

ORDINANCE NO. 6465

AN ORDINANCE relating to subdivision of land; defining residential condominium binding site plan, establishing a residential condominium binding site plan review process, and exempting residential condominium developments from the short subdivision provisions; adding a new chapter to Title 19 of the King County Code; and amending Ordinance 3113, Section 4 (2) and Ordinance 4461, Section 1, Ordinance 6256, Section 3, Ordinance 5222, Sections 1-13, K.C.C. 19.26.030, K.C.C. 20.24.070, and K.C.C. 20.50.080.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. There is added to KCC 19.04 a new section to read as follows:

Binding Site Plan. A "binding site plan" is a plan of a residential condominium project drawn to scale processed in accordance with the provisions of this ordinance, which:

A. Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, parking areas, landscaped areas and building envelopes;

B. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the manager or the zoning and subdivision examiner;

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

NEW SECTION. SECTION 2. There is hereby added a new chapter to Title 19 of the King County Code entitled "Residential Condominium Binding Site Plan Review Process" to include Sections 3 through 10 of this ordinance.

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1        NEW SECTION. SECTION 3. Applicability.

2        A. This process may be used to divide land by the owner of  
3 any legal lot which is to be developed for residential  
4 condominiums pursuant to RCW 64.32. A binding site plan for a  
5 residential condominium project shall be based on either a  
6 recorded final planned unit development, a building permit  
7 issued for the entire project, or a conceptual site plan as set  
8 forth in Section 6 of this ordinance.

9        B. This process is separate from other site plan review  
10 processes including the P-Suffix provisions of Chapter 21.46,  
11 the mobile home park plan provisions of Chapter 21.09, the  
12 planned unit development provisions of Chapter 21.56 and the  
13 manufacturing park site plan provisions of Chapter 21.34, and  
14 shall not be construed to substitute for the requirements of  
15 such processes.

16        NEW SECTION. SECTION 4. Planned unit developments.

17 Whenever a binding site plan for a residential condominium  
18 development is proposed on a parcel for which a final planned  
19 unit development has been recorded, a copy of the planned unit  
20 development site plan shall be recorded as the binding site  
21 plan upon verification by the manager that the binding site  
22 plan is the same as or contains the relevant details of the  
23 planned unit development site plan.

24        NEW SECTION. SECTION 5. Building permits. Whenever a

25 binding site plan for a residential condominium development is  
26 proposed on a parcel of land for which a building permit has  
27 been issued for the entire project, the following must be  
28 satisfied prior to recording:

29        A. A plan shall be prepared in a form prescribed by the  
30 manager which is adequate for permanent retention by the King  
31 County Records and Elections Division.

32        B. The plan must be prepared by a registered land surveyor  
33 or civil engineer.

1 C. The plan must substantially reflect the site plan  
2 approved for the building permit. Specific details not rele-  
3 vant to the division of land may be omitted.

4 D. The plan must be verified by the manager for compliance  
5 with the approved building permit. The manager may require  
6 dedication of additional right-of-way for public streets pur-  
7 suant to the criteria set forth in KCC 19.26.310.

8 E. The legal description and map must be verified by the  
9 King County engineer.

10 NEW SECTION. SECTION 6. Conceptual plans. Whenever a  
11 binding site plan for a residential condominium project is pro-  
12 posed on a parcel of land for which neither a planned unit  
13 development nor a building permit has been approved for the  
14 entire parcel, the following must be satisfied prior to  
15 recording:

16 A. A conceptual site plan shall be prepared in a form  
17 prescribed by the manager which includes the following infor-  
18 mation:

- 19 1. Maximum number of dwelling units permitted.
- 20 2. Approximate size and location of all proposed  
21 buildings.
- 22 3. Approximate layout of an internal vehicular cir-  
23 culation system, including proposed ingress and egress.
- 24 4. Approximate location of proposed open space,  
25 including required landscaped areas, if any.
- 26 5. Approximate location of proposed parking areas.
- 27 6. Location and size of utility trunk lines serving the  
28 site.
- 29 7. Topography detailed to five-foot contours.

30 B. Upon application the manager shall distribute copies to  
31 public agencies having pertinent expertise or jurisdiction for  
32 review and comment.

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1 C. The manager shall consider, and base his decision to  
2 approve with or without conditions, deny or return the  
3 application on the following:

4 1. Conformance of the proposed site plan with any  
5 approved building permit or planned unit development and any  
6 conditions on a portion of the site, and with any applicable  
7 codes and ordinances of the State of Washington and King  
8 County. The manager shall identify, to the extent feasible,  
9 conditions likely to be imposed on building permits related to  
10 dedication of right-of-way or open space, and tracts, easements  
11 or limitations which may be proposed or required for utilities,  
12 access, drainage controls, sanitation, water supply, protection  
13 of sensitive areas or other unique conditions or features which  
14 may warrant protection of the public health, safety, and  
15 welfare. Such preliminary conditions shall not be binding at  
16 the time of building permit approval.

17 2. The recommendations and comments of agencies having  
18 pertinent expertise or jurisdiction.

19 3. The manager may require dedication of additional road  
20 right-of-way pursuant to the criteria of KCC 19.26.310.

21 D. Additional documents shall be submitted as necessary  
22 for review and approval which may include a plat certificate,  
23 boundary survey, agreements, easements and covenants.

24 E. The plan must be approved and signed by the King County  
25 engineer.

26 F. Prior to recording, the manager shall verify the final  
27 plan and any attachments to determine whether the binding site  
28 plan is accurate and complete and complies with any conditions  
29 or approval.

30 Approval of a conceptual plan does not give the applicant a  
31 vested right to build without regard to subsequent changes in  
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1 zoning or building codes or other applicable land use  
2 regulations prior to application for a building permit on the  
3 subject property.

4 NEW SECTION. SECTION 7. Appeal. Any decision of the  
5 manager shall be final unless appealed to the zoning and  
6 subdivision examiner pursuant to Chapter 20.24.

7 NEW SECTION. SECTION 8. Recording. The proposed binding  
8 site plan approved by the manager shall be recorded with the  
9 records and elections division within thirty days of approval.  
10 Upon recording, the site plan shall be binding on the owner,  
11 his heirs and assigns, and shall permit the division of land  
12 within the site. Divisions shall only be permitted upon the  
13 filing of a declaration under the Horizontal Regimes Act, Ch.  
14 64.32 RCW, provided the structure or structures, road and  
15 parking systems and related facilities substantially conform to  
16 the recorded binding site plan.

17 NEW SECTION. SECTION 9. Amendments and Rescindment.

18 A. Amendment of a recorded residential condominium binding  
19 site plan shall be accomplished by following the same process  
20 as required for a new application as set forth in this  
21 ordinance.

22 B. Upon the request of the owner or owners of a legal lot  
23 or lots subject to a recorded binding site plan the manager  
24 shall rescind all or a portion of a binding site plan, provided  
25 that any portion of a binding site plan which is rescinded  
26 shall be considered to be one lot unless divided by an approved  
27 subdivision or short subdivision.

1 C. Signatures of owners of portions of a binding site plan  
2 which are not altered by an amendment or rescission are not  
3 required on the amended binding site plan or application for  
4 rescission.

5 NEW SECTION. SECTION 10. Fees.

6 A. The following fees shall be paid to the building and  
7 land development division upon the filing of an application for  
8 a residential condominium binding site plan:

- 9 1. Planned unit development based plan \$ 90
- 10 2. Building permit based plan \$225
- 11 3. Conceptual plan \$565

12 B. The following fees shall be paid to the department of  
13 public works upon the filing of an application for a  
14 residential condominium binding site plan:

- 15 1. Building permit based plan \$250
- 16 2. Conceptual plan \$400

17 SECTION 11. Ordinance 6256, Section 3, Ordinance 5222,  
18 Sections 1 through 13, and K.C.C. 20.50.080 are each hereby  
19 amended to read as follows:

20 A. Fees shall be established by the King County Council to  
21 reasonably compensate the County for costs incurred in the  
22 Surface Water Management Division's review and approval of  
23 drainage plans or establishment of drainage conditions for  
24 subdivisions and planned unit developments, short subdivisions,  
25 commercial building, residential building, filling and grading,  
26 rezoned, unclassified, shoreline and right-of-way permits, and  
27 residential condominium site plan pursuant to the provisions of  
28 K.C.C. 20.50. These fees are in addition to any and all other  
29 County fees.

30 B. Fees established under this section shall be revised  
31 annually or whenever deemed necessary by the King County  
32 Council.

C. The following fees shall apply from the effective date of this section until revised by the King County Council. Preliminary fees provide for administrations, field review, and engineer costs; fixed fees provide for all review and approval costs; and hourly fees are charged for plan and profile or revision review and approval.

	Preliminary Fee	Fixed Fee	Hourly Fee
Plats/PUD's	\$1,702	0	\$42
Short Plats	643	0	42
Commercials	626	0	42
Commercial (field check only)	0	150	0
Filling and Grading	556	0	42
Right-of-Way	0	150	0
Shoreline	0	100	0
Unclassified	0	100	0
Residential Building	0	50	0
Rezone Application	0	50	0
Conceptual residential condominium binding site plan	0	\$150	0

D. All applications for permits specified in this section received for the first time by the Surface Water Management Division on or after the effective date of this section shall be subject to the fees established by the King County Council under Ordinance 6256. All permits covered by this section received by the Surface Water Management Division prior to the effective date of this section shall be subject to the fees based upon those remaining hours of review necessary to process the drainage plans or to establish drainage conditions after the effective date of this section, but not upon those hours of review completed prior to the effective date of this section.

E. Fees shall be collected in accordance with procedures developed pursuant to K.C.C. 2.98.

F. All fees collected will be credited to the River Improvement Fund.

1 G. Any application which is deactivated by the Surface  
 2 Water Management Division subsequent to the effective date of  
 3 this section will be charged at the hourly fee rate for review  
 4 time spent prior to deactivation. This fee must be paid before  
 5 the application can be resubmitted for review.

6 H. All reviews of Erosion and Sedimentation Control Plans  
 7 will be charged at the hourly fee rate as part of the detailed  
 8 drainage plan review.

9 I. Surface Water Management Division's review of any  
 10 revisions to drainage plans approved by the Surface Water  
 11 Management Division prior to the effective date of this section  
 12 will be charged the hourly fee rate.

13 J. No separate fees will be charged for a Planned Unit  
 14 Development that is being reviewed concurrently with a  
 15 subdivision application for the same parcel of property.

16 K. Review of commercial building permit applications for  
 17 which drainage plans were approved prior to the effective date  
 18 of this section as a part of another permit approval action  
 19 will be charged at the hourly fee rate.

20 SECTION 12. Ordinance 3113, Section 4(2) and KCC 19.26.030  
 21 are each hereby amended to read as follows:

22 Application - Exemptions. No land in King County shall be  
 23 divided into four or fewer lots by or because of sale, lease,  
 24 transfer or other conveyance without compliance with this  
 25 chapter, except that divisions of land shall be exempt from the  
 26 procedures set forth in this chapter, when the following  
 27 circumstances apply:

28 A. Cemeteries and other burial plots while used for that  
 29 purpose;

30 B. Any division of land made by testamentary provisions of  
 31 the laws of descent;

32 C. Any division of land within which the smallest parcel  
 33 is twenty acres or larger;



1 D. Any deeding of land to a public body; provided,  
2 however, that any remaining lot or lots which are not  
3 consistent with King County zoning, or access, or health  
4 requirements, shall not be considered as building sites by the  
5 county;

6 E. Any division of land accomplished to implement a  
7 current use taxation agreement with the county, pursuant to RCW  
8 Chapter 84.34; provided, that abrogation of such agreement may  
9 be grounds for requiring subdivision or short plat of that land;

10 F. Any division of land for the purpose of minor  
11 adjustment of a boundary line to accommodate the transfer of  
12 land between two adjacent property owners which does not result  
13 in the creation of any new building site, substandard lot, or  
14 substandard yard or setback requirement;

15 G. Any division of land for use solely for the  
16 installation of electric power, telephone, water supply, sewer  
17 service or other utility facilities of a similar or related  
18 nature; provided, however, that any remaining lot or lots which  
19 are not consistent with King County zoning, access, or health  
20 requirements shall not be considered as building sites by King  
21 County;

22 H. Any conveyance of land by a partial fulfillment deed  
23 pursuant to a real estate contract; provided, however, that the  
24 conveyed lot and any remaining lot or lots which are not  
25 consistent with King County zoning, access, or health  
26 requirements shall not be considered as building sites by King  
27 County, that only one lot within the original real estate  
28 contract shall be recognized as a legal building site until the  
29 property is subdivided in compliance with this title, and that  
30 there shall be no reconveyance of any lot created by partial  
31 fulfillment deed without compliance with this title;

32 I. Any division of land by formal subdivision and plat as  
33 otherwise provided in this title;

1           J. Any division of land for purposes of developing a  
 2 residential condominium project pursuant to RCW 64.32, for  
 3 which a binding site plan has been approved by the manager and  
 4 recorded with the records and elections division, as set forth  
 5 in Section 2 of this ordinance.

6           SECTION 13. Ordinance 4461, Section 1 and KCC 20.24.070  
 7 are each hereby amended as follows:

8           Recommendations to the council.

9           A. The examiner shall receive and examine available  
 10 information, conduct public hearings and prepare records and  
 11 reports thereof and issue recommendations to the council based  
 12 upon findings and conclusions in the following cases:

- 13           1. Applications for reclassifications of property;
- 14           2. Applications for unclassified use permits;
- 15           3. Applications for planned unit developments;
- 16           4. Applications for preliminary plats;
- 17           5. Applications for shoreline environment redesignations;
- 18           6. Applications for boundary adjustments of local sewer  
 19 services areas in accordance with the county sewerage general  
 20 plan, Ordinance 4035, Chapter 6, required for development  
 21 proposals including but not limited to short subdivisions and  
 22 building permits, which seek or need sewer service but are  
 23 located outside of existing designated local sewer service  
 24 areas;
- 25           7. Applications for agricultural land variances;
- 26           8. Applications for review of designations of  
 27 agricultural lands of county significance of King County  
 28 agricultural districts;
- 29           9. Applications to revise the boundaries of agricultural  
 30 lands of county significance;
- 31           10. Applications for current use assessment on open space  
 32 or timber lands except as provided in Section 20.36.090;

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11. Appeals from denials by the county assessor of applications for current use assessments on farm and agricultural lands;

12. Appeals of permit denials or conditions imposed on environmental grounds pursuant to Section 20.44.010;

13. Appeals from threshold determinations concerning actions subject to council approval;

14. Appeals from decisions regarding residential condominium binding site plan applications pursuant to Chapter 19.34;


~~(14)~~ 15. Other applications or appeals which the Council may prescribe by ordinance.

B. The examiner's recommendation may be to grant or deny the application or appeal, or the examiner may recommend that the council adopt the application or appeal with such conditions, modifications and restrictions as the examiner finds necessary to make the application reasonably compatible with the environment and carry out applicable state laws and regulations and the regulations, policies, objectives and goals of the comprehensive plan, the community plans, the sewerage general plan, the zoning code, the subdivision code and other official laws, policies and objectives of King County.

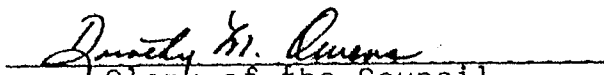
INTRODUCED AND READ for the first time this 23rd day of May, 1983.

PASSED this 11th day of July, 1983.

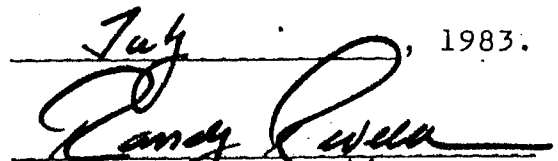
KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Chairman

ATTEST:

  
Clerk of the Council

APPROVED this 19th day of July, 1983.

  
King County Executive