

ATTACHMENT D

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NOS. 2124 §2 AND 1833 §1 (PART), AS CODIFIED IN TUKWILA MUNICIPAL CODE TITLE 17, "SUBDIVISIONS AND PLATS," AT SECTION 17.14.050, TO MAKE THE EXPIRATION OF PLATS CONSISTENT WITH STATE LAW; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Title 17 of the Tukwila Municipal Code adopts procedures for preliminary plats and the City desires these procedures to be consistent with the provisions of state law, as per Chapter 58.17 RCW; and

WHEREAS, the expiration date for preliminary plats under Title 17 is five years and Chapter 58.17.140 RCW allows for up to seven years for certain plats; and

WHEREAS, on _____, the City's State Environmental Policy Act (SEPA) Responsible Official issued a Determination of Non-Significance on the proposed amendments; and

WHEREAS, on _____, the City was informed by the Washington State Department of Commerce that it had met the Growth Management Act notice requirements under RCW 36.70A.106; and

WHEREAS, on _____, the Tukwila Planning Commission, following adequate public notice, held a public hearing to receive testimony concerning amending the Tukwila Municipal Code and at that meeting adopted a motion recommending the proposed changes; and

WHEREAS, on _____, the Tukwila City Council, following adequate public notice, held a public hearing to receive testimony concerning the recommendations of the Planning Commission;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Ordinance Nos. 2124 §2 and 1833 §1 (part), as codified at Tukwila Municipal Code Section 17.14.050, are hereby amended to read as follows:

17.14.050 Expiration

A. The preliminary plat approval for subdivision shall expire unless a complete application for final plat meeting all requirements of this chapter approval is submitted to the Tukwila City Council for approval within sevenfive years from the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015; provided that final plat meeting all requirements of this chapter shall be submitted to the Tukwila City Council for approval within ten years from the date of the preliminary plat approval if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of the preliminary plat approval is on or before December 31, 2007.

B. The Planning Commission hearing body of the preliminary approval may approve one extension not to exceed one year.

Section 2. 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.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 4. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this _____ day of _____, 2016.

ATTEST/AUTHENTICATED:

Christy O’Flaherty, MMC, City Clerk

Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____

Passed by the City Council: _____

Published: _____

Effective Date: _____

Ordinance Number: _____

Rachel B. Turpin, City Attorney