

ORDINANCE No.

115875

Law Department

COUNCIL BILL No.

108795

The City of

AN ORDINANCE relating to land use and zoning, and adding as an exemption from platting regulations a new exemption related to transfers of land to the City for open space purposes, and amending Section 23.20.004 of the Seattle Municipal Code.

Honorable President:

Your Committee on _____

to which was referred the within Council report that we have considered the same

COMPTROLLER FILE No. _____

Introduced: SEP 23 1991	By: DONALDSON
Referred: SEP 23 1991	To:
Referred:	To:
Referred:	To:
Reported: SEP 20 1991	Second Reading:
Third Reading: SEP 20 1991	Signed: SEP 20 1991
Presented to Mayor: OCT 2 1991	Approved: OCT 7 1991
Returned to City Clerk: OCT 7 1991	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Full Council

OK

Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on _____

was referred the within Council Bill No. _____

that we have considered the same and respectfully recommend that the same:

Full Council vote 8-0

Committee Chair

ORDINANCE 115875

AN ORDINANCE relating to land use and zoning, and adding as an exemption from platting regulations a new exemption related to transfers of land to the City for open space purposes, and amending Section 23.20.004 of the Seattle Municipal Code

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 23.20.004 of the Seattle Municipal Code relating to exemptions from platting regulations is hereby amended to read as follows:

23.20.004 Exemptions from platting regulations.

~~((Pursuant to RCW Chapter 58.17,))~~ ~~((~~§~~))~~ The provisions of Subtitle III shall not apply to:

1. Cemeteries and other burial plots while used for that purpose;

2. Divisions of land into lots or tracts each of which is one one-hundred twenty-eighth (1/128) of a section of land or larger or five (5) acres or larger if the land is not capable of description as a fraction of a section of land;

3. Divisions made by testamentary provisions, or the laws of descent;

4. Divisions of land into lots or tracts classified for industrial or commercial use when the City has approved a binding site plan as defined in Section 23.84.004 for the use of land;

5. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are to be placed upon the land when a binding site plan has been approved for the use of the land~~((~~§~~))~~;

6. A transfer of land to the City for open space purposes; provided that any remaining lot or lots which are consistent with Subtitle IV shall be considered legal building

1 sites; and provided further that the land transferred to the
2 City shall not be a legal building site without compliance
3 with the applicable platting requirements of Subtitle III.

4 Exemptions provided by this section shall not be
5 construed as exemptions from compliance with other applicable
6 development standards required by this Code.

7 Section 2. The exemption from platting regulations for
8 transfers to the City for open space purposes shall be
9 applicable retroactively to transfers occurring on or after
10 July 1, 1990.

11 Section 3. This ordinance shall take effect and be in
12 force thirty days from and after its passage and approval, if
13 approved by the Mayor; otherwise it shall take effect at the
14 time it shall become a law under the provisions of the city
15 charter.

16 Passed by the City Council the 30th day of
17 September, 1991, and signed by me in open
18 session in authentication of its passage this 30th day of
19 September, 1991.

20 Norman B. Rice
21 Mayor

22 Edward J. Brooks
23 President of the City Council

24 Approved by me this 7th day of October, 1991.
25 Norman B. Rice
26 Mayor

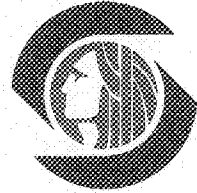
27 Attest: Edward J. Brooks
28 City Comptroller and City Clerk

(SEAL)

By: Margaret Carter
Deputy Clerk

Published _____

Seattle
Department of Construction and Land Use



Dennis J. McLerran, Director
Norman B. Rice, Mayor

M E M O R A N D U M

TO: Honorable Paul Kraabel, President, Seattle City Council via Andrew Lofton, Director, Office of Management and Budget

FROM: Dennis McLerran, Director *D.J.M.*

DATE: September 11, 1991

SUBJECT: Proposed Short Plat Open Space Exemption

RECEIVED OMB
SEP 11 1991

The attached Director's report and recommendation propose to amend the Land Use Code to facilitate open space acquisition by the Parks Department. The proposed amendment to Section 23.20.004 would exempt from short plat requirements a transfer of a portion of a lot to the City for open space purposes. The portion of the lot retained by the landowner would be a legal building site if it either is consistent with the requirements of Subtitle IV of the Land Use Code or falls within the exception to single family minimum lot size. The proposed amendment to Section 23.44.010(B) would allow development of a single family zoned lot that is undersized as a result of a transfer of a portion of the lot to the City for open space purposes if the portion retained by the landowner has at least 50% of the area required by the zone.

Since publication of the draft Director's report and recommendation, DCLU and the Parks Department at the request of Councilmember Sue Donaldson have revised the ordinance to drop the proposed amendment to Section 23.44.010(B). The attached ordinance reflects this change, but the Director's Report still discusses both amendments.

Councilmember Sue Donaldson has scheduled a public hearing before the City Council Land Use Committee on Wednesday, September 25, 1991. Judy Nevins of the Law Department has reviewed the proposed ordinance, and the Council File has been stamped with the Law Department's approval.

The draft Director's report and recommendation were issued on August 26, 1991. No public comments were received. Environmental impacts of the proposal were reviewed and a Declaration of Non-Significance (DNS) was issued on August 26, 1991. The DNS has not been appealed.

Short Plat Open Space Exemption
September 11, 1991
Page 2

We do not anticipate any major effect on the city's budget as a result of adopting the proposed amendment. The amendment will result in additional code interpretation by DCLU to confirm the legal building status of lots affected by this amendment. DCLU will need to work closely with the Law Department and the Department of Parks and Recreation to develop a procedure to make sure that each partial lot acquisition that relies on this platting exemption is noted and logged in on DCLU's information system. Several existing DCLU Client Assistance Memos will need to be revised, and it may be necessary to develop additional staff procedures. In the long term, this amendment will add cumulatively to additional work loads on DCLU staff which may, taken together, result in the need for more staffing.

Training for staff on the code amendment will be given by an Associate Land Use Specialist. We estimate it will take approximately two hours to prepare training procedures and materials at a cost of \$220. Printing ordinance copies for DCLU staff would add approximately \$13.80. New Land Use Code pages from Book Publishing will cost approximately \$23.00. The total direct costs of implementing the proposed amendment is expected to be \$256.80.

If you have any questions about the proposed amendment, please call Ken Davis of my staff at 233-3884.

Attachments

kd
os-omb
9/9/91

City of Seattle
Department of Construction and Land Use
Draft Director's Report and Recommendations
Transfers of Portions of Lots to the City for
Open Space Purposes

August 1991

Introduction:

The Department of Parks and Recreation (DOPAR) has requested amendments to the Land Use Code to facilitate open space acquisition. The proposed amendment to Section 23.20.004 would exempt from short plat requirements a transfer of a portion of a lot to the City for open space purposes. The portion of the lot retained by the landowner would be a legal building site if it either is consistent with the requirements of Subtitle IV of the Land Use Code or falls within the exceptions to single family minimum lot size. The proposed amendment to Section 23.44.010(B) would allow development of a single family zoned lot that is undersized as a result of a transfer of a portion of the lot to the City for open space purposes if the portion retained by the landowner has at least 50% of the area required by the zone.

The Department of Construction and Land Use (DCLU) agrees that the proposed amendments are desirable to facilitate open space acquisition by the City.

Background:

DOPAR, through its Open Space Bond Program, is in the process of acquiring green spaces in the City of Seattle. To date, the Open Space Bond Program has acquired whole lots. For planning reasons, cost, or the needs of the landowner, the Open Space Bond Program would like to acquire portions of lots. Currently, the Open Space Bond Program has 40 to 50 potential acquisitions of portions of lots, many in single family zoned areas.

Under current law, transfer of a portion of a lot is not permitted. The buyer and seller must complete a lot boundary adjustment or a short plat before the sale can be completed. Lot boundary adjustments and short plats are not feasible for most of the potential partial lot acquisitions because the desired portions of lots often do not meet minimum lot area requirements for the zone and generally do not have access for vehicles, utilities and fire protection (all of which are requirements for lot boundary adjustment or short plat approval).

Analysis and Recommendation:

Section 23.44.010.

The proposed amendment to Section 23.20.004 would permit a landowner to transfer a portion of a lot to the City for open space purposes without short plat approval. A short plat may not be approved unless there is adequate access for vehicles, utilities and fire protection and unless there is sufficient water supply and sanitary sewage disposal. These criteria generally cannot be met by lot portions that may be desirable for City open space acquisition to preserve stream corridors, ravines, steep slopes and habitats. In addition, requiring a landowner to complete a short plat to sell or donate a portion of a lot to the City for open space purposes does not necessarily further the purposes of short plat and subdivision requirements nor serve the public interest in preservation of open space.

Short plat and subdivision requirements are designed to prevent overcrowding of land and streets and facilitate adequate planning for utilities, schools and other public amenities. By transferring land to the City for open space purposes, a landowner is assisting the City in provision of public amenities and may be reducing future potential overcrowding of streets and overuse of services. The proposed amendment is consistent with stated purposes of RCW Ch. 58.17, which include prevention of overcrowding of land and facilitation of adequate provision for parks and recreation areas.

The proposed amendment would not have a significant impact on neighborhoods. Under the proposed amendment, the portion of the lot retained by the landowner would not be a legal building site unless it is consistent with the requirements of Subtitle IV of the Land Use Code or unless it falls within the exceptions to single family minimum lot area requirements set forth in Section 23.44.010(B) of the Land Use Code. If a lot remainder does not meet the foregoing criteria and has no utility, the City would be obligated to acquire the remainder and/or compensate the landowner.

Section 23.44.010(B).

The proposed amendment to Section 23.44.010(B)2 would add an exception to single family minimum lot area requirements. A landowner of a legal single family lot would be able to transfer a portion of the lot to the City for open space purposes, and, so long as the portion retained by the landowner has at least 50% of the required minimum lot area for the zone and the lot area deficiency resulted from the transfer to the City for open space purposes, the portion retained by the landowner would be a buildable lot.

The proposed amendment is consistent with a current single family minimum lot area exception for lot area deficits resulting from dedication or sale to the City for street or highway purposes, which also permits development of the lot remainder if its area is at least 50% of the minimum required in the zone. The proposed open space acquisition exception is reasonable because the reduction in lot area results from City acquisition for a public purpose. It will have some impact on neighborhoods by permitting smaller lots to be developed, but the offsetting benefit is the addition of green space to the neighborhood.

Conclusion:

DCLU recommends amendment of the Land Use Code to add an exemption from platting requirements for transfers of land to the City for open space purposes and to add an exception to the single family minimum lot area requirements for undersized lots resulting from transfers to the City for open space purposes. The proposed amendments would facilitate open space acquisition while retaining controls on permitted development. DCLU anticipates that the proposed amendments will not have significant budget implications for DCLU. DCLU expects occasional requests for letters of interpretation concerning whether a lot is buildable. Adoption of the attached proposed legislation is recommended.

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Jonathan Malden

_____	_____
_____	_____
_____	_____
_____	_____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

PRESIDENT'S SIGNATURE

City of Seattle

Executive Department-Office of Management and Budget

Andrew J. Lofton, Director
Norman B. Rice, Mayor



September 11, 1991

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT Construction and Land Use

SUBJECT: Proposed Seattle Shoreline Master Program Code Amendment

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to Desiree Leigh, 4-8080.

Sincerely,

Norman B. Rice
Mayor

by

Andrew J. Lofton
ANDREW J. LOFTON
Budget Director

AL/dl/lwa

Enclosure

cc: Director, DCLU

STATE OF WASHINGTON - KING COUNTY

10002
City of Seattle

—ss.

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD: 115875

was published on

10/11/91

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

K. Kelly

Subscribed and sworn to before me on

10/11/91

Jennifer A. Nicholson

Notary Public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 115875

EXEMPTION FROM PLATTING REGULATIONS
EXEMPTION FROM PLATTING REGULATIONS, and adding as an exemption from platting regulations a new exemption related to transfers of land to the City for open space purposes, and amending Section 23.30.004 of the Seattle Municipal Code

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 23.30.004 of the Seattle Municipal Code relating to exemptions from platting regulations is hereby amended to read as follows:

23.30.004 Exemptions from platting regulations.

~~((Pursuant to RCW Chapter 59.47,))~~ ~~((*))~~ The provisions of Subtitle III shall not apply to:

1. Cemeteries and other burial plots while used for that purpose;
2. Divisions of land into lots or tracts each of which is one one-hundred twenty-eighth (1/128) of a section of land or larger or five (5) acres or larger if the land is not capable of description as a fraction of a section of land;
3. Divisions made by testamentary provisions, or the laws of descent;
4. Divisions of land into lots or tracts classified for industrial or commercial use when the City has approved a binding site plan as defined in Section 23.84.004 for the use of land;
5. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are to be placed upon the land when a binding site plan has been approved for the use of the land~~((+))~~;
6. A transfer of land to the City for open space purposes; provided that any remaining lot or lots which are consistent with Subtitle IV shall be considered legal building sites; and provided further that the land transferred to the City shall not be a legal building site without compliance with the applicable platting requirements of Subtitle III.

Exemptions provided by this section shall not be construed as exemptions from compliance with other applicable development standards required by this Code.

Section 2. The exemption from platting regulations for transfers to the City for open space purposes shall be applicable retroactively to transfers occurring on or after July 1, 1990.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 30th day of October, 1991, and signed by me in open session in authentication of its passage this 30th day of October, 1991.

PAUL KRAABEL,
President of the City Council
Approved by me this 7th day of October, 1991.
NORMAN E. RICE,
Mayor.

Attest: NORWARD J. BROOKS,
City Comptroller and City Clerk
(Seal) By MARGARET CARTER,
Deputy Clerk.

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, October 11, 1991.

10/11/1991