

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Discussion of Ordinance No. 819 – Amendments to Shoreline Municipal Code Chapters 20.20 and 20.30 for Subdivision Procedures
<b>DEPARTMENT:</b>	Planning & Community Development
<b>PRESENTED BY:</b>	Paul Cohen, Planning Manager Steven Szafran, AICP, Senior Planner
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

The purpose of a subdivision under Shoreline Municipal Code (SMC) Section 20.30.370 is to divide land into lots, parcels, or tracts, for the purpose of development and sale as fee-simple lots. The process of subdividing land in the City of Shoreline is unclear, slow, and cumbersome. It is necessary to articulate the subdivision process to meet State requirements, to respond to the development community, and to provide consistent City administration. In articulating a subdivision procedure, the Planning Commission and staff have proposed three options in the Code for property owners and developers to separate or consolidate the necessary approvals to subdivide property.

SMC sections 20.20.046, 20.30.410, 20.30.440, and 20.30.450, which all relate to subdivisions, are proposed to be updated to clearly describe the procedures for a subdivision. Proposed Ordinance No. 819 proposes to amend these Development Code sections to provide for this clarity. The Planning Commission discussed these proposed amendments on January 4, 2018 and held a public hearing on the amendments on February 1, 2018. Tonight, Council is scheduled to discuss proposed Ordinance No. 819. Proposed Ordinance No. 819 is currently scheduled to be brought back to Council for adoption on April 30, 2018.

**RESOURCE/FINANCIAL IMPACT:**

This amendment would have no financial impact on the City.

**RECOMMENDATION**

The purpose of tonight's presentation is for discussion only. No action is required by the City Council at this time. Proposed Ordinance No. 819 is scheduled for adoption on April 30, 2018.

Approved By:            City Manager **DT**    City Attorney **MK**

## **BACKGROUND**

The purpose of a subdivision under Shoreline Municipal Code (SMC) Section 20.30.370 is to divide land into lots, parcels, or tracts, for the purpose of development and sale as fee-simple lots. In recent months, the City has met with developers and related professionals about Shoreline's subdivision review process. Their feedback pointed out that Shoreline's review procedures for reviewing and approving development projects with a subdivision are unclear and cumbersome. Current trends in building and development throughout the region allow concurrent review of Subdivision, Building, Site Development, and Right-of-Way Permits.

Even though procedures for processing subdivision applications are not currently articulated in the Development Code, the Planning & Community Development Department does have an internal procedure that staff follows. The City's current process, largely procedural (not codified) is more complex than is required to be by State subdivision laws. The current procedure for processing subdivisions includes the following steps:

1. The applicant submits a Preliminary Plat application which includes a pre-application meeting with staff, a neighborhood meeting, soils report, site plans, and other submittal materials. Approval of a Preliminary Plat application is approved by staff. Step 1 takes approximately four months.
2. The applicant submits applications for Site Development and Right-of-Way Permits after Preliminary Plat approval but before Final Plat application. Site Development and Right-of-Way Permits are reviewed and approved by the Planner and the Development Review Engineer. Site Development and Right-of-Way Permits are approved and appropriate financial sureties to guarantee proper installation of the actual improvements are received. Step 2 takes approximately five months.
3. Once step 2 is completed, the applicant submits an application for Final Plat. The Final Plat is a surveyed site plan of the approved subdivision recorded with King County. Once the Final Plat is recorded, the applicant receives new tax identification numbers and may sell the individual lots as fee simple lots. Step 3 takes approximately one month.
4. The applicant may then submit applications for Building Permits. Step four takes approximately three months.

In total, the subdivision process to sell property or obtain Building Permits takes approximately 13 months.

In proposing a subdivision procedure in the Code, the Planning Commission and staff have proposed three options for property owners and developers to separate or consolidate the necessary approvals to subdivide property. SMC sections 20.20.046, 20.30.410, 20.30.440, and 20.30.450, which all relate to subdivisions, need to be updated to clearly describe the procedures for a subdivision. Proposed Ordinance No. 819 (Attachment A) proposes to amend these Development Code sections to provide for this clarity.

The Planning Commission discussed the proposed amendments (Exhibit A) to the subdivision regulations on January 4, 2018. The staff report for the January 4, 2018 Planning Commission meeting can be found at the following link: <http://www.shorelinewa.gov/home/showdocument?id=37041>.

On February 1, 2018, the Planning Commission held a public hearing on the proposed amendments. The staff report for the public hearing can be found at the following link: <http://www.shorelinewa.gov/home/showdocument?id=37135>.

The Planning Commission heard testimony from members of the development community about Shoreline's need to revise its subdivision procedures and especially the need to make the process less cumbersome. Staff explained that the proposed amendments will allow three subdivision options that may potentially save an applicant up to seven months in review time. Following the Planning Commission discussion and public hearing, the Planning Commission voted unanimously to recommend the subdivision regulation amendments for Council consideration.

## **DISCUSSION**

Proposed Ordinance No. 819 proposes to amend the following Development Code Sections: 20.20.046, 20.30.410, 20.30.440, and 20.30.450. The following section describes the purposes of these amendments to the Development Code.

### **SMC 20.20.046 Amendments**

As staff was reviewing the Development Code for potential amendments to the subdivision regulations, a minor error was found. In 2015, the City Council adopted Ordinance No. 731 which amended the number of lots in a short and formal subdivision. The definitions of short subdivision and formal subdivision should have been updated at the same time, but this was missed by staff. This proposed amendment would fix this issue so that the definitions of these subdivisions in SMC 20.20.046 are now in alignment with the subdivision categories in SMC 20.30.380.

### **SMC 20.30.410 Amendments**

The amendments in this section of the Code are needed in order to provide the three procedure option amendments for the processing of subdivisions, as noted above. The three options are as follows:

1. **Option 1** is a subdivision without development. Land is subdivided with development to follow separately at a later date. Typically, this process is used when a property owner wants to subdivide their land with the intention of selling the newly created parcel(s). A Site Development and Right-of-Way Permit must be completed with the subdivision.
2. **Option 2** is a subdivision with development. This option is similar to Option 1, however, it allows submittal of the Building Permit. This option will allow concurrent review of the Site Development, Building, and Right-of-Way Permits after approval of the Preliminary Plat. This option is beneficial for the developer that wants to start the subdivision process but may not be ready to submit the development permits at the same time.

3. **Option 3** is a consolidated subdivision. It is similar to Option 2 above but with a concurrent review of the Preliminary Plat, Building, Site Development, and the Right-of-Way applications as one application. All of the applications are reviewed and processed concurrently by staff. This option is for the applicant who is ready for full-development which can potentially save the applicant up to seven months of review time.

Options 1, 2 and 3 to the subdivision code will provide clarity and options for staff and developers and potentially reduce approval times for the applicant. The proposed amendments in this section also move the code language referencing the state law time frame requirements (RCW 58.17) to SMC 20.30.450.

### **SMC 20.30.440 Amendments**

The amendments in this section of the Code are needed to be more specific and require permit issuance for the Site Development and Right-of-Way permits, rather than just “approving the improvement plans”.

### **SMC 20.30.450 Amendments**

To be consistent with proposed amendments in SMC 20.30.440, this section of the Code also needs to be more specific and require permit issuance for the Site Development and Right-of-Way permits. These amendments also incorporate the state law time frame requirements as noted above.

### **Decision Criteria**

SMC 20.30.350 states, “An amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City”. Development Code amendments may also be necessary to reduce confusion and clarify existing language, respond to regional and local policy changes, update references to other codes, eliminate redundant and inconsistent language, and codify Administrative Orders previously approved by the Director. Regardless of their purpose, all amendments are to implement and be consistent with the City’s Comprehensive Plan.

The decision criteria for a Development Code amendment in SMC 20.30.350 (B) states the City Council may approve or approve with modifications a proposal for a change to the text of the land use code when all of the following are satisfied:

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

### **RESOURCE/FINANCIAL IMPACT**

This amendment would have no financial impact on the City.

## **RECOMMENDATION**

The purpose of tonight's presentation is for discussion only. No action is required by the City Council at this time. Proposed Ordinance No. 819 is scheduled for adoption on April 30, 2018.

## **ATTACHMENTS**

Attachment A: Proposed Ordinance No. 819

Attachment A, Exhibit A: Proposed Amendments to SMC Chapters 20.20 and 20.30

**ORDINANCE NO. 819**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON  
UPDATING SUBDIVISION PROCEDURES AND DEFINITIONS IN  
SHORELINE MUNICIPAL CODE CHAPTER 20.30 SUBCHAPTER 7  
SUBDIVISIONS AND CHAPTER 20.20 DEFINITIONS.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70A RCW; and

WHEREAS, in 2000 the City adopted Shoreline Municipal Code (SMC) Title 20, the Unified Development Code, which in Chapter 20.30 Subchapter 7 sets forth the City's Subdivision regulations so as to implement Washington State regulations of plats, subdivisions, and dedications; and

WHEREAS, the subdivision review procedures and criteria set forth in Chapter 20.30 Subchapter 7 lack clarity and results in a lengthy process that needs to be update to create a more efficient and streamline process; and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, pursuant to WAC 197-11-800(19)(a), these procedural amendments are categorical exempt from SEPA; and

WHEREAS, on January 4, 2018, the City of Shoreline Planning Commission reviewed the proposed Development Code amendments; and

WHEREAS, on February 1, 2018, the City of Shoreline Planning Commission held a public hearing on the proposed Development Code amendments so as to receive public testimony; and

WHEREAS, at the conclusion of public hearing, the City of Shoreline Planning Commission voted that the proposed Development Code, as amended by the Planning Commission, be approved by the City Council; and

WHEREAS, on April 16, 2018, the City Council held a study session on the proposed Development Code amendments; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City provided public notice of the amendments and the public hearing as provided in SMC 20.30.070; and

WHEREAS, the City Council has determined that the amendments are consistent with and implement the Shoreline Comprehensive Plan and serves the purpose of the Unified Development Code as set forth in SMC 20.10.020;

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

**Section 1. Amendment to SMC 20.20 Definitions and SMC 20.30 Subchapter 7.** SMC Sections 20.20.046 S, 20.30.410, 20.30.440, and 20.30.450 and amended set forth in Exhibit A to this Ordinance.

**Section 2. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**Section 3. Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

**Section 4. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five (5) days after publication.

**PASSED BY THE CITY COUNCIL ON APRIL 30, 2018**

\_\_\_\_\_  
Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

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Jessica Simulcik-Smith  
City Clerk

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Margaret King  
City Attorney

Date of Publication: , 2018

Effective Date: , 2018

**Ordinance No. 819  
Exhibit A**

**Shoreline Municipal Code  
Amendments to SMC Chapters 20.20 and 20.30**

**SMC 20.20.046 S definitions**

**Subdivision, Formal** A subdivision of ten ~~five~~ or more lots.

**Subdivision, Short** A subdivision of nine ~~four~~ or fewer lots

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**SMC 20.30.410 Preliminary subdivision review procedures and criteria.**

The short subdivision may be referred to as a short plat – Type B action.

The formal subdivision may be referred to as long plat – Type C action.

~~Time limit: A final short plat or final long plat meeting all of the requirements of this chapter and Chapter 58.17 RCW shall be submitted for approval within the time frame specified in RCW 58.17.140.~~

**A. Review procedure: The following procedure shall be applicable to all subdivision applications:**

Subdivisions may be processed using one of the following methods: 1) Subdivision without development, 2) Subdivision with development, or 3) Consolidated subdivision.

**1. Subdivisions without development.**

a. The application and review for subdivisions without development shall follow this process:

i. In order to provide timely and accurate review of subdivision proposals, applications for Preliminary Plat, Site Development, and Right-of-Way must be submitted concurrently.

ii. A Final Plat application shall be reviewed in compliance with SMC 20.30.450.

**2. Subdivision with development.**

a. The application and review for subdivisions with development shall follow this process:



- i. Preliminary Plat application – Review of environmental requirements, availability of utilities, sufficient access, conceptual drainage provisions, frontage improvements, and all dimensional requirements for the applicable zone must be completed. Approval of Preliminary Plat must be issued before proceeding to SMC 20.30.410(A)(2)(a)(ii).
- ii. Building, Site Development, and Right-of-Way applications must be submitted concurrently for review. The issuance of all three permits will occur at the same time once all requirements, including the submittal of sufficient surety as required in SMC 20.30.440, have been met.
- iii. A Final Plat application shall be reviewed in compliance with SMC 20.30.450 when all Building Permit(s) have been issued.

**3. Consolidated subdivision.**

- a. The application and reviews for consolidated subdivisions shall follow this process:
  - i. The review process for a consolidated subdivision requires that all applicable required documents and plans be submitted and reviewed under one application package. All required documents and plans associated with the Preliminary Plat, Building(s), Site Development, and Right-of-Way shall be included in the package. The issuance of all permits will occur at the same time once all requirements, including the submittal of sufficient surety as required in SMC 20.30.440, have been met.
  - ii. A Final Plat application shall be reviewed in compliance with SMC 20.30.450 when all Building Permit(s) have been issued.

**B. Review criteria: The following criteria shall be used to review proposed subdivisions:**

**1. A. Environmental.**

- a. 4. Where environmental resources exist, such as trees, streams, geologic hazards, or wildlife habitats, the proposal shall be designed to fully implement the goals, policies, procedures and standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and the tree conservation, land clearing, and site grading standards sections.
- b. 2. The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.

- ~~c. 3.~~ Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, such as floodplains, landslide hazards, or unstable soil or geologic conditions, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected, consistent with subsections (A)(1) and (2) of this section, Chapter 20.80 SMC, Critical Areas, and Chapter 13.12 SMC, Floodplain Management.
- ~~d. 4.~~ Low impact development (LID) techniques shall be applied where feasible to minimize impervious areas, manage storm water, and preserve on-site natural features, native vegetation, open space and critical areas.

**2. B. Lot and Street Layout.**

- ~~a. 4.~~ Lots shall be designed to contain a usable building area. If the building area would be difficult to develop, the lot shall be redesigned or eliminated, unless special conditions can be imposed that will ensure the lot is developed consistent with the standards of this Code and does not create nonconforming structures, uses or lots.
- ~~b. 2.~~ Lots shall not front on primary or secondary highways unless there is no other feasible access. Special access provisions, such as, shared driveways, turnarounds or frontage streets may be required to minimize traffic hazards.
- ~~c. 3.~~ Each lot shall meet the applicable dimensional requirements of the Code.
- ~~d. 4.~~ Pedestrian walks or bicycle paths shall be provided to serve schools, parks, public facilities, shorelines and streams where street access is not adequate.

**3. C. Dedications and Improvements.**

- ~~a. 4.~~ The City may require dedication of land in the proposed subdivision for public use.
- ~~b. 2.~~ Only the City may approve a dedication of park land.
- ~~c. 3.~~ In addition, the City may require dedication of land and improvements in the proposed subdivision for public use under the standards of Chapter 20.60 SMC, Adequacy of Public Facilities, and Chapter 20.70 SMC, Engineering and Utilities Development Standards, necessary to mitigate project impacts to utilities, rights-of-way, and stormwater systems.
  - ~~i. a.~~ Required improvements may include, but are not limited to, streets, curbs, pedestrian walks and bicycle paths, critical area enhancements, sidewalks, street landscaping, water lines, sewage systems, drainage systems and underground utilities.

**4. D. Unit Lot Development.**

- a. 1. The provisions of this subsection apply exclusively to unit lot developments for single-family attached dwelling units or zero lot line developments in all zones in which these uses are permitted.
- b. 2. Unit lot developments may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested.
- c. 3. As a result of the subdivision, development on individual unit lots may modify standards in SMC 20.50.020, Exception 2.
- d. 4. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and/or the homeowners' association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; underground utilities; common open space; exterior building facades and roofs of individual units; and other similar features, and shall be recorded with the King County Recorder's Office.
- e. 5. Within the parent lot or overall site, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, to be recorded with King County Records and Licensing Services Division.
- f. 6. The unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot and shall be noted on the plat, to be recorded with King County Records and Licensing Services Division.
- g. 7. The applicant shall record a covenant on the plat that states, "These units will be considered individual units and part of one structure that cannot be segregated from one another. A unit lot development is defined as one building or one structure in the International Building Code and International Fire Code and National Electrical Code."

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**SMC 20.30.440 Installation of improvements.**

**A. Timing and Inspection Fee.** The applicant shall not begin installation of improvements until the Director has approved and issued the Site Development and Right-of-Way Permits improvement plans, and the Director and the applicant have agreed in writing on a time schedule for installation of the improvements, ~~and the applicant has paid an inspection fee.~~

**B. Completion – Bonding.** The applicant shall either complete the improvements before the final plat is submitted for City Council approval, or the applicant shall post a bond or other suitable surety to guarantee the completion of the improvements within one year of the approval of the final plat. The bond or surety shall be based on the construction cost of the improvement as determined by the Director.

**C. Acceptance – Maintenance Bond.** The Director shall not accept the improvements for the City of Shoreline until the improvements have been inspected and found satisfactory, and the applicant has posted a bond or surety for 15 percent of the construction cost to guarantee against defects of workmanship and materials for two years from the date of acceptance.

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**SMC 20.30.450 Final plat review procedures.**

Time limit: A final short plat or final formal plat meeting all of the requirements of this chapter and Chapter 58.17 RCW shall be submitted for approval within the time frame specified in RCW 58.17.140.

**A. Submission.** The applicant may not file the final plat for review until the work required for the Ssite Ddevelopment and Right-of-Way Ppermits are completed and passed final inspection or bonded per the requirements of SMC 20.30.440~~has been approved by the City.~~

**B. Final Short Plat.** The Director shall conduct an administrative review of a proposed final short plat. Only when the Director finds that a proposed short plat conforms to all terms of the preliminary short plat and meets the requirements of Chapter 58.17 RCW, other applicable state laws, and SMC Title 20 which were in effect at the time when the preliminary short plat application was deemed complete, the Director shall sign on the face of the short plat signifying the Director's approval of the final short plat.

**C. Final Formal Plat.** After an administrative review by the Director, the final formal plat shall be presented to the City Council. Only when the City Council finds that a subdivision proposed for final plat approval conforms to all terms of the preliminary plat, and meets the requirements of Chapter 58.17 RCW, other applicable state laws, and SMC Title 20 which were in effect at the time when the preliminary plat application was deemed complete, the City Manager shall sign on the face of the plat signifying the City Council's approval of the final plat.

**D. Acceptance of Dedication.** City Council's approval of a final formal plat or the Director's approval of a final short plat constitutes acceptance of all dedication shown on the final plat.

**E. Filing for Record.** The applicant for subdivision shall file the original drawing of the final plat for recording with the King County Department of Records and Elections. One reproduced full copy on mylar and/or sepia material shall be furnished to the Department.