



City of Kalama

Incorporated 1890



Staff Report & Recommendation

Date: July 30, 2015
To: Kalama City Council
From: Matt Buchanan, City Planner
Re: Stone Forest Phase 2 Subdivision – Preliminary Plat Extension Request

Proposal

Synergy Resource, LLC (applicant) requests a seven-year extension for the Stone Forest preliminary plat. Approval would reset the expiration date from February 15, 2016, to February 15, 2023.

City Council Action Required: Yes

Possible Actions:

1. **Approve** the preliminary plat extension for seven years, per the applicant's request.
2. **Approve** the preliminary plat extension request for another specified period of time.
3. **Deny** the request for preliminary plat extension.
4. **Continue** to a future date to obtain additional information or to consider information presented. The next available meeting date is August 19, 2015, beginning at 6:00 p.m.

Staff Recommendation: Approve the preliminary plat extension request for five years, with a revised expiration date of February 15, 2021.

Background

In February 2006, the City Council granted preliminary plat approval to Cedar Ridge Properties, LLC for the Stone Forest subdivision (Exhibit A). According to Kalama Municipal Code (KMC) 16.08.090, a final plat shall be submitted to the City for approval within five years of the date of preliminary plat approval, which set the original expiration date of the Stone Forest preliminary plat at February 15, 2011.

Columbia Ridge Land Development later took over as the developer. In 2010, Columbia Ridge requested a five-year extension of the preliminary plat (staff report attached as Exhibit B). KMC 16.08.090-C2 allows the City to approve an extension of time greater than two years based upon

the facts and circumstances including: (1) the totality of investment made in the preliminary plat after the preliminary plat was granted; (2) the applicant has shown due diligence in proceeding toward final plat approval; (3) circumstances which create an undue hardship to the applicant; (4) all applicable fees have been paid to the City; and (5) the needs and best interest of the citizens of Kalama are met as determined by the City Council. The Council determined that these criteria had been met and granted a five-year extension in September 2010, setting a revised expiration date of February 15, 2016.

The project's most recent developer, Synergy Resources, LLC, now requests an additional seven-year preliminary plat extension (letter attached as Exhibit C) in order to complete the remainder of the project. If approved, the preliminary plat would expire in February 2023.

Findings

Staff makes the following findings and conclusions in regard to the requested extension:

1. Synergy Resources, LLC has committed substantial investment to this project as demonstrated by improvements completed in the adjacent subdivision of Stone Forest Phase 1, which are associated with and will serve Phase 2 of the subdivision.
2. Due diligence toward final plat approval has been accomplished via investments in engineering plans, geotechnical and wetland studies, as well as excavation and grading.
3. Undue circumstances have impacted the development, including a significant slowdown in the residential housing market, as well as the turnover in developers of the Stone Forest subdivision.
4. All fees have been paid to the City.
5. The needs and best interest of the citizens of Kalama are not negatively impacted by the granting of a plat extension.

Discussion

Plat extensions are generally appropriate when substantial progress has been made on a project and/or there are unforeseen technical difficulties or undue hardships that warrant consideration. In this case, it is clear to staff that the applicant has shown substantial good-faith progress by demonstrating considerable investment in the project, including extensive consulting costs for civil engineering, geotechnical and wetland studies, noxious weed control, excavation, and grading. The applicant also cites a difficult residential construction market as part of the reason an extension is being sought. The applicant contends that a denial of the request would create substantial delays and may possibly result in abandonment of the project because of the cost of starting over.

It is important to consider whether intermediate changes in zoning, subdivision, and engineering regulations would result in a substantially different project than the one previously approved. In this case, there have been no significant changes to applicable land-use regulations that would render the final phase obsolete or non-conforming. Allowable lot sizes are the same, and the current engineering standards (including stormwater controls) have been applied.

Furthermore, denying the request for an extension is likely to only add additional process (as the

applicant would have to reapply for preliminary approval) and not result in any noticeable changes to the plat. Public health, safety, and welfare are not expected to be impacted by the request for an extension.

Granting a second plat extension for seven years may conflict with the overall intent of the KMC 16.08.090. Approval of multiple, lengthy extensions increases the potential that the approval conditions will become obsolete due to changes in the City's zoning, subdivision, or engineering regulations. This could ultimately enable the plat to proceed under an old regulatory scheme, which may not serve the public interest if the old standards are outdated technologically, or provide inferior environmental protection. Limiting the plat extension to five years limits the likelihood of this occurrence, while also providing the applicant ample time to complete the work necessary to submit for final plat approval.

Conclusion

For the reasons stated above, staff recommends that City Council approve an extension of the Stone Forest Preliminary Plat for a period of five years, establishing a new expiration date of February 15, 2021.

List of Exhibits

- A) Stone Forest Preliminary Plat
- B) Staff Report—2010 Stone Forest Preliminary Plat Extension
- C) Extension Request Letter (July 9, 2015) from Synergy Resources, LLC

cc: Cornell Rotschy, Synergy Resources, LLC
Adam Smee, City Administrator
Coni McMaster, City Clerk/Treasurer
Susan Junnikkala, Building/Planning Secretary
Kelly Rasmussen, Public Works Superintendent