



# AGENDA

## PLANNING COMMISSION

### VIRTUAL/ELECTRONIC REGULAR MEETING

Thursday, May 20, 2021  
7:00 p.m.

Held Remotely on Zoom  
<https://us02web.zoom.us/j/84544913190?pwd=R1k0ZnRoQIN6ZlJ4TWtrYlptQzg5dz09>

Passcode: 103436

**In an effort to curtail the spread of the COVID-19 virus, the Planning Commission meeting will take place online using the Zoom platform and the public will not be allowed to attend in-person. You may watch a live feed of the meeting online; join the meeting via Zoom Webinar; or listen to the meeting over the telephone.**

**The Planning Commission is providing opportunities for public comment by submitting written comment or calling into the meeting to provide oral public comment. To provide oral public comment you must sign-up by 6:30 p.m. the night of the meeting.**

**Please see the information listed below to access all of these options:**



**[Click here to watch live streaming video of the Meeting on shorelinewa.gov](#)**

**Attend the Meeting via Zoom Webinar:**



<https://us02web.zoom.us/j/84544913190?pwd=R1k0ZnRoQIN6ZlJ4TWtrYlptQzg5dz09> Passcode:  
103436



**Call into the Live Meeting: (253) 215-8782 - Webinar ID: 845 4491 3190**



**[Click Here to Sign-Up to Provide Oral Testimony](#)**

*Pre-registration is required by 6:30 p.m. the night of the meeting.*



**[Click Here to Submit Written Public Comment](#)**

*Written comments will be presented to Council and posted to the website if received by 4:00 p.m. the night of the meeting; otherwise they will be sent and posted the next day.*

	<u>Estimated Time</u>
<b>1. CALL TO ORDER</b>	7:00
<b>2. ROLL CALL</b>	7:01
<b>3. APPROVAL OF AGENDA</b>	7:02
<b>4. APPROVAL OF MINUTES FROM:</b>	7:03
a. <a href="#">May 6, 2021 - Draft Minutes</a>	

#### **Public Comment and Testimony at Planning Commission**

*During General Public Comment, the Planning Commission will take public comment on any subject which is not specifically scheduled later on the agenda. During Public Hearings and Study Sessions, public testimony/comment occurs after initial questions by the Commission which follows the presentation of each staff report. Please be advised that each speaker's testimony is being recorded. Speakers are asked to sign-up by 6:30 p.m. the night of the meeting. Individuals wishing to speak to agenda items will be*

*called to speak first, generally in the order in which they have signed. In all cases, speakers are asked to state their first and last name, and city of residence. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Generally, individuals may speak for three minutes or less, depending on the number of people wishing to speak. When representing the official position of an agency or City-recognized organization, a speaker will be given 5 minutes. Questions for staff will be directed to staff through the Commission.*

<b>5. GENERAL PUBLIC COMMENT</b>	7:04
<b>6. STUDY ITEMS</b>	
a. <a href="#"><u>Subdivision Vacation Development Code Amendments</u></a>	7:05
<b>7. UNFINISHED BUSINESS</b>	7:45
<b>8. NEW BUSINESS</b>	7:46
<b>9. REPORTS OF COMMITTEES &amp; COMMISSIONERS/ANNOUNCEMENTS</b>	7:47
<b>10. AGENDA FOR Next meeting – June 3, 2021</b>	7:48
<b>11. ADJOURNMENT</b>	7:50

*The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457.*

**DRAFT**  
**CITY OF SHORELINE**

**SHORELINE PLANNING COMMISSION**  
**MINUTES OF REGULAR MEETING**  
*(Via Zoom)*

May 6, 2021  
7:00 P.M.

---

---

**Commissioners Present**

Chair Mork  
Vice Chair Sager  
Commissioner Callahan  
Commissioner Lin  
Commissioner Malek<sup>1</sup>  
Commissioner Rwamashongye

**Staff Present**

Rachel Markle, Planning Director  
Steve Szafran, Senior Planner  
Julie Ainsworth-Taylor, Assistant City Attorney  
Carla Hoekzema, Planning Commission Clerk

**Commissioners Absent**

Commissioner Galuska (excused)

**CALL TO ORDER**

Chair Mork called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

**ROLL CALL**

Ms. Hoekzema called the roll.

**APPROVAL OF AGENDA**

The agenda was accepted as presented.

**APPROVAL OF MINUTES**

The minutes of April 15, 2021 were accepted as presented.

**GENERAL PUBLIC COMMENT**

There were no general public comments.

---

<sup>1</sup> Commissioner Malek arrived shortly after roll call.

## **STUDY ITEM: LOCAL DEVELOPMENT AND LONG RANGE PLANNING PROJECTS UPDATE**

Planning Director Markle presented a power point which covered permitting and development since 2019. In 2020 there were about 2600 permit applications with a total project value of almost \$250M. About 2300 permits were issued generating \$6.8M in revenue. 4,719 inspections were completed by only two inspectors.

In 2020 there were approximately 700 fewer permit applications than in 2019 and \$3M less in revenue; however, because of the City's conservative revenue projections for the budget this did not result in a deficit or a budgetary crisis. To date permitting for 2021 is on track to exceed 2019, which was one of the largest years ever. Director Markle reviewed impacts to staffing and permitting as a result of COVID-19 protocols. A silver lining of the COVID-19 situation was that Planning and Community Development (PCD) sorted out how to offer completely electronic permitting to customers. Out of the \$250M valuation of applied permits in 2020, the largest portion was in multifamily projects (\$190M) followed by new townhomes (\$25M) and single-family development (\$19M).

**Multi Family:** From April 1, 2019 to present the City has issued permits for 923 units of multi-family development; and 230 of those are affordable. All of these are outside of the Station areas.

- Geo Apartments, 17990 Midvale Ave N – 7 story mixed use building, two levels of parking, 164 units, rooftop deck, off-leash dog park), located in Town Center, occupancy July 2020 (finalized).
- Vail Two Apartments, 18110 Midvale Ave N - 5-story multi-family apartments, partial underground parking, 210 residential units (ready to issue)
- Trad Apartments, 17567 15<sup>th</sup> Ave NE - 5-story multi-family apartments, 124 units over two levels of parking with 107 spaces, fitness center, rooftop lounge (issued)
- The Postmark Apartments, 17233 15<sup>th</sup> Ave NE - two L-shaped five-story buildings, 243 residential units, single-story amenity clubhouse and outdoor terrace in center of the two buildings, two-level below-grade parking structure, CLT Construction (cross laminated timber) (finalized)
- Quinn by Vintage, 20057 Ballinger Way NE - 6-story, 227 units, partial below-grade parking, Multi-Family Tax Exemption for affordable housing (issued)
- Alexan Shoreline, 15560 Westminster Way N - 5-story building over two-story parking, 330 units, 302 parking spaces, 206 bike parking spaces, located in Shoreline Place. (issued)
- 18815 Aurora Ave N - 7-story multi-family apartment, two levels of below ground parking, 315 units, Deep Green building, LEED (Leadership in Energy and Environmental Design) Platinum (issued)
- 18551 Aurora Ave - 299 units, LEED Platinum, proposed to join 18815 Aurora building with a breezeway. (preapplication phase)
- Crux Apartments, 19022 Aurora Ave N - 8-story mixed use, two-story parking (one below ground), includes affordable housing and courtyard (ready to be issued)
- 3108 Apartments, 3108 NE 145<sup>th</sup> St. – 3 stories, 16 units, surface parking, 4 affordable units, located in Ridgecrest Neighborhood. (finalized)

- Jacob’s Well Phase III (Vision House), 19610 20<sup>th</sup> Avenue NE – 3-story building, 10 units of low-income housing, basement with daycare, located in Ballinger Neighborhood.

**Townhomes:** From April 1, 2019 to present 226 townhome units have been approved for construction, 45 units have been finalized, and a total of 301 units applied for.

- Cromwell Crossing, 2156 N 185<sup>th</sup> St – 3-story building, 7 units, 3 bedroom/2.5 bath, 2-car garages, Echo Lake neighborhood, finalized
- Meridian West Townhomes, 18515 Meridian Ave N – 7-unit townhome, 3 stories, habitable attics, 3 bedroom/2.5 bath, 2-car garages, shared driveway, Echo Lake neighborhood (finalized)
- Townhomes, 19840 25<sup>th</sup> Ave NE – 3 stories, 2 buildings with 7 total units, Ballinger Neighborhood. (finalized)
- 18524 Wallingford Ave N – one 3-story building, 6 units, 2-car garage parking, rooftop deck, 3 bedroom/2.5 bath, Echo Lake Neighborhood. (finalized)
- 18028 10<sup>th</sup> Ave NE – 7 townhomes, 4 units with rooftop decks, 3-story building, one-car garage
- Towns on 145<sup>th</sup>, 14537 1<sup>st</sup> Ave NE – 3 stories, 81 units, 13 buildings, 1-4 bedroom units, 1 story below ground, Parkwood Neighborhood. (issued)
- 14704 Meridian Ave N – 72 townhomes in 14 buildings, 3 stories, in-unit parking, Parkwood Neighborhood. (under review)

**Commercial Projects:** Director Markle reviewed the background on self-storage units in Shoreline and discussed current design guidelines and regulations.

- Ballinger Self Storage, 20029 – 19<sup>th</sup> Ave NE – Heated storage, 5-story, 788 storage units
- Shoreline Self Storage, 19237 Aurora Ave N – 5 stories, 8 parking and 2 loading stalls (finalized)
- Shoreline Fire Station #63, 1410 NE 180<sup>th</sup> St – replaces existing fire station, 4 apparatus bays plus administrative offices, kitchen, dining area, exercise room, classroom and sleeping quarters, located in North City Neighborhood. (finalized)
- North City Water District Maintenance Facility, 15555 15<sup>th</sup> Ave NE – 3 maintenance buildings, shop, equipment storage and vehicle wash
- Shoreline Community College, 16101 Greenwood Ave N – new construction, replaces four existing Health Sciences buildings, 3-story building, parking and stormwater improvements

**Commercial Remodels:**

- Washington State Public Health Lab, 1610 NE 150<sup>th</sup> Street – adding an office and storage for the newborn screening program and converting existing storage to a new Biosafety Level 2 lab (issued)
- WSDOT Renovation, 15700 Dayton Ave N – major internal remodel and external addition of 7,000 square feet of on-site storage (issued)
- Black Coffee Northwest, 16743 Aurora Ave N – interior remodel, drive-thru window (issued)
- Wells Fargo, 20152 Ballinger Way NE – tenant improvements, demo existing commercial suite, new construction to include roll-down security gate (issued)
- Jersey’s Sports Bar, 1125 152<sup>nd</sup> St – remodel existing commercial space for relocation (issued)
- Round Table Pizza and Chipotle, 15725 Westminster Way N, Ste. A & B – modifying the old Pier 1 building (applied)

- Brotherton Cadillac, 17545 Aurora Ave N – tenant improvement, demo existing showroom, new construction of showroom (applied)

**School District Projects:**

- Kellogg Middle School, 16045 25<sup>th</sup> Ave NE – construction of new middle school, replaced existing school on same site
- Einstein Middle School, 19343 3<sup>rd</sup> Ave NE – new school
- Aldercrest Elementary School, 2800 NE 200<sup>th</sup> St – tenant improvements, combined three existing buildings into one contiguous building, seismic upgrades
- Parkwood Elementary School, 1815 N 155<sup>th</sup> St – new building, 2 stories including gym, commons, library and classrooms

Director Markle discussed pre-application meetings from January 2020 through April 2021. There have been a lot of pre-application meeting regarding townhome projects including 22 applications to discuss 263 units. There have also been 19 pre-application meetings to discuss potential multi-family or mixed use projects for approximately 2435 units. She reviewed details of a few examples of these pre-application meetings. She indicated that staff could bring an update on the status of the non-motorized bridge connecting 1<sup>st</sup> Avenue NE and N 148<sup>th</sup> Street. Chair Mork confirmed that this would be appreciated.

Future Projects were also reviewed including: Sound Transit Shoreline South/148<sup>th</sup> Street Station, Sound Transit Shoreline North/185<sup>th</sup> Street Station, Shoreline Place, proposed Chick-Fil-A, 192<sup>nd</sup> Park & Ride (on Aurora Ave.) Director Markle also highlighted PCD Council Work Plan projects for 2021-2022: Enhanced Shelter location and regulations, MUR-70 Regulations update, complete sign design guidelines for Shoreline Place, advance tree protection strategies, and Housing Action Plan. On the environmental front, since 2018 Built Green has registered 700 units in Shoreline resulting in significant annual savings of water, energy and money.

**Comments and Questions:**

Vice Chair Sager commended staff for the presentation. She asked if the townhomes in the pre-application phase would be required to follow the updated design standards. Director Markle affirmed that they would. She explained in general that the applicants are required to meet whatever standards are in place when they apply for building permits. Vice Chair Sager asked how many of the six self-storage facilities from the original 2015 time period ended up being built. Director Markle thought that all but one had been constructed.

Commissioner Callahan thanked staff for the presentation and asked about ADU (Accessory Dwelling Unit) trends. Senior Planner Szafran replied that there is growth year over year, but it is not substantial. He recommended bringing this back for additional discussion. Commissioner Callahan expressed interest in trends in the single-family zones such as ADUs and remodeling homes to accommodate rental units. Director Markle indicated staff would follow up on that.

Commissioner Lin expressed concern about having adequate open space for residents given the high number of units expected to be added to the City. Director Markle explained this had been considered by the Parks Department for the Station Area Plans and is reflected in the Park Impact Fee. Additionally, the

City has been acquiring property in and near the station areas for parks. She confirmed there is a plan to not only increase park space, but also transportation and fire services as density is increased.

Chair Mork asked what impact all the construction would have on property taxes. Director Markle replied that is a complex question. The City is working with a firm to develop two dynamic models to look at this. Commissioners indicated an interest in hearing more about development, property taxes and business taxes at some point in the future.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

Senior Planner Szafran raised the idea of holding a Planning Commission retreat and indicated he would create a possible topic list for the Commission to rank and would also be open to hearing any other ideas.

**REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS**

Assistant City Attorney Ainsworth-Taylor gave an update on BSRE's recent appeal regarding the denial from the County of the Point Wells application.

**AGENDA FOR NEXT MEETING**

The next meeting is scheduled for May 20 and will cover plats and a plat amendment ordinance.

**ADJOURNMENT**

The meeting was adjourned at 8:24 p.m.

---

Laura Mork  
Chair, Planning Commission

---

Carla Hoekzema  
Clerk, Planning Commission

**Planning Commission Meeting Date: May 20, 2021**

**Agenda Item: 6a.**

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

**AGENDA TITLE: Subdivision Vacation Development Code Amendments**  
**DEPARTMENT: Planning & Community Development**  
**PRESENTED BY: Cate Lee, AICP, Associate Planner**  
**Andrew Bauer, AICP, Planning Manager**

**Public Hearing**  
 **Discussion**

**Study Session**  
 **Update**

**Recommendation Only**  
 **Other**

**Introduction**

The purpose of this study session is to:

- Review the draft Subdivision Vacation Development Code Amendments;
- Respond to questions regarding the proposed development regulations; and
- Gather public comment.

While the City recently adopted regulations for processing plat alterations (Ordinance No. 857, effective April 9, 2019) there are no provisions to vacate a subdivision. Plat alterations change one or more aspects of the plat, but subdivision vacations extinguish the plat in its entirety. The proposed amendments would establish regulations for subdivision vacation (Attachment A).

The Planning and Community Development Department holds weekly pre-application meetings with applicants to discuss their proposals and receive feedback from City staff subject matter experts. In one such meeting in 2020 it was discovered that one multifamily redevelopment proposal in the 145<sup>th</sup> Street Light Rail Station Area with MUR-70' zoning requires a subdivision vacation to develop the property as allowed by the City's current zoning.

**Background**

Since the 1900s, much of the City of Shoreline has been subdivided. These subdivisions are memorialized by a final drawing and depiction of the subdivision (the "Plat") that is filed in the King County land records office. This statutory procedure related to subdivision and Plats is set out in State law, RCW 58.17.

Many subdivisions contain dedication of roads for public use, easements of various nature, and restrictions. If a property owner desires to seek approval for something that is otherwise allowed by zoning, but restricted by the plat, the owner must receive a plat alteration before submitting an application with the City. The plat alteration process is governed by RCW 58.17.215 to RCW 58.17.218 and SMC 20.30.425.

**Approved By: Project Manager \_\_\_\_\_**

**Planning Director \_\_\_\_\_**



## 6a. Staff Report - Subdivision Vacation Dev. Code Amendments

However, there are circumstances where a plat alteration may not be the best tool to remove restrictions. There could be instances when a developer owns all the lots in a subdivision and the subdivision contains numerous easements that no longer serve any function. In this example, a subdivision vacation, which can simultaneously extinguish both the restrictions and the easements, is the most streamlined process. The subdivision vacation process is governed by RCW 58.17.212 (Attachment B).

### Public Engagement

Notice of the Public Hearing (scheduled for June 17, 2021) will take place no less than 15 days prior to the hearing by publishing the notice in the newspaper (Seattle Times) and on the City's land use notices [webpage](#).

### Review Process

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.

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." The proposed amendments would establish provisions for subdivision vacations and would be consistent with provisions in RCW 58.17.212.

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.

**Attachment A** contains the proposed Subdivision Vacation Development Code amendments. Because this meeting is a discussion of the amendments, staff has not made any recommendations at this time.

---

### Next Steps

**The schedule for the Subdivision Vacation Development Code amendments is as follows:**

**6a. Staff Report - Subdivision Vacation Dev. Code Amendments**

June 17	Planning Commission Public Hearing on the Subdivision Vacation Development Code Amendments
July/August	City Council Study Session and Action on Subdivision Vacation Development Code Amendments

**Attachments**

Attachment A – Proposed Subdivision Vacation Development Code Amendments

Attachment B – RCW 58.17.212

**20.30.060 Quasi-judicial decisions – Type C.**

These decisions are made by the City Council or the Hearing Examiner, as shown in Table 20.30.060, and involve the use of discretionary judgment in the review of each specific application.

Prior to submittal of an application for any Type C permit, the applicant shall conduct a neighborhood meeting to discuss the proposal and to receive neighborhood input as specified in SMC 20.30.090.

Type C decisions require findings, conclusions, an open record public hearing and recommendations prepared by the review authority for the final decision made by the City Council or Hearing Examiner. Any administrative appeal of a SEPA threshold determination shall be consolidated with the open record public hearing on the project permit, except a determination of significance, which is appealable under SMC 20.30.050.

There is no administrative appeal of Type C actions.

**Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions**

<b>Action</b>	<b>Notice Requirements for Application and Decision <sup>(3)</sup>, <sup>(4)</sup></b>	<b>Review Authority, Open Record Public Hearing</b>	<b>Decision Making Authority (Public Meeting)</b>	<b>Target Time Limits for Decisions</b>	<b>Section</b>
<b>Type C:</b>					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>	City Council	120 days	20.30.320
3. Site-Specific Comprehensive Plan Map Amendment	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>	City Council		20.30.345

**Att. A - Proposed Subdivision Vacation Dev. Code Amendments**

<b>Action</b>	<b>Notice Requirements for Application and Decision <sup>(3)</sup>, <sup>(4)</sup></b>	<b>Review Authority, Open Record Public Hearing</b>	<b>Decision Making Authority (Public Meeting)</b>	<b>Target Time Limits for Decisions</b>	<b>Section</b>
4. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.330
5. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.333
6. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.336
-7. Secure Community Transitional Facility – Special Use Permit	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.40.502
8. Essential Public Facility – Special Use Permit	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.330
9. Master Development Plan	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.353
10. Plat Alteration with Public Hearing <sup>(5)</sup>	Mail	HE <sup>(1), (2)</sup>		120 days	20.30.425
<u>11. Subdivision Vacation</u>	<u>Mail, Post Site, Newspaper</u>	<u>HE <sup>(1), (2)</sup></u>		<u>120 days</u>	<u>20.30.427</u>

(1) Including consolidated SEPA threshold determination appeal.

(2) HE = Hearing Examiner.

(3) Notice of application requirements are specified in SMC 20.30.120.

(4) Notice of decision requirements are specified in SMC 20.30.150.

(5) A plat alteration does not require a neighborhood meeting.

**20.30.427 Vacation of recorded subdivisions.**

**A. Applicability.** A subdivision vacation provides a process to vacate a previously recorded subdivision, short subdivision, binding site plan, or any portion thereof, or any area designated or dedicated for public use. The subdivision vacation results in the nullification of the recorded subdivision or portion thereof.

1. Any person seeking a subdivision vacation shall comply with the applicable requirements set forth in Chapter 58.17 RCW and this section in effect at the time a complete application is submitted to the City.
2. If the application is for the vacation of a subdivision together with the public rights-of-way, the procedures of this section shall apply except as prohibited by RCW 35.79.035, as amended, or other applicable law.
3. This section shall not apply to the:
  - a. Vacation of any plat of State-granted tide- or shorelands.
  - b. Vacation specifically of public rights-of-way which shall adhere to SMC 12.17.

**B. Application.** A request to vacate a recorded subdivision shall be submitted on official forms prescribed and provided by the Department along with the applicable fees.

1. The application shall contain the signatures of all persons having an ownership interest in the subject subdivision or portion to be vacated.
2. If the subdivision is subject to restrictive covenants which were recorded at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.

**C. Review Procedure and Criteria.**

1. The City will provide notice of the application for subdivision vacation and public hearing as provided in SMC 20.30.120 and 20.30.180.
2. The City shall hold a public hearing, review the submittal materials, and may approve or deny after a determination is made whether the public use and interest will be served by the vacation. Such determination shall be in writing and supported by findings of fact.
  - a. If any portion of the land contained in the subdivision to be vacated was dedicated to the public for public use or benefit, such land, if not

**Att. A - Proposed Subdivision Vacation Dev. Code Amendments**

deeded to the City, shall be deeded to the City unless the decision-making authority sets forth findings that the public use would not be served in retaining title to those lands.

- b. Title to the vacated property shall vest as provided in RCW 58.17.212, as amended.

D. **Recording.** No later than 30 calendar days after approval of the subdivision vacation, the applicant shall file, at their sole cost and expense, the approval of the vacated subdivision with the King County Recorder.

E. **Appeal.** The decision of the Hearing Examiner on the subdivision vacation shall be the final decision of the City; no administrative appeal is provided. Appeals of the final decision may be appealed to superior court pursuant to Chapter 36.70C RCW, Land Use Petition Act.

## RCW 58.17.212

### Vacation of subdivision—Procedure.

Whenever any person is interested in the vacation of any subdivision or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the legislative authority of the city, town, or county in which the subdivision is located. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.

When the vacation application is specifically for a county road or city or town street, the procedures for road vacation or street vacation in chapter 36.87 or 35.79 RCW shall be utilized for the road or street vacation. When the application is for the vacation of the plat together with the roads and/or streets, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under \*RCW 35.79.030, and vacations of roads may not be made that are prohibited under RCW 36.87.130.

The legislative authority of the city, town, or county shall give notice as provided in RCW 58.17.080 and 58.17.090 and shall conduct a public hearing on the application for a vacation and may approve or deny the application for vacation of the subdivision after determining the public use and interest to be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, town, or county, shall be deeded to the city, town, or county unless the legislative authority shall set forth findings that the public use would not be served in retaining title to those lands.

Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the legislative authority has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the legislative authority. When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

This section shall not be construed as applying to the vacation of any plat of state-granted tide or shore lands.

[ 1987 c 354 § 3.]

### NOTES:

**\*Reviser's note:** After amendment by 1987 c 228 § 1, RCW 35.79.030 no longer prohibited vacations of streets. Limitations on vacations of streets abutting bodies of water are now found in RCW 35.79.035.