

## 6a. Staff Report - Subdivision Code Amendments

Planning Commission Meeting Date: February 1, 2018

Agenda Item: 6a

### PLANNING COMMISSION AGENDA ITEM CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Subdivision Development Code Amendment Public Hearing  
**DEPARTMENT:** Planning & Community Development  
**PRESENTED BY:** Paul Cohen, Planning Manager  
Steven Szafran, AICP, Senior Planner

Public Hearing       Study Session       Recommendation  
 Discussion       Update       Other

#### Introduction

Every year, miscellaneous Development Code amendments are collected and presented to the Planning Commission and City Council for study and possible adoption. In some cases, a single Development Code amendment is considered outside of the general batch of amendments based on such factors as the availability of staff time to analyze and prepare an amendment for Planning Commission and Council consideration; the value added by processing an amendment sooner than the annual batch; and emergent needs for the amendment to be presented separately from the annual batch. The proposed amendments to the Development Code's subdivision processes are important because the Development Code is not specific and therefore unclear. It is necessary to articulate the subdivision process to meet State requirements, to respond to the development community, and to provide consistent City administration.

The purpose of this public hearing is to:

- Review the proposed Development Code amendments;
- Respond to the Commission's questions regarding the proposed development regulations;
- Gather public comment; and
- Develop the Planning Commission's recommendation to forward to the City Council.

Amendments to Shoreline Municipal Code (SMC) Title 20 (Development Code) are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the reviewing authority for legislative decisions and is responsible for holding an open record Public Hearing on the proposed Development Code amendments and making a recommendation to the City Council on each amendment.

Approved By:

Project Manager 

Planning Director 

## 6a. Staff Report - Subdivision Code Amendments

### Background

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

The Commission heard testimony from members of the development community about Shoreline's need to revise 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.

The purpose of a subdivision under SMC 20.30.370 is to divide land into lots, parcels, or tracts, for the purpose of development and sale as fee-simple lots. SMC 20.30.380 is the subdivision category section. The code identifies three categories of subdivisions; Short Subdivision, Formal Subdivision, and Binding Site Plan. SMC 20.30.410 is the preliminary subdivision review procedures and criteria. This section of the code needs to be updated because it does not describe the procedures for subdivision, even though the section is titled "review procedures and criteria".

### Discussion

The City has met with developers and other related professionals about Shoreline's subdivision review process. Feedback from the developers' point out that Shoreline's review procedures for accepting and approving development projects that include 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 reflected in the Development Code, the Department has an internal procedure that staff follows. Our current process, largely procedural (not codified) is more complex and linear than perhaps it is required to be by State subdivision laws. Typically the current procedure for processing subdivisions includes the following steps:

1. The applicant submits a Preliminary Plat application which includes a preapplication 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. Staff routes these permits to the appropriate reviewers in order to complete a concurrent review of these applications. 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.

## 6a. Staff Report - Subdivision Code Amendments

3. 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.

### Proposal

In the above process, there are separate steps that must occur before an applicant may start the building permit process. The timeframe for the above process is typically thirteen months before an applicant may obtain a building permit. In order to provide flexibility to developers and property owners, the City is proposing to include three procedure options in the amendment for the processing of subdivisions.

**Option A** 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.

**Option B** is a subdivision with development. This option is similar to Option A, 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.

**Option C** is a consolidated subdivision. It is similar to Option B 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.

Option A, B, and C amendments to the subdivision code (below) will provide clarity and options for staff and developers and potentially reduce review and approval times for the applicant.

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### **Proposed Development Code amendments (underlined):**

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.

## 6a. Staff Report - Subdivision Code Amendments

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.

### A. Subdivisions without development.

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

- a. 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.
- b. A Final Plat application shall be reviewed in compliance with SMC 20.30.450.

### B. Subdivision with development.

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

- a. 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(B)(1)(b).
- b. 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.
- c. A Final Plat application shall be reviewed in compliance with SMC 20.30.450 when all building permit(s) have been issued.

### C. Consolidated subdivision.

1. The application and reviews for consolidated subdivisions shall follow this process:

- a. 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

## 6a. Staff Report - Subdivision Code Amendments

submittal of sufficient surety as required in SMC 20.30.440, have been met.

- b. A Final Plat application shall be reviewed in compliance with SMC 20.30.450 when all building permit(s) have been issued.

~~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.~~

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

D. A. Environmental.

1. 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.
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.
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.
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.

E. B. Lot and Street Layout.

1. 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.
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.
3. Each lot shall meet the applicable dimensional requirements of the Code.

## 6a. Staff Report - Subdivision Code Amendments

4. Pedestrian walks or bicycle paths shall be provided to serve schools, parks, public facilities, shorelines and streams where street access is not adequate.

### F. ~~C.~~ Dedications and Improvements.

1. The City may require dedication of land in the proposed subdivision for public use.

2. Only the City may approve a dedication of park land.

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.

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.

### G. ~~D.~~ Unit Lot Development.

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.

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.

3. As a result of the subdivision, development on individual unit lots may modify standards in SMC 20.50.020, Exception 2.

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.

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.

## 6a. Staff Report - Subdivision Code Amendments

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.

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."

### 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.

### 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 Site Development and Right-of-Way permits are completed and passed final inspection or bonded per the requirements of SMC 20.30.440 ~~has been submitted and 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,

## 6a. Staff Report - Subdivision Code Amendments

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.

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### **New Amendments Since January 4, 2017**

As staff was reviewing the Development Code for potential amendments to the subdivision regulations, a minor error was found. The City Council passed Ordinance 731 in 2015 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. The proposed amendment to 20.20.046 is shown below:

#### **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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### **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



## 6a. Staff Report - Subdivision Code Amendments

Orders previously approved by the Director. Regardless of their purpose, all amendments are to implement and be consistent with the 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.

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### Recommendation

Staff recommends approval of the proposed Development Code amendments to SMC Title 20 as described in this staff report.

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### Next Steps

The Subdivision Development Code amendments schedule is as follows:

February 26, 2018	Council Discussion
March 2018	Adoption of Development Code Amendment