

ORDINANCE NO. 934

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING CHAPTER 20.30 OF THE SHORELINE MUNICIPAL CODE
TO ADD A NEW SECTION PROVIDING PROCEDURES FOR THE
VACATION OF RECORDED SUBDIVISIONS PURSUANT TO RCW
58.17.212.**

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, RCW 58.17.212 authorizes the vacation of previously recorded subdivisions, however, the Shoreline Municipal Code (SMC) does not set forth procedures for processing of applications for such vacations; and

WHEREAS, on May 20, 2021, the City of Shoreline Planning Commission reviewed proposed amendments and on June 17, 2021, held a public hearing on the proposed amendments so as to receive public testimony; and

WHEREAS, at the conclusion of the June 17 public hearing, the Planning Commission voted to recommend the proposed amendments, as presented by staff, to the City Council for approval; and

WHEREAS, on July 19, 2021, the City Council held a study session on the proposed amendments establishing procedures for the vacation of previously recorded subdivisions as recommended by the Planning Commission; 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 proposed amendments and the public hearing as provided in SMC 20.30.070; 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(3)(b), on June 29, 2021, the City has provided the Washington State Department of Commerce with a notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, pursuant the State Environmental Policy Act, chapter 43.21C RCW (SEPA), the City issued a Determination of Non-Significance on May 28, 2021; and

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

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

Section 1. Amendment of Chapter 20.30 SMC.

A. Shoreline Municipal Code, Title 20, Table 20.30.060 is amended as set forth in Exhibit A to this Ordinance.

B. A new section, Section 20.30.427, Vacation of Recorded Subdivisions, is added to Title 20, Chapter 20.30, of the Shoreline Municipal Code as set forth in Exhibit A to this Ordinance.

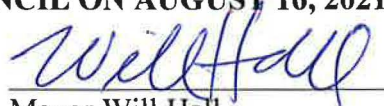
Section 2. Transmittal to Department of Commerce. As required by RCW 36.70A.106, the Director of Planning and Community Development shall transmit a complete and accurate copy of this Ordinance and Exhibit A to the Washington State Department of Commerce within ten (10) calendar days of adoption by the City Council.

Section 3. 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.

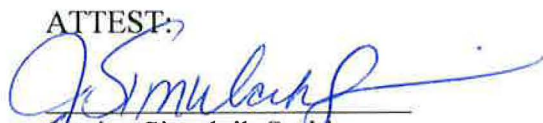
Section 4. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 5. 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 days after publication.

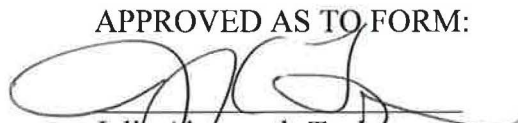
PASSED BY THE CITY COUNCIL ON AUGUST 16, 2021.



Mayor Will Hall

ATTEST:


Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:


Julie Ainsworth-Taylor
Assistant City Attorney

On behalf of Margaret King, City Attorney

Date of Publication: August 19, 2021
Effective Date: August 24, 2021

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

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

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

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.