

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Dan Taylor		09-06-94	RECEIVED SEP 7 1994 WHATCOM COUNTY COUNCIL	9-13-94	Council Introduction
Division Head: Dan Taylor	DWT	9/6/94		9-27-94	P&D/Council
Dept. Head: Nate Brown	NWB	9/6/94		10-11-94	P&D/Council
Prosecutor:	KFI	9/6/94		10-25-94	Council
Purchasing/Budget:				11-08-94	P&D/Council
Executive:	h/pal				

SUBJECT:

An Ordinance Amending Title 21 Regarding Plat Approvals

ATTACHMENTS:

- Draft Ordinance
- See Agenda Bill for Title 20 Amendments for Agency Report with attached Staff Report
- See Agenda Bill for Title 20 Amendments for Draft Planning Commission Minutes

SUMMARY STATEMENT:

Please complete sections of box as appropriate & explain the item below.

Related County contract #:	Should Clerk schedule a hearing? NO /XX/ YES / / Requested date:
Amount budgeted for this item/project: \$	Is it (or will it be) within budget? YES / / NO / / (Please explain below)
Budget line item number(s):	

direction from Council, the Planning Commission held a public hearing to review a request to amend Title 21, Whatcom County Subdivision Regulations to extend the time period between preliminary plat approval and final plat approval.

With modifications to staff's recommendation for the extension of the time period for plat approval, Planning Commission voted unanimously to approve the request.

ORIGINATOR'S RECOMMENDED ACTION: The Director of Planning and Development Services recommends Council uphold Planning Commission's recommendation to adopt this ordinance.

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

- 9/13/94: Hearing to be scheduled
- 9/27/94: Held in committee until 10-11-94
- 10/11/94: Tabled until October 25, 1994
- 10/25/94: Held in Committee
- 11/8/94: Adopted

Related File Numbers:

Ordinance or Resolution Number (this item only):

ord 94-068

SPONSORED BY: Consent

PROPOSED BY: Planning

INTRODUCTION DATE: 9/13/94

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2

ORDINANCE NO. 94-068

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AN ORDINANCE AMENDING TITLE 21 REGARDING PLAT APPROVALS

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WHEREAS, problems exist and future opportunities are needed in Title 21 regarding plat approval time extensions; and

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WHEREAS, the present time limit from preliminary to final plat approval in Title 21 is three years plus a one year extension which may be limiting to some developers in certain situations; and

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WHEREAS, the present time limit does not provide for phasing which is a logical way to approach some subdivisions; and

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WHEREAS, the concern in relaxing the time table from preliminary to final plat approval is not to go too far into the future as development standards and zoning requirements evolve and premature preliminary plats, which lock in final plats too long, could lead to obsolete land use patterns and practices; and

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WHEREAS, at Council request, the Planning Commission considered amending Title 21; and

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WHEREAS, Determination of Non-Significance was issued by the Deputy SEPA Official on July 27, 1994; and

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1 WHEREAS, pursuant to RCW 36.70.590 legal notice was published in the
2 Bellingham Herald on Saturday, July 16, 1994; and

3 WHEREAS, the Planning Commission held a public hearing on July 27, 1994 and
4 considered all testimony; and

5 WHEREAS, the Council at a public meeting on September 27, 1994, reviewed the
6 Planning Commission recommendation and found the proposed amendments in the best
7 interest of the public health, safety, and welfare; and

8 WHEREAS, the Council has adopted the following Findings and Conclusions:

9 Findings

- 10 1) There have been several problems which have arisen lately which might be helped
11 with modifications to existing regulations.
- 12 2) The subdivision regulations allow three years between preliminary plat approval
13 and final plat approval with the possibility of a one year extension.
- 14 3) This can be viewed as ample time or exceedingly short depending on one's
15 perspective and external conditions.
- 16 4) The notion of phasing is not addressed in the time requirements.

17 Conclusions

18 Extending Plat Approval

19 Allowing for phasing in logical units with a time period of up to six years would provide

1 ample flexibility for subdivision developers while leaving a reasonable end date for
2 residents of the area for changed conditions if the plat does not get finalized within that
3 time period.

4 NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

5 Section 1. Amend Section 21.20.110 of the Whatcom County Subdivision Regulations:

6 21.20.110 Lapse of Approval and Time Extensions

- 7 1. Approval of a preliminary plat shall become invalid unless a final
8 plat is submitted in proper form for final plat approval, within three
9 (3) years of the date of preliminary plat approval. This expiration
10 date may be extended as follows:
- 11 A. An applicant who files written request with the Whatcom County
12 Council prior to expiration of the three (3) year expiration period
13 shall be granted a one (1) year extension upon showing that the
14 applicant has attempted in good faith to complete the requirements
15 necessary for submittal of a final plat within three (3) years from the
16 date of preliminary plat approval.
- 17 B. The Whatcom County Council shall have authority to grant
18 additional extensions up to six (6) years from the date of
19 preliminary plat approval. Such extension shall be granted if
20 reasonable, taking into consideration technical, economic and other
21 matters beyond the control of the applicant that justify the granting
22 of additional extensions. Such extensions shall be conditioned upon

1 compliance with any Whatcom County rules, regulations, and
2 ordinances in effect as of the date of application for the extension
3 that were not applicable to the original plat application. Request
4 for extensions shall be made in writing to the Whatcom County
5 Council prior to expiration of preliminary plat approval.

6 C. Applicants may develop subdivisions in phases, in accordance with
7 an approved phasing plan. Preliminary plat approval shall be
8 automatically extended an additional three (3) years each time a
9 final plat for a phase of the subdivision is approved and recorded.
10 Notwithstanding the automatic extension provisions contained in this
11 subsection (C), preliminary plat approval for phased subdivisions
12 shall expire ten (ten) years from the date of preliminary plat
13 approval unless a longer expiration period is established and
14 approved by Whatcom County at the time of preliminary plat
15 approval. Each phase shall comply with the Whatcom County
16 Development Standards Ordinance in effect as of the date
17 construction plans are approved for each phase. Any phases that
18 occur after six years from the date of preliminary plat approval must
19 be in compliance with any Whatcom County rules, regulations, and
20 ordinances in effect at the time, except zoning density.

21 2. Plat extension provisions shall apply retroactively to any preliminary plats
22 approved on or after August 1, 1989.

23 - add to Title 20, Definition Section:

24 A phased subdivision is any subdivision consisting of at least five lots intended for
25 phased development where the applicant intends to develop the subdivision in
26 stages, with each stage receiving final plat approval as completed.

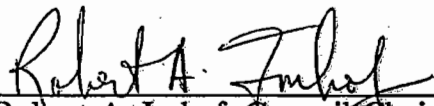
1 Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of
2 this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any
3 part thereof other than the part so declared to be invalid.

4 ADOPTED this 8th day of November, 1994.

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6 ATTEST:

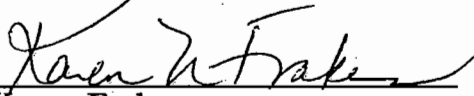
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

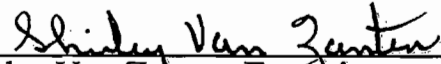
7 
8 Ramona Reeves, Council Clerk


Robert A. Imhof, Council Chair

9 APPROVED AS TO FORM:

Approved Denied

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11 Karen Frakes
12 Civil Deputy Prosecutor


Shirley Van Zahten, Executive

Date: 11-30-94