



Seattle City Council

Central Staff – Memorandum

Date: June 23, 2015
To: Planning Land Use and Sustainability Committee
From: Ketil Freeman, Central Staff, and Andy McKim, Department of Planning and Development
Subject: Lot Boundary Adjustment Notice Requirements

In 2014 the Council passed Ordinance (Ord.) 124475, which amended regulations that govern development on lots in single family zones that do not meet the minimum lot size requirements of the zone. Among other things, Ord. 124475:

- Established an absolute minimum lot size of 2500 s.f. for lots created through exceptions;
- Established new physical development standards for houses built on lots with a developable area less than 3200 s.f., including a lower maximum height and structure depth limits;
- Established a discretionary review process, with notice and an opportunity for appeal to the Hearing Examiner, for new development on lots with a developable area less than 3200 s.f.; and
- Narrowed an exception that is used to allow development on undersized lots established in public records prior to 1957.

In considering Ord. 124475 the Council heard testimony related to notice requirements for Lot Boundary Adjustments (LBAs). LBAs are changes to the boundaries between one or more lots, “which do not create any additional lot, tract, parcel, site or division.”¹ LBAs are sometimes used by developers or property owners to make existing undersized lots more developable.

Development on sites created through LBAs have sometimes surprised neighbors who were unaware that a potential development site existed. To address that concern Council indicated that it would consider whether notice requirements should be established for LBAs. Specifically, Ord. 124475 recites:

WHEREAS, it is the Council's intent to consider alternative or additional notice requirements for actions, such as lot boundary adjustment applications, to allow near neighbors to apprise themselves of likely future development;

This memorandum describes how LBAs are currently regulated, characterizes the number of LBA applications the City saw in 2014, and sets out some options for Council consideration.

¹ Seattle Municipal Code (SMC) Section 23.28.010.

What are LBAs and how are they regulated?

LBAs are changes to the boundaries between one or more lots, “which do not create any additional lot, tract, parcel, site or division.” Among other things, LBAs are approved if:

1. No additional development site is created;
2. No lot is created that has either less than the allowed minimum lot area for the zone or less than the minimum lot area that might otherwise be allowed through lot-area exceptions;
3. Minimum dimension standards are met to ensure that very irregular lots are not created; and
4. The configuration of resulting lots allows for adequate access for public services, such as water and electrical service.²

LBAs are Type I decisions for the purposes of the Land Use Code.³ Type I decisions are non-discretionary, administrative decisions made by the Director of the Department of Planning and Development (DPD) and are not subject to appeal to the City Hearing Examiner. With one exception, notice of application is not required for Type I decisions.⁴ Similarly, notice of a permit decision by the DPD Director is not required.⁵

Seattle’s permitting and notice requirements for LBAs are not unique. Staff researched LBA permitting requirements for the five most heavily populated Washington cities after Seattle: Spokane, Tacoma, Vancouver, Bellevue, and Kent. None require notice of application or notice of decision.⁶

How many LBA applications did the City receive in 2014 and where were they located?

In 2014 the City received 126 applications for LBAs. The number and percentage of applications by zone category is shown in the table below:

| Zone Category | Number | Percentage |
|----------------------|---------------|-------------------|
| <i>Single Family</i> | 94 | 75% |
| <i>Multifamily</i> | 20 | 16% |
| <i>Commercial</i> | 11 | 9% |
| <i>Industrial</i> | 1 | 1% |
| Total | 126 | 100% |

² SMC Section 23.28.020.

³ SMC Section 23.76.004.

⁴ SMC Section 23.76.012.A.1.

⁵ SMC Section 23.76.020.C.

⁶ See Spokane Municipal Code Section 17G.060T.001; Tacoma Municipal Code Section 13.05.020 Table H; Vancouver Municipal Code Section 20.210.020.B.1 (No notice for Type I decisions) and 20.310.030 (Boundary Line Adjustments Classified as Type I decision); Bellevue Municipal Code Section 20.35.015.G; and Kent Municipal Code Section 12.01.040.

Of those LBA applications in Single Family zones, 44 were for adjustments to the boundaries between one or more undersized lots. The locations of LBAs for this period are shown on the attached map.

Options for Council

| <i>Options</i> | <i>Discussion</i> |
|---|--|
| 1. <i>Make No Procedural Changes</i> | <p>Several actions have been taken in recent years to address concerns expressed by neighbors. Ord. 124775 establishes a discretionary review process for development on lots with less than 3200 s.f. of buildable area. This process includes notice provisions and the opportunity for appeal to the City Hearing Examiner. Additionally, in 2011 the Council passed Ordinance 123809, which created new dimensional standards for LBAs that are intended to preclude boundary adjustments that result in irregular or strangely dimensioned lots. These standards limit the number of lot lines to six and establish minimum dimensions for each lot line.</p> <p>These legislative changes create additional notice requirements and also seek to curb past development practices that have led to development of houses in single family zones that appear out of character with the scale of existing development. The Council could wait to see whether these changes result in development that fits better with existing neighborhood character.</p> |
| 2. <i>Explore Non-regulatory Alternatives to Notice</i> | <p>There are opportunities for interested neighbors to stay abreast of permitting activity in their neighborhoods. DPD has an activity locator that neighbors can use to search for different types of projects, including LBAs, by geographic location and time period. Additionally, third parties, such as the creators of the site www.seattleinprogress.com, have developed web-based applications that allow neighbors to sign up for emailed notification of design review permitting milestones, such as permit decision. These applications draw on information from open source permitting data at data.seattle.gov. Permitting datasets are updated daily but can lag real-time permitting activity by a day or two.</p> <p>There is not currently a web-based application that staff is aware of that allows neighbors to sign up for emailed notification of LBA permitting milestones, although those data are available from data.seattle.gov. The Council could request that DPD and the Department of Information Technology create such an application and, if necessary, provide additional appropriation authority.</p> |

3. *Notice for LBAs*

The Council could require notice of application and notice of decision for LBAs. Generally, notice is only required for decisions that require some exercise of discretion by the DPD Director or a decision by a higher body, such as the Hearing Examiner or the Council.

Notice could potentially be confusing or frustrating to members of the public who may assume that, because notice is provided, there is an opportunity to influence a non-discretionary administrative decision. However, a notice requirement may induce a developer to engage in additional public outreach on his or her own.
