



ADMINISTRATIVE ORDER #301366

INTERPRETATION OF DEVELOPMENT CODE

CODE SECTION: 20.30.400

A request for an Interpretation of the Development Code has been received. The request asks for a determination regarding performing lot line adjustments to tracts of land that when created were excluded from the provisions of 58.17 RCW (divisions of land 5 acres and larger). This request is an addendum to Administrative Order 301302.

The specific request is to perform lot line adjustments to 6 parcels that are to be created by a record of survey. These parcels are 5+ acres in size and the landuse designation for the property is R-4 (Low Density Residential, minimum density of 4 dwelling units per acre). The resulting property sizes would range from 2.5 ± acres to 19 acres.

Included in the request for interpretation is a request to review the applicability of the provisions of the State Environmental Policy Act (SEPA).

FINDINGS:

- Section 20.30.360 of the SDC provides that “This subchapter may be cited as the City of Shoreline Subdivision Ordinance and shall supplement and implement the State regulations of plats, subdivisions and dedications.”
- Title 58 of the Revised Code of Washington (RCW) defines the provisions for creating boundaries and plats.
- Chapter 58.17 RCW further delineates the requirements for subdivisions and platting. The purpose of this chapter, in part, is to regulate “the subdivision of land and to promote the public health, safety and general welfare in accordance with standards established by the state”.
- Section 20.30.390 of the SDC provides that “The provisions of this subchapter do not apply to the exemptions specified in the State law”.

- In reviewing the “the exemptions specified in the State law” it is noted that pursuant to section 58.17.040 RCW, the provisions of the chapter do not apply to various divisions of land including:

(6) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

- Section 20.30.400 of the SDC provides certain parameters for adjusting boundary lines between unplatted properties. Specifically, subsection (A) states that a lot line (boundary line) adjustment is exempt from subdivision review.
- Although lot line adjustments are exempt from subdivision review, approval cannot be given to adjustments that would result in a violation of any requirement of the SDC (ref. section 20.30.400 (A)(2).
- Washington State Environmental Policy Act (SEPA) – 197-11 WAC provides for certain categorical exemptions and makes provisions to review a series of exempt actions in 197-11-305 WAC.

DECISION:

Certain divisions of land are excluded from the provisions of 58.17 RCW. The exclusions include divisions of land 5 acres or larger.

Sections 20.30.360 through 20.30.420 of the SDC are defined as the Shoreline Subdivision Ordinance and these sections implement the State regulations.

Accordingly, given that 58.17.040 RCW exempts divisions of land 5 acres and larger from the subdivision provision of state law and these same divisions are exempt under the SDC, the division of a tax parcel into tracts 5 acres or larger in size would be exempt from the subdivision requirements. Subsequent adjustment of the boundary (lot) lines for these divisions would also be exempt as stated in 58.17.040 (6) RCW and 20.30.400 SDC.

It should be noted that exemptions from the subdivision ordinance does not preclude compliance with other adopted rules and regulations including but not limited to other provisions of the SDC, site specific development regulations, minimum lot size for development, and SEPA rules.

The initial division of the property into 6 tracts of 5 acres or more in size may be considered exempt from the provisions of SEPA given there is no action or license associated with that activity. SEPA regulations are implemented in conjunction with applications for licenses issued by the City which include development and/or building permits. Further modifications to the lots, i.e. a lot line adjustment, which is an action that would require a “license” pursuant to 20.30.040 and 20.30.400 SDC, will trigger environmental review as a series of exempt actions pursuant to 197-11-305 (1)(b) WAC.

original signed by Joe Tovar 12/01/05

Director’s Signature

Date