

ORDINANCE NO. 25-1309

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AMENDING THE LAKE FOREST PARK MUNICIPAL CODE FOR CONSISTENCY WITH RECENT WASHINGTON STATE LEGISLATION FOR LOT SUBDIVISION; MAKING REVISIONS TO SECTION 17.04.050 DEFINITIONS AND CHAPTER 17.12 SHORT SUBDIVISIONS AND DEDICATIONS; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 2023, the Washington State Legislature adopted SB 5258, which, among other things, requires cities to allow unit lot subdivisions pursuant to RCW 58.17.060(3); and

WHEREAS, SB 5258 was adopted as part of the State Legislature's recognition of an unprecedented housing crisis for its current population, a lack of housing choices, and the need to meet housing affordability goals for future populations; and

WHEREAS, amendments to align the Lake Forest Park Municipal Code (LFPMC) with the statutory unit lot subdivision requirement were done in conjunction with other LFPMC amendments required by Engrossed Second Substitute House Bill 1110, Engrossed Second Substitute House Bill 1220, Engrossed Substitute House Bill 2321, and Engrossed House Bill 1337; all intended to address Washington's housing crisis; and

WHEREAS, various means of public outreach were used including, but not limited to: public meetings; a middle housing webpage and background document digital library; inclusion of community groups; presentations at and feedback from the numerous commissions, boards, and committees associated with the city; and widespread distribution of notifications of public hearings; and

WHEREAS, in accordance with the requirements set forth in RCW 36.70A.106, the City provided the Washington State Department of Commerce notice on March 13, 2025, of the City's intent to adopt the proposed development code amendments (Commerce Submittal ID 2025-S-8174) at least 60 days in advance of adoption for the required 60-day State review period; and

WHEREAS, the city received specific review comments from the Washington State Department of Commerce on April 23, 2025, that were incorporated into the proposed amendments by the city's Planning Commission as suggested; and

WHEREAS, in accordance with the State Environmental Policy Act (SEPA), after reviewing a completed environmental checklist and other information on file for the non-project action, the City's SEPA Responsible Official issued a Determination of Non-

Significance (DNS) on May 8, 2025, pursuant to WAC 197-11-340 for the proposed code amendments; and

WHEREAS, no appeal was timely filed for the May 8, 2025, threshold determination (DNS) and no public comments were received by the City specific to environmental review; and

WHEREAS, the City's Planning Commission held regular public meetings on the proposed code amendments on October 8 and November 12, 2024, and January 14, February 11, March 11, and May 13, 2025; and

WHEREAS, on May 13, 2025, the city's Planning Commission held a duly noticed public hearing on the proposed amendments, accepted testimony and made a formal recommendation of code amendments to the City Council; and

WHEREAS, the City Council held public meetings to review and analyze the code amendments during regular and special meetings on May 22, June 9, June 12, June 16, and June 26, 2025; and

WHEREAS, on June 12, 2025, the City Council held a duly noticed public hearing to accept public testimony and consider the planning commission recommendation; and

WHEREAS, adoption of the ordinance will bring the City of Lake Forest Park into compliance with statutory unit lot subdivision requirements and will serve the general welfare of the public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. AMENDMENT. The City Council of the City of Lake Forest Park hereby amends Title 17, Subdivisions, as provided in **Exhibit A** attached hereto.

Section 2. SEVERABILITY. Should any portion of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. CORRECTIONS. The City Clerk is authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. EFFECTIVE DATE. This ordinance shall take effect five (5) days after passage and publication.

APPROVED BY A MAJORITY of the Lake Forest Park City Council this 26th day of June, 2025.

APPROVED:

Tom French

Tom French (Jun 27, 2025 19:21 PDT)

Tom French
Mayor

ATTEST/AUTHENTICATED:

Matt McLean

Matthew McLean
City Clerk

APPROVED AS TO FORM:

Kim A. Pratt

Kim Adams Pratt
City Attorney

Introduced: May 22, 2025
Adopted: June 26, 2025
Posted: June 30, 2025
Published: June 30, 2025
Effective: July 5, 2025

Title 17 SUBDIVISIONS

Chapter 17.04

GENERAL PROVISIONS

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17.04.050 Definitions.

The following definitions apply throughout this title:

- A. "Administrator for short subdivision" means the administrative official or his designate.
- B. "Cul-de-sac" means a dead-end street terminating in a circular area with a minimum diameter of 80 feet. The improved portion of the circular area shall be 64 feet in diameter.
- C. "Dedication" means the deliberate setting aside of land by an owner for any general and public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a plat showing the dedication thereon, and the acceptance by the public shall be evidenced by the approval of such plat in the manner provided in this title.
- D. "Easement" means a right given by a property owner of the use of a strip of land by the public, a corporation or persons for specific purpose or purposes. Minimum width or road easement shall be 20 feet with improved surface to be determined at the discretion of the administrative official.
- E. "Improved roadway" means that portion of the street right-of-way which is surfaced with an asphaltic or better surface.
- F. "Lot" means a fractional part of subdivided lands having fixed boundaries, ~~and~~ being of sufficient area, ~~and~~ dimension to meet minimum zoning requirements, ~~and~~ ~~having a minimum development requirements, 75 foot frontage on a public right of way or a minimum 30 foot frontage on the circular portion of a cul-de-sac.~~
- G. "Lot, parent" means a lot which is subdivided into unit lots through the unit lot subdivision process.
- H. "Lot, unit" means a lot created from a parent lot and approved through the unit lot subdivision process.
- I. "Plat" means a map or pictorial representation of a subdivision.
- J. "Short subdivision" means the division of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, transfer, or building development. ~~Short subdivision includes unit lot subdivisions that divides or redivides land into four or fewer lots, tracts, parcels or sites for the purpose of sale, lease, or transfer of ownership. In determining the number of lots, tracts, parcels or sites, the count shall include all lots, tracts, parcels or sites, including any that may be considered a parent lot under the unit lot subdivision sections of this Title.~~
- K. "Solar energy system" means any device or combination of devices or elements which rely upon direct sunlight as an energy source including but not limited to any substance or device which collects sunlight for use in:
 1. The heating or cooling of a building;
 2. The heating or pumping of water;
 3. Industrial, commercial, or agricultural processes; or
 4. The generation of electricity.

A solar energy system may be used for purposes in addition to the collection of solar energy. The uses include, but are not limited to, serving as a structural member, part of a roof, a window, or a wall of a building.

J.L. “Subdivision” means the division of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, transfer, or building development.

M. “Unit lot subdivision” means the division of a parent lot into two or more unit lots (up to a maximum of four lots, tracts, parcels or sites) within a development and approved through the unit lot subdivision process.

N. “Zero lot line subdivision” means the division of land in which through a unit lot subdivision the location of each building is placed in such a manner that one or more of the building’s sides rest directly on a lot line.

Chapter 17.12

SHORT SUBDIVISIONS AND ~~UNIT LOT SUBDIVISIONS DEDICATIONS~~

17.12.010 Application – Preliminary consideration.

A. Application for short subdivisions and unit lot subdivisions shall be made to the city clerk on a form established by the planning commission and reviewed by the Community Development Director administrator/building official and the planning commission chairman.

B. The application shall contain sufficient information, including a sketch of the proposal sufficient to indicate the general acceptability of the layout as submitted. The applicant must complete all requirements for final approval within six months of the original application.

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17.12.030 Application – Publication.

Notice of application for a short subdivisions and unit lot subdivisions shall be given by one publication in the official newspaper of record for the city and by first-class mail to owners of property within 300 feet of any boundary of the subject property. The proposed development site shall also be posted, identifying the total area of the plat, the number and typical lot size, the proposed use, and the name of the applicant.

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17.12.050 ~~Development Design~~ standards.

A. The proposed short subdivision or unit lot subdivision shall comply with the comprehensive plan and the development regulations zoning ordinance.

B. Curb, gutter, pavement, and storm drainage facilities may be required at the discretion of the administrative official to prevent stormwater erosion and damage.

C. The proposed short subdivisions or unit lot subdivision shall provide necessary utility and drainage easements and the grantees thereof shall agree in writing to restore the easement rights-of-way to their original condition after any installation, maintenance or repair.

D. The administrative official may require additional information from the applicant to determine whether the project must be reviewed under the provisions of the State of Washington Environmental Protection Act (Chapter 43.21C RCW) and as the same may be amended and supplemented from time to time. Preliminary approval of the short subdivision or unit lot subdivision shall not be given until all requirements of the Act are fulfilled. If a stream or natural drainage may exist in the proposed short subdivision or unit lot subdivision it shall not be altered until an assessment is made of potential environmental effects.

17.12.060 Fees and approval procedures.

A. The person proposing to subdivide shall pay a fee as established periodically by city council resolution.

B. The administrative official, ~~together with the planning commission chairman~~ shall approve or disapprove the short subdivision ~~or unit lot subdivision~~ if the application is in proper form and the short subdivision ~~or unit lot subdivision~~ complies with the foregoing.

C. Action will ordinarily be taken on ~~short~~ subdivisions ~~or unit lot subdivisions of this type~~ within ~~120~~ days from the date the application ~~if-is~~ filed. No construction of structures, utilities, grading or excavation shall be allowed prior to the official approval of the ~~short~~ subdivision ~~or unit lot subdivision~~.

D. If the necessary criteria have not been complied with, the administrative official, ~~together with the planning commission chairman~~ may either disapprove the application or require that the applicant make necessary changes which would cause them to give their approval.

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17.12.080 Filing and recording requirements.

A. Short plats may require surveys and monuments.

B. The regulations shall require filing of a short plat for record in the office of the county auditor (King County department of records).

C. Filing standards for short subdivisions and unit lot subdivisions are:

1. The short plat should be standard engineering drawing size (e.g., eight-and-one-half inches by 14 inches).
2. The legal description may be written by licensing engineer or land surveyor or by a real estate title company unless otherwise determined by the administrative official.
3. The scale of drawing shall be an engineering scale, normally one inch equals 20 feet.
4. Existing structures shall show dimensions to lot lines.
5. Items to be placed on drawings:
 - a. Name or number of short plat and date;
 - b. Existing and proposed owners, if relevant;
 - c. Lots defined by large letters, "A", "B", "C" and "D", and by square footage;
 - d. Exact location of short plat by vicinity map and streets bordering the short subdivision.
6. Other requirements set forth in this chapter.

D. Recording of Short Subdivisions and Unit Lot Subdivisions.

1. Notices of short subdivision or unit lot subdivision approval shall be prepared for recording on the form prepared by the administrative official.
2. The original of the short plat, together with a copy of the completed notice of short subdivision or unit lot subdivision approval, shall be filed with the King County department of records by the subdivider. A copy of the short plat and notice of short subdivision or unit lot subdivision approval shall be furnished for the city short-plat file.

17.12.090 Unit lot subdivision.

A lot may be divided into separately owned unit lots and common areas, provided the following standards are met.

- A. Process. Unit lot subdivisions shall follow the application, review, and approval procedures for a short subdivision.
- B. Applicability. A lot to be developed with middle housing with multiple units, in which no dwelling units are stacked on another dwelling unit or other use, may be subdivided into individual unit lots as provided herein.
- C. Development as a whole on the parent lot, rather than individual unit lots, shall comply with applicable design and development standards.
- D. Subsequent platting actions and additions or modifications to structure(s) may not create or increase any nonconformity of the parent lot.
- E. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners' association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; bike parking; solid waste collection areas; underground utilities; common open space; shared interior walls; exterior building facades and roofs; and other similar features shall be recorded with the county auditor.
- F. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.
- G. Notes shall be placed on the face of the plat or short plat as recorded with the county auditor to state the following:
 - 1. The title of the plat shall include the phrase "Unit Lot Subdivision."
 - 2. Approval of the development on each unit lot was granted by the review of the development, as a whole, on the parent lot.
- H. Effect of Preliminary Approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the public works department. All development shall be subject to any conditions imposed by the city on the preliminary approval.
- I. Revision and Expiration. Unit lot subdivisions follow the revision and expiration procedures for a short subdivision.
- J. The parent lot of any unit lot subdivision must continue to meet the overall tree canopy coverage requirements specified in Chapter 16.14 LFPMC, though individual unit lots within a unit lot subdivision may not.

ORD 25-1309 Title 17

Final Audit Report

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