



## **ADMINISTRATIVE ORDER #301302**

### **INTERPRETATION OF DEVELOPMENT CODE**

#### **CODE SECTION: 20.30.390**

A request for an Interpretation of the Development Code has been received. The request asks for clarification of the exemption criteria contained in section 20.30.390 of the Shoreline Development Code (SDC) and the applicability of these provisions to a general proposal to divide tax parcel 1326039003 into tracts of five or more acres in size. The total number of tracts and the exact configuration has yet to be determined.

#### **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:

“Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a

fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line.”

**DECISION:**

Certain divisions of land are excluded from the provisions of 58.17 RCW. The exclusions include divisions of land five 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 five acres and larger from the subdivision provision of state law and these same divisions are exempt under the SDC, the division of tax parcel 1326039003 into tracts five acres or larger in size would be exempt from the subdivision requirements.

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. These regulations are implemented in conjunction with applications for development and/or building permits.

*original signed by Tim Stewart 07/22/05*

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Director's Signature

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Date