitled “Subdivisions” is required to be in conformance with State Subdivision Code requirements as they relate to the life of preliminary plant approvals; and

WHEREAS, several sections of the Ellensburg Municipal Code are in need of amendment for the purpose of bringing the City’s Subdivision Code into conformance with these new State Subdivision timelines; and

WHEREAS, the City has timely provided the Washington State Commerce Department with the required Notice of Intent to Adopt said development regulation amendments;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 12.06.480 of the Ellensburg Municipal Code and Ordinance No. 4357, is hereby amended to read as follows:

12.06.480 Major subdivision.

“Major subdivision” means the division of land into a subdivision of 10 or more lots, tracts or parcels. [Ord. 4357, 2003; Ord. 3235 § 5(11), 1979.]

Section 2. Section 12.06.800 of the Ellensburg Municipal Code and Ordinance No. 3235, is hereby amended to read as follows:

12.06.800 Subdivision.

“Subdivision” means the division of land into ~~two~~ ten or more lots, tracts or parcels. For purposes of this chapter the terms “Subdivision” and “Major Subdivision” share the same definition and may be used interchangeably. [Ord. 3235 § 5(19), 1979.]

Section 3. Section 12.08.480 of the Ellensburg Municipal Code, as last amended by Ordinance No. 4540, is hereby amended to read as follows:

12.08.480 Final plat – Submittal deadline and extension.

~~Within five years following preliminary plat approval, the applicant shall submit to the administrator the final plat application. Any applicant may request that the city council grant a one-time extension of the final plat submittal deadline for two years, subject to the following:~~

~~A. The request must be made in writing and delivered to the community development department no later than 90 days before the original five year submittal deadline date for the final plat has expired.~~

~~B. The request must demonstrate that the applicant has proceeded with due diligence and in good faith to submit the final plat within that original five year submittal deadline timeframe, and shall include a status report of activity that the applicant has taken in preparing for submittal of the final plat.~~

~~C. Prior to consideration of the extension request by the city council, the community development department shall send the request to the appropriate city departments for review as to whether or not conditions or development regulation requirements have changed substantially since the original preliminary plat approval and council shall be advised of any identified substantial changes. The city council shall then set a public hearing date and public notice of such public hearing shall be accomplished by the following:~~

~~1. Publish notice in a newspaper of local general circulation at least 10 days prior to the hearing date stating:~~

~~a. Reference to the authority under which the public hearing is being held;~~

~~b. The general nature of the matters being considered and issues involved;~~

~~c. A legal description of the proposed plat and/or a vicinity location sketch and a locational description; and~~

~~d. The time and place of the public hearing and the manner in which interested persons may present their views therein.~~

~~2. Mailing such notice at least 10 days prior to the hearing date to the applicant or the applicant's agent and to the property owner whose property is under consideration.~~

~~D. The city council may grant the extension request or may deny the extension request. In granting the extension request, the city council shall also make a determination whether or not conditions or development regulations have changed so substantially as to warrant imposition of new conditions to address those substantial changes and may impose new conditions along with the granting of the extension request if warranted by substantial changes in conditions or development regulations. The findings and/or determination by the city council made after such public hearing shall be in writing and a copy thereof submitted to the applicant for the extension request within 15 days after such findings and/or determinations have been made.~~

For all plats that are granted preliminary plat approval between June 10, 2010 and December 31, 2014, the applicant shall submit to the subdivision administrator the final plat application within seven (7) years of the date of preliminary plat approval.

For all plats granted preliminary plat approval prior to June 10, 2010 and that are still within the then applicable five (5) year final plat submittal deadline, or that may have been granted an extension to that final plat submittal deadline, and said extension time period is still running, the applicant shall submit to the administrator the final plat application within seven (7) years of the date of the original preliminary plant approval.

For all plats granted preliminary plat approval after December 31, 2014, the applicant shall submit to the subdivision administrator the final plat application within five (5) years of the date of preliminary plat approval.

Failure to submit the final plat application within ~~that those~~ time periods, ~~or any extension if granted,~~ will result in a lapse of the preliminary plat approval. [Ord. 4540 § 1, 2009; Ord. 4517 § 1, 2008; Ord. 4289, 2001; Ord. 3235 § 17, 1979.]

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of a summary, consisting of the title.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council this 19th day of July, 2010.



MAYOR

ATTEST: 

CITY CLERK

Approved as to form:



CITY ATTORNEY

Publish: July 22, 2010

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4568 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4568 was published as required by law.



COREEN M. RENO, CMC