

June 23, 1993

Introduced by
Proposed No.

SULLIVAN
93-11

ORDINANCE NO. **11017**

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5 AN ORDINANCE relating to the division of land and
6 providing a binding site plan procedure for the
7 division of commercially and industrially zoned
8 property as an alternative to the subdivision and
9 short subdivision process; providing for final
10 decision by the director of the department of
11 development and environmental services; amending
12 Ordinance 6465, Section 1; Ordinance 2097, Section 1,
13 as amended; Resolution 11048, Section 2 (part), as
14 amended; and K.C.C. 17.04.010, K.C.C. 19.04.084,
15 19.08.010; and adding a new section to K.C.C. 19.04.
16

17 PREAMBLE:

18 A binding site plan is an alternative means of
19 dividing properties zoned commercial and industrial
20 into lots, as provided for in RCW 58.17.035.
21 Binding site plans facilitate financing of
22 developments by creating separate lots for
23 individual ownership. An application for binding
24 site plan may be accepted for fully developed sites
25 or concurrently with an application for a
26 commercial site development permit on undeveloped
27 sites.
28

29 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

30
31 NEW SECTION. SECTION 1. A new Chapter is added to K.C.C.

32 Title 19 as follows:

33 Purpose. The purpose of this chapter is to create a
34 permit for dividing commercially and industrially zoned
35 property, as authorized by RCW 58.17.035. On sites which are
36 fully developed, the binding site plan merely creates or alters
37 interior lot lines. In all cases the binding site plan
38 ensures, through written agreements among all lot owners, that
39 the collective lots continue to function as one site concerning
40 but not limited to: lot access; interior circulation; open
41 space; landscaping and drainage; facility maintenance; and
42 coordinated parking.

43 NEW SECTION. SECTION 2. Applicability. A. Any person
44 seeking the use of a binding site plan to divide his or her
45 property for the purpose of sale, lease or transfer of
46 ownership of commercially or industrially zoned property is
47 required to apply for, complete and have approved a binding

1 site plan prior to any property division, as provided in R.C.W.
2 58.17 and as required by this chapter.

3 B. The site which is subject to the binding site plan
4 shall consist of one (1) or more contiguous lots legally
5 created.

6 C. The site which is subject to the binding site plan may
7 be reviewed independently for fully developed sites; or,
8 concurrently with a commercial site development permit
9 application for undeveloped land; or in conjunction with a
10 valid commercial site development permit.

11 D. The binding site plan process merely creates or alters
12 lot lines and does not authorize substantial improvements or
13 changes to the property or the uses thereon.

14 NEW SECTION. SECTION 3. Complete binding site plan
15 application. A proposed binding site plan shall be considered
16 under the zoning and other land use control ordinances in
17 effect on the land at the time a fully completed application is
18 filed with the department. A complete application for binding
19 site plan application shall consist of;

20 A. A completed application form provided by the
21 department, signed by all property owners or their authorized
22 agents, with supporting documents as required below and which
23 contains sufficient information to determine compliance with
24 adopted rules and regulations including, but not limited to RCW
25 43.21C, SEPA as implemented by WAC 197-11; K.C.C. 9.04, Surface
26 Water Management; K.C.C. 14.42, Road Standards; K.C.C. Title
27 17, Fire Code; K.C.C. 20.44, County Environmental Procedures;
28 K.C.C. Title 21, Zoning; Title 25, Shoreline Management;
29 administrative rules adopted pursuant to K.C.C. 2.98 to
30 implement any such code or ordinance provision; King County
31 board of health rules and regulations; county approved utility
32 comprehensive plans; conformity with applicable P-suffix
33 conditions and private restrictions and covenants which are in
34 effect at the time of application.

1 B. An approved commercial site development permit; or, a
2 proposed site plan prepared by a professional land surveyor,
3 licensed in the state of Washington, in a form prescribed by
4 the director. At a minimum, the proposed site plan shall
5 include:

- 6 1. the location and size of all proposed lots;
- 7 2. proposed and existing structures including
8 elevations and floor plans as known, (plans which show building
9 envelopes rather than footprints must include post-construction
10 treatment of unoccupied areas of the building envelopes);
- 11 3. all proposed or existing uses;
- 12 4. the location of proposed or existing open space
13 including any required landscaped areas;
- 14 5. the location and identification of critical areas;
- 15 6. the layout of an internal vehicular and pedestrian
16 circulation system, including proposed ingress and egress for
17 vehicles;
- 18 7. the number and location of proposed or existing
19 parking spaces on and off the site;
- 20 8. a drainage plan which will accommodate the maximum
21 proposed square footage of impervious surface and the maximum
22 proposed square footage of impervious surface exposed to
23 vehicular use, subject to the requirements of the King County
24 Surface Water Design Manual, adopted by rule under the
25 procedures specified in K.C.C. 2.98;
- 26 9. the location and size of utility trunk lines serving
27 the site;
- 28 10. the location and size of water bodies and drainage
29 features, both natural and manmade;
- 30 11. a grading plan showing proposed clearing and tree
31 retention and the existing and proposed topography, detailed to
32 five-foot contours, unless smaller contour intervals are
33 otherwise required by the King County Code or rules and
34 regulations promulgated thereunder;

1 12. a layout of sewers and the proposed water
2 distribution system;

3 13. proposed easements and access; and

4 C. a completed environmental checklist, if required by
5 K.C.C. 20.44;

6 D. a downstream drainage analysis or any other
7 requirement specified in the King County surface water design
8 manual or K.C.C. 9.04;

9 E. all covenants, easements, maintenance agreements or
10 other documents regarding mutual use of parking and access;

11 F. copies of all easements, deed restrictions or other
12 encumbrances restricting the use of the site;

13 G. a phasing plan and time schedule, if the site is
14 intended to be developed in phases or if all building permits
15 will not be submitted within three years;

16 H. documentation of the date and method of segregation
17 for the subject property verifying that the lot or lots were
18 not created in violation of the short subdivision or
19 subdivision laws in effect at the time of creation;

20 I. a list of any other development permits or permit
21 applications having been filed for the same site; and

22 J. the payment of fees.

23 K. The director may waive specific submittal requirements
24 determined to be unnecessary for review of the application.

25 NEW SECTION. SECTION 4. Approval of binding site plan.

26 A. The director shall consider and base his decision to
27 approve with or without conditions, deny or return the
28 application for modifications, based on:

29 1. a finding that the newly created lots will continue
30 to function and operate as one site, for fully developed sites;
31 or

32 2. conformity of the proposed site plan with the
33 adopted rules and regulations listed in K.C.C. _____ as
34 represented in the approved commercial site development plan,

1 if the binding site plan is being considered with a commercial
2 site development plan.

3 B. The binding site plan shall contain applicable
4 inscriptions or attachments setting forth limitations and
5 conditions to which the plan is subject, including any
6 applicable irrevocable dedications of property and containing a
7 provision requiring that any development of the site shall be
8 in conformity with the approved site plan.

9 C. The director may modify lot-based or lot line
10 requirements contained within the building, fire and other
11 similar uniform codes adopted by the county.

12 D. The director may authorize sharing of open space,
13 parking, access and other improvements among contiguous
14 properties subject to the binding site plan. Conditions of
15 use, maintenance and restrictions on redevelopment of shared
16 open space, parking, access and other improvements shall be
17 identified on the binding site plan and enforced by covenants,
18 easements or other similar mechanisms.

19 E. The decision of the director shall be final.

20 NEW SECTION. SECTION 5. Recording and binding effect.

21 A. Prior to recording, the approved binding site plan
22 shall be surveyed and the final recording forms shall be
23 prepared by a professional land surveyor, licensed in the state
24 of Washington. Surveys shall include those items prescribed by
25 R.C.W. 58.09.060, Records of survey, contents - Record of
26 corner, information;

27 B. The approved binding site plan recording forms shall
28 include the following, in the format prescribed by the
29 director:

30 1. Lots designated by number on the binding site plan
31 within the area of the lot. Tracts shall be similarly
32 designated and each tract shall be clearly identified with the
33 ownership and purpose;

34 2. Signature and stamp of the land surveyor who
35 prepared the binding site plan;

1 3. Reference to the recording number of the completed
2 survey as required by this section if the boundaries have been
3 previously surveyed;

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

6 5. Notarized signatures of all persons having an
7 ownership or security interest in the land being divided;

8 6. Approval of the King County development engineer;

9 7. Approval of the King County assessor; and

10 8. Approval of the director.

11 C. The director shall examine and sign the approved
12 binding site plan if it conforms with the commercial site
13 development permit or the approved site plan and all conditions
14 of approval. Binding site plans shall be recorded with the
15 King County records and elections division with a record of
16 survey. A copy of the documents stamped with the recording
17 number shall be sent by the division to the King County
18 department of assessments and to the applicant.

19 D. Lots, parcels, or tracts created through the binding
20 site plan procedure shall be legal lots of record. All
21 provisions, conditions, and requirements of the binding site
22 plan shall be legally enforceable on the purchaser or any other
23 person acquiring a lease or other ownership interest of any
24 lot, parcel, or tract created pursuant to the binding site
25 plan.

26 E. Any sale, transfer, or lease of any lot, tract, or
27 parcel created pursuant to the binding site plan, that does not
28 conform to the requirements of the binding site plan or without
29 binding site plan approval, shall be considered a violation of
30 chapter 58.17 RCW and shall be restrained by injunctive action
31 and be illegal as provided in chapter 58.17 RCW.

32 NEW SECTION. SECTION 6. Amendment, modification and
33 vacation. Except as provided in K.C.C. 19.08.010, amendment,
34 modification and vacation of a binding site plan shall be
35 accomplished by following the same procedure and satisfying the

1 same laws, rules and conditions as required for a new binding
 2 site plan application, as set forth in this chapter. If a
 3 portion of a binding site plan is vacated, the property subject
 4 to the vacated portion shall constitute one (1) lot unless the
 5 property is subsequently divided by an approved subdivision or
 6 short subdivision.

7 SECTION 7. Administrative rules. The director may
 8 promulgate administrative rules and regulations, pursuant to
 9 K.C.C. 2.98, to implement the provisions and requirements of
 10 this chapter.

11 SECTION 8. Ordinance 2097, Section 1, as amended and
 12 K.C.C. 17.04.010 are each hereby amended to read as follows:

13 Adoption. The Uniform Fire Code 1991 Edition, and the
 14 Uniform Fire Standards, 1991 Edition, as published by the
 15 Western Fire Chiefs Association and the International
 16 Conference of Building Officials, with Appendices, as amended
 17 in WAC 51-24 and 51-25 on November 8, 1991, together with
 18 amendments, additions, and deletions listed in the King County
 19 modifications to the 1991 Uniform Fire Code, as amended by
 20 Attachment "A" of Ordinance 11016 and by Attachment "A"
 21 of Ordinance 11017, are adopted as the Fire Code of King
 22 County, and hereinafter referred as "this code".

23 Administrative rules may be adopted in accordance with K.C.C.
 24 2.98 to further clarify and implement these code requirements.

25 SECTION 9. Ordinance 6465, Section 1 and K.C.C. 19.04.084
 26 are each amended to read as follows:

27 Binding site plan. A "binding site plan" is a plan (~~of a~~
 28 ~~residential condominium project~~) drawn to scale processed in
 29 accordance with the provisions of this (~~chapter~~) title and
 30 R.C.W. 58.17, which:

31 A. Identifies and shows the areas and locations of all
 32 streets, roads, improvements, utilities, open spaces, critical
 33 areas, parking areas, landscaped areas, surveyed topography,
 34 water bodies and drainage features and building envelopes.

1 B. Contains inscriptions or attachments setting forth
2 such appropriate limitations and conditions for the use of the
3 land as are established by the (~~manager of~~) director or the
4 zoning and subdivision examiner.

5 C. Contains provisions requiring any development or
6 division of land to be in conformity with the approved site
7 plan.

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

10 Person. "Person" means and includes an individual, firm,
11 copartnership, association or corporation, governmental agency
12 or political subdivision.

13 SECTION 11. Resolution 11048, Section 2 (part), as
14 amended, and K.C.C. 19.08.010 are each hereby amended to read
15 as follows:

16 Applicability. This title shall apply to all divisions of
17 land into two or more lots or tracts, for the purpose of sale,
18 lease or transfer of ownership. Except as provided herein the
19 provisions of this title shall not apply to:

20 A. Cemeteries and other burial plots while used for that
21 purpose.

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

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

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

1 E. Any transfer of land to a public body, or any division
2 of land solely for the installation of electric power,
3 telephone, water supply, sewer service or other utility
4 facilities of a similar or related nature provided that no more
5 than four lots are created and provided further that any
6 remaining lot or lots which are not consistent with King County
7 zoning, access or health requirements shall not be considered
8 as building sites by King County.

9 F. A division made for the purpose of alteration by
10 adjusting boundary lines, between platted or unplatted lots or
11 both, which does not create any lot, tract, parcel, site or
12 division which contains insufficient area and dimension to meet
13 minimum requirements for width and area for a building site,
14 provided the adjustment is reviewed and approved as set forth
15 in K.C.C. 19.08.112.

16 G. Any conveyance of land by a partial fulfillment deed
17 pursuant to a real estate contract; provided that the entire
18 lot within the original real estate contract shall be
19 recognized as a single legal building site until the property
20 is subdivided in compliance with this title, and that there
21 shall be no retransfer of any lot created by partial
22 fulfillment deed without compliance with this title.

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

29 I. Divisions of land by binding site plan into lots or
30 tracts classified for industrial or commercial use pursuant to
31 K.C.C. 19. . .

ATTACHMENT A

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3 **SECTION 2.102. RULES AND REGULATIONS.** The Fire Marshal, with
4 the approval of the administrator, is authorized to make and
5 enforce such rules and regulations, pursuant to the provisions
6 of King County Code 2.98, for the prevention and control of
7 fires and fire hazards as may be necessary from time to time to
8 carry out the intent of this code, including but not limited
9 to:

10 A. Procedures to assure that building permits for
11 structures shall conform to the requirements of this code.

12 B. Procedures to assure that applicable standards of this
13 code shall be reviewed as part of the subdivision, short
14 subdivision, planned unit development, rezone, conditional use
15 and unclassified use, commercial site development, ~~((and))~~
16 commercial building permit processes and binding site plan.

17 C. Procedures to assure that standards published by the
18 National Fire Protection Association including a standard known
19 as NFPA 13R shall be applied to all R1 occupancies.
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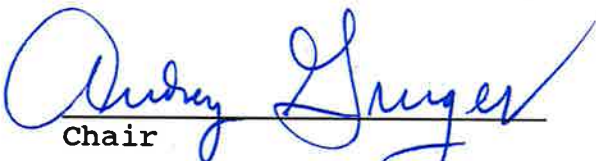
NEW SECTION. SECTION 12. Severability. If a provision of this ordinance or its applicability to any person or circumstance is held invalid, the remainder of the provisions of this chapter or the application of the provision to other persons or circumstances shall not be affected.

INTRODUCED AND READ for the first time this 4th day of

January, 1993.

PASSED this 7th day of September, 1993

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Chair

ATTEST:


Clerk of the Council

APPROVED this 17th day of September, 1993


King County Executive

Attachment:

A. Amendment to Section 2.102 of the Uniform Fire Code dated 11/19/92.

BINDING SITE PLAN/COMMERCIAL SITE DEVELOPMENT ORDINANCES

A binding site plan ordinance was prepared and transmitted to the council in 1990. The ordinance did not pass out of committee due to lack of council support and indifference from the development community. Developer support was lost when the proposed ordinance did not provide a remedy to lot-based zoning regulations within a building site. Since that time, both county staff and developers have recognized the need for a quicker process which provides an alternative method of commercial and industrial property division as specified in RCW 58.17.035. Building and Land Development has drafted two ordinances to address these issues.

The proposed Commercial Site Development permit ordinance:

- * creates a new site review permit for determining site-based development requirements prior to building permit application
- * applies lot-based regulations to the whole site regardless of interior lot lines
- * reviews SEPA impacts of the entire developed site rather than on individual buildings
- * allows quicker review of subsequent building permit applications
- * provides assurance to the applicant that the development requirements will remain constant over a phased buildout period
- * requires notice to surrounding properties within 500 feet
- * makes the manager's permit decision (administrative) appealable to the hearing examiner

The proposed Binding Site Plan ordinance:

- * creates a quicker alternative to subdividing commercial property
- * may be reviewed concurrently with the CSD permit
- * may be applied to previously developed site

SEPA has issued determinations of non-significance for both ordinances. No appeals have been filed.

BALD received comments on the draft ordinances from Surface Water Management and Solid Waste Divisions, Division of Roads and Engineering, the SEPA Section and several members of the development community. Comments were also requested of the Health Department and Community Planning Division.

ATTACHMENT A

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3 **SECTION 2.102. RULES AND REGULATIONS.** The Fire Marshal, with
4 the approval of the administrator, is authorized to make and
5 enforce such rules and regulations, pursuant to the provisions
6 of King County Code 2.98, for the prevention and control of
7 fires and fire hazards as may be necessary from time to time to
8 carry out the intent of this code, including but not limited
9 to:

10 A. Procedures to assure that building permits for
11 structures shall conform to the requirements of this code.

12 B. Procedures to assure that applicable standards of this
13 code shall be reviewed as part of the subdivision, short
14 subdivision, planned unit development, rezone, conditional use
15 and unclassified use, commercial site development, ~~((and))~~
16 commercial building permit processes and binding site plan.

17 C. Procedures to assure that standards published by the
18 National Fire Protection Association including a standard known
19 as NFPA 13R shall be applied to all R1 occupancies.
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3 NOTICE TO FIRE DISTRICTS. (a) Prior to submitting an
4 application for a building permit, a commercial site
5 development permit, binding site plan, a preliminary
6 subdivision or short subdivision approval, final subdivision or
7 short subdivision, planned unit development, rezone,
8 conditional use and unclassified use permits to the Building
9 ~~and Land Development~~ Services Division, the applicant shall
10 submit a copy of his application to the King County Fire
11 Protection District providing fire protection services to the
12 proposed development.

13 (b) It shall be the responsibility of the fire district to
14 issue a receipt to the applicant the same day it receives a
15 copy of a permit application as listed in 2.305(a). The
16 receipt shall constitute proof to the director of the
17 notification.

18 (c) The applicant shall include the fire district receipt with
19 the permit application to the Building ~~and Land Development~~
20 Services Division.

21 (d) The applicant of a building permit located on property
22 within a subdivision or short subdivision applied for and/or
23 recorded prior to February 1, 1989, shall include a copy of the
24 subdivision or short subdivision along with the building permit
25 application to the applicable fire district for review. After
26 the applicable fire district has reviewed such a subdivision or
27 short subdivision at least once, the applicable fire district
28 may determine whether subsequent residential building permit
29 applications within the same subdivision or short subdivision
30 are required to obtain fire district receipts.

31 (e) It shall be the responsibility of the fire district to
32 notify the director of any comments within seven days of the
33 receipt of an applied for permit as listed in 2.305(a).
34