

1 May 29, 1990  
2 2398H/VN/rr

INTRODUCED BY: BRIAN DERDOWSKI

PROPOSED NO.: 90 - 143

3 **9543**

4 ORDINANCE NO. 9543

5 AN ORDINANCE relating to short  
6 subdivisions; making amendments pursuant  
7 to RCW 58.17; defining completed  
8 applications for preliminary short  
9 subdivisions; revising the short  
10 subdivision standards and procedures;  
11 relating to short subdivision alteration  
12 and vacation; repealing and substituting  
13 new sections for Ordinance 3113, Section  
14 3, and Resolution 11048, Section I(part),  
15 as amended, and KCC 19.26.010 and  
16 19.04.290; amending Resolution 11048,  
17 Section II(part), as amended, and KCC  
18 19.08.010; repealing Resolution 11048,  
19 Section I(part), Ordinance 3113, Sections  
20 2, 4 and 6-16, Ordinance 4460, Section 3,  
21 and Ordinance 4462, Section 2, Ordinance  
22 263, Article I, Sections 17 and 18, all as  
23 amended, and KCC 19.04.150, 19.04.270,  
24 19.26.020-.500, 20.08.170 and .180; adding  
25 new sections to KCC 19.26, 19.08 and 19.04.

15 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

16 NEW SECTION. SECTION 1. Ordinance 3113, Section 3 and  
17 K.C.C. 19.26.010 are each repealed and the following is  
18 substituted:

19 Purpose. The purpose of this chapter is to regulate the  
20 division of land into four or fewer lots in accordance with  
21 applicable Washington State and King County laws, rules, and  
22 regulations; to provide the public with clear administrative  
23 procedures for the short subdivision of land; to assure the  
24 orderly conveyance of land; and to protect the health, safety and  
25 welfare of the general public.

26 NEW SECTION. SECTION 2. There shall be added to K.C.C.  
27 19.26 a new section to read as follows:

28 Complete application. A. Applications shall be on forms  
29 prescribed by the division, and shall include such information as  
30 deemed necessary by the manager to establish compliance with  
31 subsection B. of this section.

32  
33

1 B. Applications for preliminary short subdivision approval  
2 shall be considered fully complete as of the date of application  
3 pursuant to R.C.W. 58.17.033 once the division determines that  
4 the application contains the following materials and information:

5 1. A completed short subdivision application form which  
6 contains sufficient information to determine compliance with the  
7 rules and regulations set forth in Section 11.B of this ordinance;

8 2. Verification of pre-application approval of proposed  
9 water supply and sewage disposal by the Seattle-King County  
10 department of public health;

11 3. Fire district receipt, pursuant to K.C.C. 17.10.020E;

12 4. Copies of all easements, deed restrictions or other  
13 encumbrances restricting the use of the subject property;

14 5. Documentation of the date and method of segregation for  
15 the subject property verifying that the lot or lots were not  
16 created in violation of the short subdivision or subdivision laws  
17 in effect at the time of creation;

18 6. A completed environmental checklist, if required by  
19 K.C.C. 20.44, County Environmental Procedures;

20 7. Payment of any application fees specified in K.C.C.  
21 Title 27, Development Permit Fees; and

22 8. Completed applications for other applicable permits if  
23 the permits are to be processed with the short subdivision, or  
24 copies of issued permits if they have been previously approved.

25 NEW SECTION. SECTION 3. There is hereby added a new section  
26 to read as follows:

27 Changes to proposed or approved short plats. A.  
28 Applicant-generated modifications or requests for revision(s)  
29 which are not made in response to staff review or public appeal  
30 which result in substantial changes as determined by the division  
31 that may include creation of additional lots or elimination of  
32 open space requirements shall be treated as new applications for  
33 purposes of vesting.

1 B. Applicant-generated proposals to create additional lots,  
2 eliminate open space or change conditions of approval on an  
3 approved preliminary short plat shall also be treated as a new  
4 application for purposes of vesting.

5 C. Proposals to amend an approved final short plat shall be  
6 treated as an alteration pursuant to the provisions of this  
7 ordinance regarding alterations.

8 NEW SECTION. SECTION 4. There is added to K.C.C. 19.26 a  
9 new section to read as follows:

10 Other agency review of completed applications. A. Upon  
11 receipt of a completed application for short subdivision  
12 approval, the division shall distribute copies to public agencies  
13 having pertinent expertise or jurisdiction, for their review and  
14 comment.

15 B. Non-county agencies receiving short subdivision  
16 applications for review shall have twenty-one calendar days to  
17 respond in writing with findings or recommendations. If an  
18 agency does not respond, the division may extend the deadline or  
19 conclude that the reviewing agency has no interest in the  
20 application.

21 NEW SECTION. SECTION 5. There is added to K.C.C. 19.26 a  
22 new section to read as follows:

23 Material errors. Applications found to contain and be based  
24 on material errors shall be deemed withdrawn and subsequent  
25 resubmittals shall be treated as new applications.

26 NEW SECTION. SECTION 6. There is added to K.C.C. 19.26 a  
27 new section to read as follows:

28 General limitations. The following general limitations shall  
29 apply to all short subdivision applications:

30 A. Only a separate lot, as defined in K.C.C. 19.04, or a  
31 combination of two or more contiguous separate lots may be short  
32 subdivided;  
33

1 B. A maximum of four lots may be created by any single  
2 application;

3 C. A maximum of eight lots may be created from two or more  
4 contiguous parcels with any common ownership interest; and

5 D. Except as provided in Section 14 of this ordinance, if  
6 the lot to be subdivided was created through a prior short  
7 subdivision, at least five years must have passed since the  
8 recording of such prior short subdivision.

9 NEW SECTION. SECTION 7. There is added to K.C.C. 19.26 a  
10 new section to read as follows:

11 Adequacy of access. A. Each lot within the short  
12 subdivision or short subdivision alteration shall have acceptable  
13 access to a street conforming to county road standards or to a  
14 lower level of improvement acceptable to the road engineer.  
15 Individual lots may be served by access panhandles, established  
16 either by fee ownership or easement, subject to approval of the  
17 division. In order to assure safe and adequate access, the  
18 manager:

19 1. May approve private streets, provided the private  
20 street requirements contained in Section 2.05, Private Streets,  
21 of the county road standards as adopted in K.C.C. 14.42 are met;

22 2. May limit direct access to certain streets and require  
23 on-site public or private streets in lieu of individual driveways  
24 or access panhandles, in accordance with the county road  
standards;

25 3. Shall require off-site improvements to public or  
26 private streets needed to provide access from the short  
27 subdivision to a road acceptable to the road engineer; and

28 4. Shall assure that the number of lots to be served by  
29 the road system complies with the road standards.  
30  
31  
32  
33

1 B. Right-of-way use permits. Short subdivisions involving  
2 construction within county right-of-way shall obtain a  
3 right-of-way use permit pursuant to K.C.C. 14.28, Rights-of-way.

4 NEW SECTION. SECTION 8. There is hereby added to K.C.C.  
5 19.26 a new section to read as follows: Adequacy of water  
6 supply. All lots must have an adequate water supply as set forth  
7 in this section before the short plat may be recorded:

8 A. A water supply system shall be deemed adequate for the  
9 purpose of preliminary approval if the applicant has demonstrated  
10 to the satisfaction of the division that:

11 1. The existing water supply system complies with the  
12 applicable planning, operating and design requirements of W.A.C.  
13 Chapter 248.54; K.C.C. Chapters 14.42 and 14.44 and Title 17;  
14 Coordinated Water System plans; Title 12, Title 13 and other  
15 applicable provisions of the codes of the King County board of  
16 health; and any limitation or condition imposed by the county  
17 approved comprehensive plan of the water purveyor; and

18 2. The water system improvements proposed to be  
19 constructed to serve the short subdivision have been reviewed by  
20 the division and determined to comply with the design standards  
21 and conditions specified in paragraph A.1 of this section; or

22 3. The new water supply system proposed to be constructed  
23 to serve the short subdivision has been reviewed by the division  
24 and determined to comply with the design standards and conditions  
25 specified in paragraph A.1. of this section.

26 B. Where applicable, the division will incorporate the  
27 requirements of the Seattle-King County department of public  
28 health and the Washington State Department of Health in  
29 determining compliance with paragraphs A.1., A.2. and A.3 of this  
30 section.

1 C. Prior to recording the final short plat, the approved  
2 public water system authorized pursuant to paragraph A. of this  
3 section shall be installed to serve each lot unless a bond or  
4 similar security has been deposited with King County in a form and  
5 amount and with conditions satisfactory to King County to provide  
6 for the construction of required water facilities in Group A  
7 systems as defined by board of health regulations, within two  
8 years of the date of short plat recording. The county may assign  
9 rights to enforce the bond to the purveyor.

10 D. The proposed use of on-site private individual water  
11 systems to serve individual lots is adequate and the short  
12 subdivision may receive preliminary and final approval if the  
13 Seattle-King County department of public health has approved this  
14 proposed method of water supply in accordance with the applicable  
15 King County board of health rules and regulations and this  
16 section. The applicant shall provide appropriate information to  
17 demonstrate to the Seattle-King County department of public  
18 health that adequate water can be made available. The  
19 Seattle-King County department of public health may require  
20 installation of private individual water systems prior to final  
21 approval of the short subdivision where information is  
22 insufficient to show an adequate water supply can be made  
23 available.

24 NEW SECTION. SECTION 9. There is added to K.C.C. 19.26 a  
25 new section to read as follows:

26 Adequacy of sewage disposal. All lots must be served by or  
27 provision made for an adequate public sewage disposal system as  
28 set forth in subsections A and B of this section or an on-site  
29 sewage disposal system as set forth in subsection C of this  
30 section, before the short plat may be recorded:

31 A. A public sewage disposal system is adequate and the short  
32 subdivision may receive preliminary approval if:  
33

1           1. The disposal system is consistent with the Sewerage  
2 General Plan and any subsequent amendments; and

3           2. The disposal system has been approved by the division  
4 as being consistent with applicable state and local design and  
5 operating guidelines.

6           B. Prior to recording the final short plat, either the  
7 approved public sewage system set forth in paragraph A of this  
8 section shall be installed to serve each lot, or a bond or  
9 similar security shall be deposited with King County and may be  
10 assigned to a purveyor to assure the construction of such  
11 facilities within two years of the date of short plat recording.

12           C. On-site sewage disposal systems to serve individual lots  
13 are adequate for the purpose of preliminary and final approval if  
14 the Seattle-King County department of public health has approved  
15 the lot size, soils, and proposed type of disposal system in  
16 accordance with the King County board of health rules and  
17 regulations. Installation of the on-site sewage disposal system  
18 is not required for final approval unless otherwise required by  
19 Seattle-King County department of public health.

20           NEW SECTION. SECTION 10. There is added to K.C.C. 19.26 a  
21 new section to read as follows:

22           Existing nonbuilding lots. An owner of an existing  
23 nonbuilding lot may seek to have that lot recognized by King  
24 County as a legal building site by either of the following  
25 procedures:

26           A. Short subdivision or alteration as provided in this  
27 ordinance; or

28           B. Subdivision as provided in K.C.C. 19.36, Subdivision  
29 Procedure.

30           NEW SECTION. SECTION 11. There is added to K.C.C. 19.26 a  
31 new section to read as follows:

32           Preliminary decision.  
33

1 A. Following the acceptance of a complete application, or  
2 following the conclusion of any applicable SEPA review and appeal  
3 period set forth in K.C.C. 20.44, County Environmental Procedures  
4 the division shall:

- 5 1. Approve the application with conditions;
- 6 2. Deny the application; or
- 7 3. Return the application to the applicant if additional  
8 information or modifications are necessary to further process the  
9 application.

10 The division shall make written findings regarding compliance  
11 with subsection B. of this section and notify applicants of any  
12 such decision in writing within five days of the decision being  
13 made. For applications returned to the applicant for additional  
14 information or modifications, the division shall specify a  
15 deadline for the submittal of such information or modifications.  
16 Applications shall be deemed withdrawn or cancelled if requested  
17 information or modifications are not submitted within the time  
18 period specified in the written findings. Unexpended portions of  
19 application review fees shall be returned with the notice of  
20 cancellation. The division shall not approve any short  
21 subdivision unless the division makes written findings that  
22 appropriate provisions are made for the factors set forth in RCW  
23 58.17.110.

24 B. The preliminary decision shall be based on the following  
25 factors:

- 26 1. Conformance with adopted county and state rules and  
27 regulations in effect on the date the complete application was  
28 received. Such rules and regulations include, but are not  
29 limited to: R.C.W. 58.17; SEPA (RCW Ch. 43.21C) as implemented  
30 by K.C.C. Ch. 20.44; K.C.C. Title 21, Zoning; K.C.C. 14.42, Road  
31 Standards; K.C.C. 9.04, Surface Water Runoff; K.C.C. Title 25,  
32  
33



1 Shoreline Management, K.C.C. 19.26, Short Subdivisions; K.C.C.  
2 Title 17, Fire Code; administrative rules adopted pursuant to  
3 K.C.C. 2.98 to implement any such code or ordinance provision;  
4 King County board of health rules and regulations; and county  
5 approved utility comprehensive plans; and conformance with  
6 applicable private restrictions and covenants.

7 2. Consideration of the recommendations or comments of  
8 those agencies having pertinent expertise or jurisdiction.

9 C. The preliminary decision shall become effective 10  
10 calendar days after the decision has been mailed, or upon  
11 completion of appeals filed pursuant to Section 12 of this  
12 ordinance.

13 D. Short subdivision preliminary approvals shall be valid  
14 for thirty-six months. If any condition is not satisfied and the  
15 final short plat is not recorded within the approval period the  
16 short subdivision approval shall be null and void. If all  
17 conditions have been satisfied and all required documents have  
18 been submitted within the approval period, the division may grant  
19 a single extension of up to ninety days to obtain additional  
20 information or for the processing and recording of final short  
21 plat documents. Applicants will have a maximum of 30 days to  
22 comply with requests for additional information made within the  
23 extension period.

24 E. All construction and site development activities related  
25 to the short subdivision are prohibited until the preliminary  
26 decision becomes effective or until authorized by any required  
27 plan approval required as a condition of preliminary short  
28 subdivision approval.

29 NEW SECTION. SECTION 12. There is added to K.C.C. 19.26 a  
30 new section to read as follows:  
31  
32  
33

1 Appeals. A. Appeals of decisions of the division relying on  
2 public health rules and regulations, whether for sewage or water,  
3 shall be made to the King County board of health in accordance  
4 with appeal procedures administered by the Seattle-King County  
5 department of public health. The decision of the board shall be  
6 final for purposes of county review.

7 B. Appeals of decisions of the division relying on the road  
8 standards and rules, or surface water runoff controls, shall be  
9 made as a request for a variance to the King County department of  
10 public works pursuant to K.C.C. 14.42, Road Standards, or K.C.C.  
11 9.04, Surface Water Runoff Policy. The decision of the  
12 department shall be final for purposes of county review.

13 C. Appeals of decisions of the division relying on the  
14 uniform fire code, shall be made to the King County fire  
15 prevention advisory and appeals board pursuant to K.C.C.  
16 17.08.160, Fire Code. The decision of the board shall be final  
17 for purposes of county review.

18 D. The division's decision regarding preliminary short  
19 subdivision applications regarding matters not appealable  
20 pursuant to subsection A, B or C may be appealed by any aggrieved  
21 person with legal standing to the zoning and subdivision examiner  
22 pursuant to K.C.C. 20.24, Zoning and Subdivision Examiner.

23 E. The decisions of the examiner or of any of the boards and  
24 departments identified in subsections A, B or C shall be the  
25 final county decision regarding short subdivision appeals and  
26 shall be final and conclusive as to all parties unless within  
27 twenty days from the date of the decision, an aggrieved party of  
28 record appeals the decision to Superior Court pursuant to K.C.C.  
29 20.24.240B.

30 NEW SECTION. SECTION 13. There is added to K.C.C. 19.26 a  
31 new section to read as follows:  
32  
33

1 Final approval and recording of short plats. A. All short  
2 subdivisions shall meet the following provisions prior to  
3 recording:

4 1. All final short subdivisions shall be surveyed and the  
5 final recording forms shall be prepared by a licensed land  
6 surveyor;

7 2. Surveys shall include those items prescribed by R.C.W.  
8 58.09.060, Records of Survey, Contents - Record of Corner,  
9 Information;

10 3. Plat certificates or owner's duplicate certificates for  
11 land registered pursuant to R.C.W. 65.12, Registration of Land  
12 Titles, shall be obtained and provided by the owners of any  
13 approved short subdivision;

14 4. A supplemental plat certificate shall be provided if  
15 the final short plat is not recorded within 30 days of the  
16 original certificate or supplemental certificate date;

17 5. All required improvements must be installed and  
18 approved, or bonded as specified for plats in K.C.C. 19.36,  
19 Subdividing Procedure, and in sections 8B and 9B of this  
20 ordinance;

21 6. The requirement for a deposit to cover anticipated  
22 taxes as required for plats in R.C.W. 58.08 Plats - Recording, is  
23 waived for the filing of short plats. However, the applicant  
24 shall be required to provide certification from the King County  
25 comptroller that property taxes for the subject property are not  
26 delinquent prior to issuance of a final approval, and

27 7. All applicable final approval fees set forth in K.C.C.  
28 Title 27, Development Permit Fees, and any civil penalties  
29 assessed pursuant to K.C.C. Title 23, have been paid.

30 B. Final short plat recording forms shall contain the  
31 following signatures, approvals, or information in the format  
32 prescribed by the manager:  
33

1           1. Lots shall be designated by number on the short plat  
2 within the area of the lot. Tracts shall be similarly designated  
3 by letter and each tract shall be clearly identified with the  
4 ownership and purpose;

5           2. Signature and stamp of the land surveyor who prepared  
6 the final short plat;

7           3. All required dedications;

8           4. Reference to the recording number of the completed  
9 survey as required by this section if the boundaries have been  
10 previously surveyed;

11           5. Reference to all agreements or covenants required as a  
12 condition of approval;

13           6. Notarized signatures of all persons having an ownership  
14 or security interest in the land being subdivided;

15           7. Approval of the King County development engineer;

16           8. Approval of the county assessor; and

17           9. Approval of the manager.

18           C. The manager shall examine and sign the final short plat  
19 if it and the short subdivision it represents conform to all  
20 conditions of preliminary and final approval. Short plats shall  
21 be recorded with the King County division of records and  
22 elections. A copy of the documents stamped with the recording  
23 number shall be sent by the division to the King County  
24 department of assessments and to the applicant. Final short  
25 plats shall become effective upon recording.

26           NEW SECTION. SECTION 14. There is added to K.C.C. 19.26 a  
27 new section to read as follows:

28           Short plat alterations and vacations. A. Within five years  
29 of the recording date, any recorded short plat may be altered  
30 provided no more than a total of four lots result within the  
31 boundaries of the original short plat. After five years from the  
32 recording date, the short plat may be altered or the land may be  
33

1 subdivided further in accordance with this chapter. An  
2 alteration may include adjacent separate lots provided no more  
3 than four lots result within the boundaries of the original short  
4 plat together with such additional property. The following  
5 requirements apply to all short plat alterations:

6 1. All persons having any ownership or security interest  
7 in the lots or tracts of the original recorded short plat being  
8 altered must sign the final altered short plat forms.

9 2. Any features contained on the original short plat which  
10 have been relied upon in subsequent land development or county  
11 planning decisions shall be incorporated on the short plat  
12 alteration.

13 3. Lot lines of lots which are nonconforming only by  
14 reason of insufficient square footage may be altered without  
15 regard to current square footage requirements as long as they are  
16 not made more nonconforming and as long as no additional lots are  
17 created, and the proposed lots are consistent with the other  
18 dimensional requirements of the zoning in effect at the time of  
19 the original short plat approval. Any newly created additional  
20 lots must meet current zoning requirements and King County board  
21 of health rules and regulations regarding minimum lot size.

22 4. The criteria cited in Section 11 of this ordinance  
23 shall be used as the basis to approve or deny any proposed  
24 alteration. Seattle-King County department of public health  
25 approval shall be required in accordance with Sections 8 and 9 of  
26 this ordinance.

27 B. Any short plat alteration which deletes all interior  
28 boundaries shall constitute a vacation of the original short  
29 plat, effective at the time the altered short plat is recorded.

30 C. Short plat alterations or vacations involving public  
31 dedications shall be processed in the manner provided by law for  
32  
33

1 alteration or vacation of subdivisions. All other short plat  
 2 alterations or vacations shall be processed as set forth in  
 3 Sections 3, 12, 13 and 14 of this ordinance.

4 D. Approved alterations and vacations shall be recorded with  
 5 the King County division of records and elections, as provided in  
 6 Section 13 of this ordinance.

7 NEW SECTION. SECTION 15. There is added to K.C.C. 19.26 a  
 8 new section to read as follows:

9 Administration. The division is authorized to develop and  
 10 adopt administrative rules and regulations under the procedures  
 11 specified in K.C.C. 2.98, Rules of County Agencies, for the  
 12 purpose of implementing and enforcing the provisions of this  
 13 chapter. Rules adopted under this section are subject to Council  
 14 approval.

15 SECTION 16. Resolution 11048, Section II (part), as amended,  
 16 and K.C.C. 19.08.010 are each hereby amended to read as follows:

17 Applicability. This title shall apply to all divisions of  
 18 land into two or more lots ((r)) or tracts, ((~~parcels-or-sites,~~  
 19 ~~any-one-of-which-is-less-than-twenty-acres-in-area~~)) for the  
 20 purpose of sale, lease or transfer((r)) of ownership. ((~~It~~  
 21 ~~shall-apply-to-plats,-replats,-subdivisions-and-short~~  
 22 ~~subdivisions.~~)) Except as provided herein the provisions of this  
 23 title shall not apply to:

24 A. Cemeteries and other burial plots while used for that  
 25 purpose.

26 B. Any division of land into lots or tracts each one of  
 27 which is twenty acres or larger, or in the case of zone  
 28 classifications requiring a minimum lot area greater than twenty  
 29 acres, each of which complies with the lot area requirements of  
 30 that classification.

1           C. Any division of land made by testamentary provisions or  
2 the laws of descent. Lots created by this means which do not  
3 meet current zoning will be treated the same as legal substandard  
4 lots as provided in K.C.C. 21.48.240 and 21.48.250.

5           D. Any division of land into lots or tracts consistent with  
6 R.C.W. 58.17.040, Section 7 for which a residential condominium  
7 binding site plan has been recorded in accordance with the  
8 provisions set forth in K.C.C. 19.34. Residential Condominium  
9 Binding Site Plan.

10           E. Any transfer of land to a public body, or any division of  
11 land solely for the installation of electric power, telephone,  
12 water supply, sewer service or other utility facilities of a  
13 similar or related nature provided that no more than four lots  
14 are created and provided further that any remaining lot or lots  
15 which are not consistent with King County zoning, access, or  
16 health requirements shall not be considered as building sites by  
17 King County.

18           F. A division made for the purpose of alteration by  
19 adjusting boundary lines, between platted or unplatted lots or  
20 both, which does not create any lot, tract, parcel, site, or  
21 division which contains insufficient area and dimension to meet  
22 minimum requirements for width and area for a building site,  
23 provided the adjustment is reviewed and approved as set forth in  
24 Section 17 of this ordinance.

25           G. Any conveyance of land by a partial fulfillment deed  
26 pursuant to a real-estate contract; provided that the entire lot  
27 within the original real estate contract shall be recognized as a  
28 single legal building site until the property is subdivided in  
29 compliance with this title, and that there shall be no retransfer  
30 of any lot created by partial fulfillment deed without compliance  
31 with this title.

1           H. Any division of land for the purpose of lease when no  
2 residential structures other than mobile homes are permitted to  
3 be placed upon the land and for which a binding site plan for the  
4 use of the land as a mobile home park has been approved by the  
5 manager in accordance with the provisions of K.C.C. 21.09, Mobile  
6 Homes and Mobile Home Parks.

7           NEW SECTION. SECTION 17. There is added to K.C.C. 19.08 a  
8 new section to read as follows:

9           Boundary line adjustments. A. Any proposed adjustment of  
10 boundary lines must be reviewed and approved by the manager prior  
11 to the transfer of property ownership of land between adjacent  
12 separate lots. The purpose of the manager's review is to  
13 determine if the proposed division meets the exemption  
14 requirements of Section 16.F. of this ordinance. In order to  
15 determine if the boundary line adjustment is exempt, the manager  
16 shall examine the King County zoning code, shoreline management  
17 program, applicable board of health rules and regulations, and,  
18 in addition for developed lots, uniform fire and building codes.

19           B. Initial adjustment approvals shall expire if the  
20 authorized deeds transferring property ownership, together with a  
21 copy of the approved boundary adjustment, are not recorded within  
22 one year of adjustment approval.

23           C. Revisions of approved boundary line adjustments may be  
24 permitted within the one year approval period without a new  
25 application only if the authorized adjustment and the deeds  
26 transferring ownership have not been recorded. Modifications of  
27 recorded adjustments will require the review and approval of a  
28 new application package.

29           NEW SECTION. SECTION 18. There is added to K.C.C. 19.08 a  
30 new section to read as follows:

31           Lots created in violation of this title. A. For purposes of  
32 this title, an innocent purchaser shall mean an individual who  
33



1 has purchased real property for value, has not received actual  
2 notice that the lot has not been legally created as provided in  
3 Section 21 of this ordinance, and has not previously been granted  
4 innocent purchaser status by King County. All contiguous lots  
5 created in violation of this title and which are under the same  
6 ownership at the time of application for innocent purchaser  
7 status shall be recognized only as a single lot.

8 B. An innocent purchaser of a lot created in violation of  
9 King County subdivision requirements, who files a notarized  
10 affidavit of innocent purchase with the division on forms  
11 satisfactory to the manager shall be treated as follows for  
12 purposes of determining zoning compliance, and for establishing  
13 eligibility for building permits and future subdivision:

14 1. A lot recognized pursuant to this innocent purchaser  
15 provision will be treated the same as a legally subdivided lot if  
16 the parcel meets current zoning requirements for access, lot area  
17 and lot width;

18 2. Innocent purchaser lots which do not meet current  
19 zoning requirements, but which did meet zoning requirements in  
20 effect at the time that they were created, will be treated the  
21 same as legally created substandard lots as provided in K.C.C.  
22 21.48.240; and

23 3. Innocent purchaser lots which do not meet current  
24 zoning requirements and which did not meet the zoning  
25 requirements in effect at the time of their creation will be  
26 treated the same as legally created lots for purpose of  
27 conveyance, but will not be eligible for building permits.

28 SECTION 19. Resolution 11048, Section I (part), as amended,  
29 and K.C.C. 19.04.290 are each hereby repealed and the following  
30 is substituted:  
31  
32  
33

1 Short subdivision. "Short subdivision" is the administrative  
2 approval of the division or redivision of land into four or fewer  
3 lots for the purpose of sale or transfer of ownership pursuant to  
4 K.C.C. 19.26. A short subdivision also may include any number of  
5 tracts for ingress, egress, utilities, open space preservation,  
6 or other approved public purpose.

7 NEW SECTION. SECTION 20. There is added to K.C.C. 19.04 a  
8 new section to read as follows:

9 Alteration. "Alteration" means the modification of a  
10 previously recorded plat or short plat, or any portion thereof,  
11 which results in the revision of interior lot lines, the addition  
12 of new lots or more land, deletion of existing lots, or the  
13 removal of plat or lot restrictions or dedications.

14 NEW SECTION. SECTION 21. There is added to K.C.C. 19.04 a  
15 new section to read as follows:

16 Separate Lot. "Separate lot" means a physically separate and  
17 distinct parcel of property, which has been created through one  
18 of the following processes:

19 A. The lot was created in compliance with the subdivision or  
20 short subdivision laws in effect at the time of creation of the  
21 lot.

22 B. The lot has been recognized as a lot pursuant to Section  
23 18, lots created in violation of this title; or

24 C. The lot is a portion of a lot created through the  
25 processes cited in subsections A or B of this section that is  
26 separated from the remainder of the lot by one of the following:

- 27 1. A public road right-of-way; or
- 28 2. Shorelines as defined in K.C.C. 25.08.490; or
- 29 3. Another separate lot, or a tract as defined in Section  
30 25 of this ordinance, including railroad or public utility owned  
31 rights-of-way, publicly owned property, or other parcels  
32 recognized by the division pursuant to K.C.C. 19.08.010.

33

1        NEW SECTION. SECTION 22. There is added to K.C.C. 19.04 a  
2 new section to read as follows:

3        Land Surveyor. A "land surveyor" is an individual licensed  
4 as a land surveyor pursuant to R.C.W. 18.43, Professional  
5 Engineers Registration Act.

6        NEW SECTION. SECTION 23. There is added to K.C.C. 19.04 a  
7 new section to read as follows:

8        Short plat, preliminary. A "preliminary short plat" is a map  
9 indicating a proposed short subdivision of land.

10       NEW SECTION. SECTION 24. There is added to K.C.C. 19.04 a  
11 new section to read as follows:

12       Short plat, final. A "final short plat" is an accurate map  
13 of a short subdivision.

14       NEW SECTION. SECTION 25. There is added to K.C.C. 19.04 a  
15 new section to read as follows:

16       Tract. A "tract" is land reserved for special uses such as  
17 open space, surface water retention, utilities, or access.  
18 Tracts are not counted as lots nor considered as residential  
19 building sites except as allowed under the lot clustering  
20 provisions of K.C.C. Title 21.

21       SECTION 26. Resolution 11048, Section I (part) and K.C.C.  
22 19.04.150 are each hereby repealed.

23       SECTION 27. Ordinance 3113, Sections 2(2)(b), 4 and 6-16,  
24 Ordinance 4460, Section 3, Ordinance 4462, Section 2, all as  
25 amended, and K.C.C. 19.04.270, 19.26.020-.500 are each hereby  
26 repealed.

27       SECTION 28. Ordinance 263, Article 1, Sections 16 and 17,  
28 and K.C.C. 20.08.170 and .180 are each hereby repealed.

29       NEW SECTION. SECTION 29. There is added to K.C.C. 19.04 a  
30 new section to read as follows:

31  
32  
33

1 Material error. "Material error" means a error in fact or an  
2 omission of substantive information in preliminary subdivision or  
3 short subdivision applications, or supplementary studies,  
4 supplied to the county, which would constitute the basis for a  
5 decision.

6 NEW SECTION. SECTION 30. Severability. If any provision  
7 of this ordinance or its application to any person or  
8 circumstance is held invalid, the remainder of this ordinance or  
9 the application of the provision to other persons or  
10 circumstances shall not be affected.

11 INTRODUCED AND READ for the first time this 20<sup>th</sup> day  
12 of February, 1990.

13 PASSED this 23<sup>rd</sup> day of July, 1990.

14 KING COUNTY COUNCIL  
15 KING COUNTY, WASHINGTON

16 Lois North  
17 Chair

18 ATTEST:

19 Gerald G. Peterson  
20 Clerk of the Council

21 APPROVED this 6<sup>th</sup> day of August, 1990.

22 Jim Hill  
23 King County Executive