

CITY OF MAPLE VALLEY, WASHINGTON

ORDINANCE NO. O-12-501

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, AMENDING MAPLE VALLEY MUNICIPAL CODE SECTION 18.90.030 PRELIMINARY PLAT; PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE AND PROVIDING FOR CORRECTIONS.

WHEREAS, the Washington State Legislature has approved Engrossed House Bill (EHB) 2152 and Governor Christine Gregoire has signed it into law, effective June 7, 2012; and

WHEREAS, EHB 2152 amends RCW 58.17.140 pertaining to time limits for preliminary plat approval; and

WHEREAS, the City desires to amend its municipal code provision on preliminary plat approval so as to be consistent with the requirements of EHB 2152; and

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

Section 1. Maple Valley Municipal Code 18.90.030 is hereby amended to read as follows:

18.90.030 Preliminary plat.

A. Application and Procedure. A preapplication conference is required. Submittal requirements for the application may be obtained from the Department. Preliminary plat applications are reviewed using Process 3. Environmental review pursuant to the State Environmental Policy Act (SEPA) and Maple Valley's SEPA policies is required.

B. Requirements for Approving Preliminary Plats. In considering preliminary plats, the City shall inquire into the public use and interest proposed to be served by the establishment of the subdivision. The City shall approve a preliminary plat only if appropriate provisions are made in the subdivision for, but not limited to, the public health, safety, and general welfare, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary and/or septic sewer systems, fire protection, parks and recreation, playgrounds, schools, sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school, and shall consider all other relevant facts. If the City finds that appropriate provision is made for the specified items and that the public interest is served by the platting of the subdivision and dedication, then it shall be approved upon the entry of written

findings that the plat conforms to all applicable zoning and land use requirements and appropriately mitigates adverse environmental impacts. Dedication of land to the City, provision of public improvements to serve the subdivision, a voluntary agreement that allows payment of fees in lieu of dedications or to mitigate a direct impact that has been identified as a consequence of a proposed subdivision, and/or the payment of impact fees imposed pursuant to State law and City ordinances may be required as a condition of approval. Dedications shall be clearly shown on the final plat.

C. Reasons for Denial of a Preliminary Plat. After considering all input at the public hearing, if the City finds that the proposed plat does not make provisions as outlined in subsection (B) of this section, or that the public use and interest will not be served, upon the entry of written findings, the preliminary plat will then be denied.

D. Effective Period of Preliminary Plat Approval. The time period for approval of the preliminary plat is as follows:

1. For nine years from the date of preliminary plat approval, if the date of approval is on or before December 31, 2007;
2. For seven years of the date of preliminary plat approval if the date of approval is on or after January 1, 2008 and on or before December 31, 2014;
3. For five years of the date of preliminary plat approval if the date of approval is on or after January 1, 2015.

Any preliminary plat not submitted for final plat approval within the period of time set forth in this subsection is null and void and the applicant is required to resubmit a new preliminary plat for approval, subject to all current zoning and subdivision regulations. .

Section 2. Severability. If any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. A summary of this ordinance shall be published in the official newspaper of the City, and this ordinance shall take effect and be in full force June 7, 2012.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THIS 14th DAY OF MAY, 2012.**

William T. Allison, Mayor

ATTEST:

Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

Christy A. Todd, City Attorney

Date of Publication: May 22, 2012

Effective Date: June 7, 2012