

ORDINANCE NO. **11619**

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AN ORDINANCE relating to subdivision of land, adopting Title 19 and amending it to be consistent with and implement the comprehensive plan as required by the Washington State Growth Management Act, and incorporating changes as a result of the adopted Zoning Code, Title 21A, and the adopted Ordinance 10696, establishing the Department of Development and Environmental Services; repealing Ordinance 7990, Section 23, and K.C.C. 19.04.116; Ordinance 3113 section 2(2)(a) and K.C.C. 19.04.160; Resolution 11048, Sections 2A(1g), 2A(1h), as amended and K.C.C. 19.08.090 and K.C.C. 19.08.100; Resolution 11048 Sections 2A(5a), 2A(5b), 2B(10), and , K.C.C. 19.08.190, K.C.C. 19.08.200, and K.C.C. 19.08.240; Ordinance 5596, Sections 1,4,5,6,7,8 as amended, 9 through 14, and K.C.C. 19.38.010 through 19.38.120; Resolution 11048, Section 2B(9) as amended, and K.C.C. 19.12.050; Ordinance 3579, Section 2 as amended, and K.C.C. 19.08.250; Ordinance 4308, Section 3 as amended, and K.C.C. 19.08.270; Ordinance 9544, Section 1, and K.C.C. 19.08.260; Ordinance 9543, Sections 8 and 9, and K.C.C. 19.26.090 and 19.26.100; adding new Sections to K.C.C. 19.02, K.C.C. 19.04 and K.C.C. 19.12; amending Ordinance 7990, Section 24, and K.C.C. 19.04.115; Ordinance 9543, Sections 21, 25 and K.C.C. 19.04.420 and K.C.C. 19.04.460; Resolution 11048, Sections 2(part), 2A(1i) as amended, and K.C.C. 19.08.010, and K.C.C. 19.08.110; Ordinance 9543 Sections 17, 18, and K.C.C. 19.08.112, K.C.C. 19.08.114; Resolution 11048, Sections 2A(1j), 2A(6) as amended, and K.C.C. 19.08.120, K.C.C. 19.08.210; Resolution 11048, Section 2A(4), and K.C.C. 19.08.180; Resolution 11048 Section 2A(7), and K.C.C. 19.08.220; Ordinance 9544, Section 1, and K.C.C. 19.08.260; Resolution 11048, Sections 4 AB(1)(a), 4 AB(1)(b), 4 AB(1)(c), 4 AB(3) as amended, and K.C.C. 19.24.010, K.C.C. 19.24.020, and K.C.C. 19.24.030, K.C.C. 19.24.050; Ordinance 9543, Sections 2, 4, and K.C.C. 19.25.020 and K.C.C. 19.25.040; Ordinance 4460, Section 3 as amended, and K.C.C. 19.26.070; Ordinance 9543, Sections 7, 11, 12, 13, 13, and K.C.C. 19.26.080; K.C.C. 19.26.120 through 19.26.140, and K.C.C. 19.26.150; Ordinance 7990, Section 32, and K.C.C. 19.28.080; Resolution 11048, Section 4 B(1), and K.C.C. 19.32.010; Resolution 11048, Section 4 B(4), and K.C.C. 19.32.040; Ordinance 11017, Section 3, and K.C.C. 19.33.030; Ordinance 6465, Section 3 through 9, and K.C.C. 19.34.010, through 19.34.070; Resolution 11048, Appendix A as amended, and K.C.C. 19.36.010, K.C.C. 19.36.030, K.C.C. 19.36.040; Ordinance 9544, Section 3, and K.C.C. 19.36.045; Ordinance 4460, Section 1, as amended, and K.C.C. 19.36.050; Resolution 11048,

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Appendix A as amended, and K.C.C 19.36.060 through K.C.C 19.36.080; Ordinance 9544, Sections 4, 20, and K.C.C 19.36.085 and K.C.C 19.36.089; Ordinance 9544, Sections 6, 7, 8, 9, and K.C.C 19.39.020 through 19.39.050; Resolution 11048(part) as amended, and K.C.C. 19.40.020.

PREAMBLE:

For the purpose of effective land use planning and regulation, the King County Council makes the following legislative findings:

- 1. King County has adopted the 1994 King County Comprehensive Plan, to meet the requirements of the Washington State Growth Management Act (GMA).
- 2. The GMA also requires King County to adopt development regulations to be consistent with and implement the Comprehensive Plan by December 31, 1994.
- 3. The changes to the King County Subdivision Code (Title 19 of King County Code) contained in this Ordinance are needed to bring Title 19 into conformance with the 1994 King County Comprehensive Plan , as required by the GMA. As such they bear a substantial relationship to, and are necessary for the public health, safety and general welfare of King County and its residents.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. There is hereby added to K.C.C. 19.02 a new section to read as follows:

This Title is hereby enacted to be consistent with and implement the comprehensive plan in accordance with RCW 36.70A.

SECTION 2. Ordinance 7990, Section 23, and K.C.C. 19.04.116 are each repealed.

SECTION 3. Ordinance 3113, Section 2(2)(a), and K.C.C. 19.04.160 are each repealed.

SECTION 4. Resolution 11048, Sections 2A(1g), 2A(1h), 2A(5a), 2A(5b), 2B(9), 2B(10); and K.C.C. 19.08.090, 19.08.100, 19.08.190, 19.08.200, 19.08.240, and 19.12.050 are each repealed.

SECTION 5. Ordinance 5596, Sections 1 through 14, and K.C.C. 19.38.010 through 19.38.120 are each repealed.

SECTION 6. Ordinance 3579, Section 2, and K.C.C 19.08.250 are each repealed.

SECTION 7. Ordinance 9544, Section 1, and K.C.C 19.08.260 are each repealed.

SECTION 8. Ordinance 4308, Section 3, and K.C.C. 19.08.270 are each repealed.

SECTION 9. Ordinance 9543, Sections 8 and 9, and K.C.C. 19.26.090 and K.C.C. 19.26.100 are each repealed.

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

1 Department- "Department" means the Department of Development
2 and Environmental Services (DEES).

3 NEW SECTION. SECTION 11. There is hereby added to K.C.C.19.04
4 a new section to read as follows:

5 Director- "Director" means the Director of the Department of
6 Development and Environmental Services or his/her designee.

7 SECTION 12. Ordinance 7990, Section 24, and K.C.C. 19.04.115
8 are hereby amended to read as follows:

9 Development engineer. "Development engineer" means the
10 (~~building and land development division~~) department of
11 development and environmental services employee authorized to
12 oversee the review, conditioning, inspection and acceptance of
13 right-of-way use permits, road and drainage projects constructed
14 pursuant to permits administered by the (~~division~~) department.
15 The development engineer or designee shall be a professional civil
16 engineer registered and licensed under the laws of the state of
17 Washington.

18 SECTION 13. Ordinance 9543, Section 21, and K.C.C. 19.04.420
19 are hereby amended to read as follows:

20 Separate lot. "Separate lot" means a physically separate and
21 distinct parcel of property, which has been created through one of
22 the following processes:

23 A. The lot was created in compliance with the subdivision or
24 short subdivision laws in effect at the time of creation of the
25 lot.

26 B. The lot has been recognized as a lot pursuant to K.C.C.
27 19.08.114, lots created in violation of this title; or

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

- 31 1. A public road right-of-way; or
32 2. Shorelines as defined in K.C.C. 25.08.490; or
33 3. Another separate lot, or a tract as defined in K.C.C.
34 19.04.460, including railroad or public utility owned rights-of-
35 way, publicly owned property, or other parcels recognized by the
36 (~~division~~) department pursuant to K.C.C. 19.08.010.

37 SECTION 14. Ordinance 9543, Section 25, and K.C.C. 19.04.460
38 are hereby amended to read as follows:

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

44 SECTION 15. Resolution 11048, Section 2 (part), and K.C.C.
45 19.08.010 are hereby amended to read as follows:

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

5 A. Cemeteries and other burial plots while used for that
6 purpose.

7 B. Any division of land into lots or tracts each one of which
8 is twenty acres or larger, or in the case of zone classifications
9 requiring a minimum lot area greater than twenty acres, each of
10 which complies with the lot area requirements of that
11 classification. Once the original parcel is subdivided into its
12 maximum number of lots or tracts allowed under this section, no
13 additional subdivision of these lots or tracts shall be done except
14 through the subdivision or short subdivision process.

15 C. Any division of land made by testamentary provisions or the
16 laws of descent. (~~Lots created by this means which do not meet~~
17 ~~current zoning will be treated the same as legal substandard lots~~
18 ~~as provided in K.C.C. 21.48.240 and 21.48.250.)) Any development
19 on lots created by this means must comply with all applicable
20 development regulations, including zoning.~~

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

26 E. Any transfer of land to a public body, or any division of
27 land solely for the installation of electric power, telephone,
28 water supply, sewer service or other utility facilities of a
29 similar or related nature provided that no more than four lots are
30 created and provided further that any remaining lot or lots which
31 are not consistent with King County zoning, access, or health
32 requirements shall not be considered as building sites by King
33 County.

34 F. A division made for the purpose of alteration by adjusting
35 boundary lines, between platted or unplatted lots or both, which
36 does not create any additional lot, tract, parcel, site, or
37 division nor create any additional lot, tract, parcel, site, or
38 division which contains insufficient area and dimension to meet
39 minimum requirements for width and area for a building site,
40 provided the adjustment is reviewed and approved as set forth in
41 K.C.C. 19.08.112.

42 G. Any conveyance of land by a partial fulfillment deed
43 pursuant to a real estate contract; provided that the entire lot
44 within the original real estate contract shall be recognized as a

1 single legal building site until the property is subdivided in
2 compliance with this title, and that there shall be no retransfer
3 of any lot created by partial fulfillment deed without compliance
4 with this title.

5 H. Any division of land for the purpose of lease when no
6 residential structures other than mobile homes are permitted to be
7 placed upon the land and for which a binding site plan for the use
8 of the land as a mobile home park has been approved by the
9 ((manager)) director in accordance with the provisions of K.C.C.
10 ((21.09, Mobile Homes and Mobile Home Parks)) 21A.14.

11 I. Divisions of land by binding site plan into lots or tracts
12 classified for industrial or commercial use pursuant to K.C.C.
13 19.33.

14 SECTION 16. Resolution 11048, Section 2A(li), and K.C.C
15 19.08.110 are hereby amended to read as follows:

16 Large subdivisions. Where a tract is subdivided into lots of
17 an acre or more, the ((BALD)) department may require an arrangement
18 of lots and streets such as to permit a later resubdivision in
19 conformity with the street and lot requirements specified in these
20 regulations.

21 SECTION 17. Ordinance 9543, Section 17, and K.C.C 19.08.112
22 are hereby amended to read as follows:

23 Boundary line adjustments. A. Any proposed adjustment of
24 boundary lines must be reviewed and approved by the ((manager))
25 director prior to the transfer of property ownership of land
26 between adjacent separate lots. The purpose of the ((manager's))
27 director's review is to determine if the proposed division meets
28 the exemption requirements of K.C.C. 19.08.010 F. In order to
29 determine if the boundary line adjustment is exempt, the
30 ((manager)) director shall examine the King County zoning code,
31 shoreline management program, applicable board of health rules and
32 regulations, and, in addition for developed lots, uniform fire and
33 building codes.

34 B. Initial adjustment approvals shall expire if the authorized
35 deeds transferring property ownership, together with a copy of the
36 approved boundary adjustment, are not recorded within one year of
37 adjustment approval.

38 C. Revisions of approved boundary line adjustments may be
39 permitted within the one year approval period without a new
40 application only if the authorized adjustment and the deeds
41 transferring ownership have not been recorded. Modifications of
42 recorded adjustments will require the review and approval of a new
43 application package.

44 SECTION 18. Ordinance 9543, Section 18, and K.C.C. 19.08.114
45 are hereby amended to read as follows:

46 Lots created in violation of this title.

1 A. For purposes of this title, an innocent purchaser shall
 2 mean an individual who has purchased real property for value, has
 3 not received actual notice that the lot has not been legally
 4 created as provided in K.C.C. 19.04.420, and has not previously
 5 been granted innocent purchaser status by King County. All
 6 contiguous lots created in violation of this title and which are
 7 under the same ownership at the time of application for innocent
 8 purchaser status shall be recognized only as a single lot.

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

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

20 2. Innocent purchaser lots which do not meet current zoning
 21 requirements, but which did meet zoning requirements in effect at
 22 the time that they were created, will be treated the same as
 23 legally created ((substandard)) lots ((as provided in)) subject to
 24 K.C.C. ((21-48-240)) 21A.12.100; and

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

30 SECTION 19. Resolution 11048, Section 2 A (1j) and
 31 K.C.C.19.08.120 are hereby amended to read as follows:

32 Connection of streets with highway. No plan for the
 33 replatting, subdivision or dedication of any area shall be approved
 34 by the ((BALD)) department of development and environmental
 35 services unless the streets shown therein are connected by surfaced
 36 road or street (according to county specifications) to an existing
 37 dedicated highway of the county.

38 SECTION 20. Resolution 11048, Section 2A(4), and K.C.C
 39 19.08.180 are hereby amended to read as follows:

40 Parks, playgrounds and ((open public)) recreation spaces. If
 41 required by ((the Department of Planning and Community Development,
 42)) K.C.C 21A.14, all plats ((must)) shall provide ((by dedication,
 43 areas for park, playground, or open public)) recreation space((s to
 44 the extent determined as required on the basis of density of
 45 population)) for leisure, play, and sport activities.

1 SECTION 21. Resolution 11048, Section 2A(6), and K.C.C
2 19.08.210 are hereby amended to read as follows:

3 Conformance to zoning code. ((No lot or portion of a lot in this
4 plat shall be divided and sold or resold or ownership changed or
5 transferred whereby the ownership of any portion of this plat shall
6 be less than the area required for the use (zone) district in which
7 located.))

8 All final plats shall ((have their areas divided into use
9 (zone) districts in accordance with and to become governed by the
10 restrictions, rules and regulations of the zoning code, which said
11 restrictions are applicable in that they govern the use (zoning) of
12 the plat)) conform with the use, density, dimensional and other
13 standards of the Zoning Code in effect at the time of application.
14 No lot or portion of a lot shall be subdivided, sold, and its
15 ownership transferred in violation of such standards.

16 Covenants, as to use and resale binding all future owners of
17 lots, more ((severe)) restrictive than the requirements of the
18 zoning code, may be shown on the plat. In no case shall a
19 restrictive covenant contrary to the zoning code or in conflict
20 with county policies be placed on any subdivision plat.

21 SECTION 22. Resolution 11048, Section 2A (7) and
22 K.C.C.19.08.220 are hereby amended to read as follows:

23 Variances and exceptions. Variations and exceptions from the
24 dimensional standards and improvement requirements, as herein set
25 forth, may be ((made)) approved by the ((D)) department of
26 ((Planning and Community)) ((D)) development and environmental
27 services in those instances where it is deemed that hardship,
28 topography or other factual deterrent conditions prevail, and in
29 such manner as it considers necessary to maintain the intent and
30 purpose of these regulations and requirements.

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1 SECTION 23. Resolution 11048, Section 4 AB(1)(a), and K.C.C
2 19.24.010 are hereby amended to read as follows:

3 Conditions permitting private streets. Private streets
4 (~~shall not normally~~) may be permitted((. However,) if the
5 department (~~of parks, planning and resources~~) determines that
6 (~~the most logical development of land requires that~~) the lots can
7 be adequately and safely served by private streets or easements((r
8 and that the land cannot be adequately served by streets dedicated
9 to the public, private streets or easements may be approved upon
10 compliance with the provisions of this chapter)).

11 SECTION 24. Resolution 11048 Section 4 AB(1)(b), and K.C.C
12 19.24.020 are hereby amended to read as follows:

13 Conformance with code - Exception. Plats with private streets
14 shall conform in all ways to this title and follow the procedures
15 outlined herein unless greater or lesser requirements are
16 explicitly specified in this chapter or by the (~~department of~~
17 ~~parks, planning and resources~~) department of development and
18 environmental services.

19 SECTION 25. Resolution 11048, Section 4 AB(1)(c), and K.C.C
20 19.24.030 are hereby amended to read as follows:

21 Standards for modification of code by (~~department of parks,~~
22 ~~planning and resources~~) the department of development and
23 environmental services. In addition to other standards required by
24 this title, the (~~department of parks, planning and resources~~)
25 department of development and environmental services may require
26 such additional standards and conditions or it may modify the
27 standards and conditions in such a manner as is necessary to:

- 28 A. Maintain the intent and purpose of this title;
- 29 B. Assure that a degree of compatibility shall be maintained
30 with respect to properties and existing or potential uses within
31 the general area;
- 32 C. Preserve the public health, safety, morals and general
33 welfare.

34 SECTION 26. Resolution 11048, Section 4 AB(3), and K.C.C
35 19.24.050 are hereby amended to read as follows:

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1 Owners to maintain streets, easements and utilities
2 Organization required to guarantee maintenance and assessment of
3 costs. All private streets, easements, community utilities and
4 properties shall be maintained by the owners of property served by
5 them and kept in good repair at all times. In order to insure the
6 continued good repair, it must be demonstrated to the ((~~department~~
7 ~~of parks, planning and resources~~)) department of development and
8 environmental services prior to the recording of the plat that:

9 A. There is a workable organization to guarantee maintenance
10 with a committee or group to administer the organizational
11 functions;

12 B. There is a means for assessing maintenance costs equitably
13 to property owners served by the private streets, easements,
14 community utilities and properties.

15 SECTION 27. Ordinance 9543, Section 2, and K.C.C 19.26.020
16 are hereby amended to read as follows:

17 Complete application. A. Applications shall be on forms
18 prescribed by the ((~~division~~)) department, and shall include such
19 information as deemed necessary by the ((~~manager~~)) director to
20 establish compliance with subsection B. of this section.

21 B. Applications for preliminary short subdivision approval
22 shall be considered fully complete as of the date of application
23 pursuant to R.C.W. 58.17.033 once the ((~~division~~)) department
24 determines that the application contains the following materials
25 and information:

26 1. A completed short subdivision application form which
27 contains sufficient information to determine compliance with the
28 rules and regulations set forth in K.C.C. 19.26.120.B;

29 2. Verification of pre-application approval of proposed
30 water supply and sewage disposal by the Seattle-King County
31 department of public health;

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

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

35 5. Documentation of the date and method of segregation for
36 the subject property verifying that the lot or lots were not
37 created in violation of the short subdivision or subdivision laws
38 in effect at the time of creation;

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

41 7. Payment of any application fees specified in K.C.C.
42 Title 27, Development Permit Fees; ((and))

43 8. Completed applications for other applicable permits if
44 the permits are to be processed with the short subdivision, or
45 copies of issued permits if they have been previously approved;

46 9. A certificate of transportation concurrency; and

10. A certificate of sewer and water availability.

2 SECTION 28. Ordinance 9543, Section 4, and K.C.C 19.26.040
3 are hereby amended to read as follows:

4 Other agency review of completed applications. A. Upon
5 receipt of a completed application for short subdivision approval,
6 the ((division)) department shall distribute copies to public
7 agencies having pertinent expertise or jurisdiction, for their
8 review and comment.

9 B. Non-county agencies receiving short subdivision
10 applications for review shall have twenty-one calendar days to
11 respond in writing with findings or recommendations. If an agency
12 does not respond, the ((division)) department may extend the
13 deadline or conclude that the reviewing agency has no interest in
14 the application.

15 SECTION 29. Ordinance 4460, Section 3, and K.C.C 19.26.070
16 are hereby amended to read as follows:

17 Notice of application. Upon acceptance of a complete short
18 subdivision application the ((division)) department shall cause
19 notice of such application to be given within twenty days of the
20 filing of such application.

21 Notice required pursuant to this section shall be as follows:

22 A. By posting a notice board on or adjacent to the subject
23 property at a place conspicuous and likely to be seen by persons
24 passing the property. The ((division)) department may require
25 additional notice boards when a site does not abut a public road or
26 in another instance when the ((division)) department deems
27 additional boards to be necessary. Posting shall occur for at
28 least thirty days. Notice shall include but not be limited to:

29 1. The file number of the short plat, the total area of the
30 short plat, the number of lots, the typical lot size, the proposed
31 use, and the name of the applicant;

32 2. A vicinity map or general location description in non-
33 legal language;

34 3. A statement indicating that written material may be
35 submitted to the ((division)) department within thirty days after
36 notice is posted;

37 4. A form to request the preliminary and final short
38 subdivisions as approved by the ((division)) department;

39 5. Identification of the responsible county official; and

40 6. A description of the appeal procedure.

41 Posting of the required notice, including the expenses
42 thereof, shall be the responsibility of the applicant and an
43 affidavit of posting shall be submitted by the applicant to the
44 ((division)) department prior to the final comment date in a form
45 approved by the ((division)) department.

1 B. By first class mail to owners of property within five
 2 hundred feet of any boundary of the subject property. The area
 3 within which mailed notice is required shall be expanded to include
 4 at least twenty different property owners in rural or lightly
 5 inhabited areas or in other appropriate cases to the extent the
 6 ((division)) department determines is necessary. Notice shall
 7 contain:

8 1. The file number of the short plat, the total area of the
 9 short plat, the number and typical lot size, the proposed use, and
 10 the name of the applicant;

11 2. A vicinity map or general location description in non-
 12 legal language;

13 3. A statement that written materials may be submitted to
 14 the division within thirty days after notice is sent;

15 4. A form to request the preliminary and final short
 16 subdivisions as approved by the ((division)) department; and

17 5. A statement of county appeal procedures.

18 C. By first class mail sent to:

19 1. Any city located within three miles of any boundary of
 20 the subject property;

21 2. Any city which has a utility which is proposed to serve
 22 the short subdivision; and

23 3. The State Department of Transportation where the short
 24 plat or part thereof adjoins a state right-of-way.

25 The content of notice shall be as approved in subsection A. of
 26 this section.

27 D. By any other method if the ((division)) department deems it
 28 appropriate for the purpose of giving notice to interested parties,
 29 including but not limited to providing notification of the proposed
 30 action to local or community newspapers.

31 SECTION 30. Ordinance 9543, Section 7, and K.C.C.19.26.080
 32 are hereby amended to read as follows:

33 Adequacy of access. A. Each lot within the short subdivision
 34 or short subdivision alteration shall have acceptable access to a
 35 street conforming to county road standards or to a lower level of
 36 improvement acceptable to the road engineer. Individual lots may
 37 be served by access panhandles, established either by fee ownership
 38 or easement, subject to approval of the ((division)) department. In
 39 order to assure safe and adequate access, the ((manager)) director:

40 1. May approve private streets, provided the private street
 41 requirements contained in Section 2.0((5))6, Private Streets, of
 42 the county road standards as adopted in K.C.C. 14.42 are met;

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

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

4 4. Shall assure that the number of lots to be served by the
5 road system complies with the road standards.

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

9 SECTION 31. Ordinance 9543, Section 11, and K.C.C. 19.26.120
10 are hereby amended to read as follows:

11 Preliminary decision. A. Following the acceptance of a
12 complete application, or following the conclusion of any applicable
13 SEPA review and appeal period set forth in K.C.C. 20.44, County
14 Environmental Procedures the ~~((division))~~ department shall:

- 15 1. Approve the application with conditions;
- 16 2. Deny the application; or
- 17 3. Return the application to the applicant if additional
18 information or modifications are necessary to further process the
19 application.

20 The ~~((division))~~ department shall make written findings
21 regarding compliance with subsection B. of this section and notify
22 applicants of any such decision in writing within five days of the
23 decision being made. For applications returned to the applicant
24 for additional information or modifications, the division shall
25 specify a deadline for the submittal of such information or
26 modifications. Applications shall be deemed withdrawn or canceled
27 if requested information or modifications are not submitted within
28 the time period specified in the written findings. Unexpended
29 portions of application review fees shall be returned with the
30 notice of cancellation. The ~~((division))~~ department shall not
31 approve any short subdivision unless the ~~((division))~~ department
32 makes written findings that appropriate provision are made for the
33 factors set forth in RCW 58.17.110.

34 B. The preliminary decision shall be based on the following
35 factors:

- 36 1. Conformance with adopted county and state rules and
37 regulations in effect on the date the complete application was
38 received. Such rules and regulations include, but are not limited
39 to: R.C.W. 58.17; SEPA (R.C.W. Ch. 43.21C) as implemented by
40 K.C.C. Ch. 20.44; K.C.C. Title 21A, Zoning; K.C.C. 14.42, Road
41 Standards; K.C.C. 9.04, Surface Water Runoff; K.C.C. Title 25,
42 Shoreline Management, K.C.C. 19.26, Short Subdivisions; K.C.C.
43 Title 17, Fire Code, Title 13, Sewer and Water Service;
44 administrative rules adopted pursuant to K.C.C. 2.98 to implement
45 any such code or ordinance provision; King County board of health
46 rules and regulations; and county approved utility comprehensive

1 plans; and conformance with applicable private restrictions and
2 covenants.

3 2. Consideration of the recommendations or comments of
4 those agencies having pertinent expertise or jurisdiction.

5 C. The preliminary decision shall become effective 10 calendar
6 days after the decision has been mailed, or upon completion of
7 appeals filed pursuant to K.C.C. 19.26.130.

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

19 E. All construction and site development activities related to
20 the short subdivision are prohibited until the preliminary decision
21 becomes effective or until authorized by any required plan approval
22 required as a condition of preliminary short subdivision approval.

23 SECTION 32. Ordinance 9543, Section 12, and K.C.C 19.26.130
24 are hereby amended to read as follows:

25 Appeals. A. Appeals of decisions of the ((~~division~~))
26 department relying on public health rules and regulations, whether
27 for sewage or water, shall be made to the King County board of
28 health in accordance with appeal procedures administered by the
29 Seattle-King County department of public health. The decision of
30 the board shall be final for purposes of county review.

31 B. Appeals of decisions of the ((~~division~~)) department relying
32 on the road standards and rules, or surface water runoff controls,
33 shall be made as a request for a variance to the King County
34 department of public works pursuant to K.C.C. 14.42, Road
35 Standards, or K.C.C. 9.04, Surface Water Runoff Policy. The
36 decision of the department of public works shall be final for
37 purposes of county review.

38 C. Appeals of decisions of the ((~~division~~)) department relying
39 on the uniform fire code, shall be made to the King County fire
40 prevention advisory and appeals board pursuant to K.C.C. 17.08.160,
41 Fire Code. The decision of the board shall be final for purposes
42 of county review.

43 D. The ((~~division's~~)) department's decision regarding
44 preliminary short subdivision applications regarding matters not
45 appealable pursuant to Subsection A., B. or C. may be appealed by
46 any aggrieved person with legal standing to the zoning and

1 subdivision examiner pursuant to K.C.C. 20.24, Zoning and
2 Subdivision Examiner.

3 E. The decisions of the examiner or of any of the boards and
4 departments identified in Subsections A., B. or C. shall be the
5 final county decision regarding short subdivision appeals and shall
6 be final and conclusive as to all parties unless within twenty days
7 from the date of the decision, an aggrieved party of record appeals
8 the decision to Superior Court pursuant to K.C.C. 20.24.240B.

9 SECTION 33. Ordinance 9543, Section 13, and K.C.C 19.26.140
10 are hereby amended as follows:

11 Final approval and recording of short plats.

12 A. All short subdivisions shall meet the following provisions
13 prior to recording:

14 1. All final short subdivisions shall be surveyed and the
15 final recording forms shall be prepared by a licensed land
16 surveyor;

17 2. Surveys shall include those items prescribed by R.C.W.
18 58.09.060, Records of Survey, Contents - Record of Corner,
19 Information;

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

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

27 5. All required improvements must be installed and
28 approved, or bonded as specified for plats in K.C.C. 19.36,
29 Subdividing Procedure, and in K.C.C. 19.26.090.B and 19.26.100B.

30 6. The requirement for a deposit to cover anticipated taxes
31 as required for plats in R.C.W. 58.08 Plats - Recording, is waived
32 for the filing of short plats. However, the applicant shall be
33 required to provide certification from the King County office of
34 finance that property taxes for the subject property are not
35 delinquent prior to issuance of a final approval, and

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

39 B. Final short plat recording forms shall contain the
40 following signatures, approvals, or information in the format
41 prescribed by the (~~manager~~) director:

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

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- 1 2. Signature and stamp of the land surveyor who prepared
- 2 the final short plat;
- 3 3. All required dedications;
- 4 4. Reference to the recording number of the completed
- 5 survey as required by this section if the boundaries have been
- 6 previously surveyed;
- 7 5. Reference to all agreements or covenants required as a
- 8 condition of approval;
- 9 6. Notarized signatures of all persons having an ownership
- 10 or security interest in the land being subdivided;
- 11 7. Approval of the King County development engineer;
- 12 8. Approval of the county assessor; (~~and~~)
- 13 9. Approval of the (~~manager~~) director;
- 14 10. A certificate of future connection if required pursuant
- 15 to K.C.C. Title 13 (Sewer and Water Utilities).

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

24 SECTION 34. Ordinance 9543, Section 15, and K.C.C 19.26.160
25 are hereby amended to read as follows:

26 Administration. The (~~division~~) department is authorized to
27 develop and adopt administrative rules and regulations under the
28 procedures specified in K.C.C. 2.98, Rules of County Agencies, for
29 the purpose of implementing and enforcing the provisions of this
30 chapter. Rules adopted under this section are subject to Council
31 approval.

32 SECTION 35. Ordinance 7990, Section 32, and K.C.C.19.28.080
33 are hereby amended to read as follows:

34 Additional requirements. The (~~manager~~) director may require
35 the submittal of additional information, including but not limited
36 to soil and geological studies, wetland assessments, or traffic
37 studies, prior to processing a preliminary subdivision application
38 if he determines that such information is necessary for the
39 accurate review of such applications. The (~~manager~~) director may
40 also set reasonable deadlines for the supplemental submittal of
41 such information if it is found to be necessary subsequent to the
42 initial application submittal. Failure to meet such deadlines shall
43 cause the application to be deemed withdrawn, and plans or other
44 data previously submitted for review may thereafter be returned to
45 the applicant together with any unexpended portion of the
46 preliminary application review fee. In no case shall an

1 application be processed until it is complete in terms of the type
2 or amount of information necessary for accurate review.

3 SECTION 36. Resolution 11048 Section 4 B(1), and K.C.C.
4 19.32.010 are hereby amended to read as follows:

5 Approval, drawing and recording. A. APPROVAL AND DRAWING.
6 After approval of the preliminary plat by the (~~building and land~~
7 ~~development division~~) department of development and environmental
8 services, of these regulations and any other requirements specified
9 by the building and land development division, one tracing of the
10 final plat of the subdivision, on tracing cloth eighteen inches by
11 twenty-two inches in size, allowing one-half inch for a border,
12 shall be submitted to the (~~manager~~) director and the fulfillment
13 of the requirements executive officer of the (~~building and land~~
14 ~~development division~~) department of development and environmental
15 services for approval.

16 A. final plat shall be drawn with india ink on the best grade
17 of tracing cloth. If more than one sheet is required, each sheet,
18 including the index sheet, shall be of the above specified size.
19 The index sheet must show the entire subdivision with street and
20 highway names and block numbers.

21 B. RECORDING. Upon approval by the county council, the final
22 plat shall be recorded with the county records and elections
23 division auditor.

24 SECTION 37. Resolution 11048, Section 4 B(4), and K.C.C.
25 19.32.040 are hereby amended to read as follows:

26 Protective deed covenant - Forms.

27 A. A typewritten or typeprinted copy of the protective deed
28 covenants shall accompany the final plat.

29 B. FORMS (See sample plat filed in records and election
30 division).

31 1. Dedication with notarized acknowledgment, by owner or
32 owners, of the adoption of the plat and the dedication of streets
33 and other public acres. In case of corporation, proper
34 acknowledgment shall be used;

35 2. Restrictions;

36 3. Certification by registered surveyor to the effect that
37 the plat represents a survey made by him and that the monuments
38 shown thereon exist as located and that all dimensional and
39 geodetic details are correct;

40 4. Proper forms for the approvals of county engineer, of
41 the (~~building and land development division~~) department of
42 development and environmental services, and of the county council
43 with space for signatures;

44 5. Approval by signature of county records and elections
45 division, as to filing for record.

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1 Each and all of the above forms including the description
2 shall be printed with india ink in distinct, legible lettering and
3 shall be substantially in the form of the sample plat filed in the
4 records and election division.

5 SECTION 38. Ordinance 11017, Section 3, and K.C.C. 19.33.030
6 are hereby amended to read as follows:

7 Complete Application. A proposed binding site plan shall be
8 considered under the zoning and other land use control ordinances
9 in effect on the land at the time a fully completed application is
10 filed with the department. A complete application for binding site
11 plan application shall consist of;

12 A. A completed application form provided by the department,
13 signed by all property owners or their authorized agents, with
14 supporting documents (such as certificates of transportation
15 concurrency or of sewer/water availability) as required below and
16 which contains sufficient information to determine compliance with
17 adopted rules and regulations including, but not limited to RCW
18 43.21C, SEPA as implemented by WAC 197-11; K.C.C. 9.04, Surface
19 Water Management; K.C.C. Title 14((-42)), Roads Standards and
20 Transportation Concurrency and Mitigation; K.C.C. Title 17, Fire
21 Code; K.C.C. 20.44, County Environmental Procedures; K.C.C. Title
22 21A, Zoning; Title 25, Shoreline Management, K.C.C. Title 13 (Sewer
23 and Water Utilities); administrative rules adopted pursuant to
24 K.C.C. 2.98 to implement any such code or ordinance provision; King
25 County board of health rules and regulations; county approved
26 utility comprehensive plans; conformity with applicable P-suffix
27 conditions and private restrictions and covenants which are in
28 effect at the time of application.

29 B. An approved commercial site development permit; or, a
30 proposed site plan prepared by a professional land surveyor,
31 licensed in the state of Washington, in a form prescribed by the
32 director. At a minimum, the proposed site plan shall include:

- 33 1. the location and size of all proposed lots;
- 34 2. proposed and existing structures including elevations
35 and floor plans as known, (plans which show building envelopes
36 rather than footprints must include post-construction treatment of
37 unoccupied areas of the binding envelopes);
- 38 3. all proposed or existing uses;
- 39 4. the location of proposed or existing open space
40 including any required landscaped areas.
- 41 5. the location and identification of critical areas;
- 42 6. the layout of an internal vehicular and pedestrian
43 circulation system, including proposed ingress and egress for
44 vehicles;
- 45 7. the number and location of proposed or existing parking
46 spaces on and off the site;

1 8. a drainage plan which will accommodate the maximum
2 proposed square footage of impervious surface and the maximum
3 proposed square footage of impervious surface exposed to vehicular
4 use, subject to the requirements of the King County Surface Water
5 Design Manual, adopted by rule under the procedures specified in
6 K.C.C. 2.98;

7 9. the location and size of utility trunk lines serving the
8 site;

9 10. the location and size of water bodies and drainage
10 features, both natural and manmade;

11 11. a grading plan showing proposed clearing and tree
12 retention and the existing and proposed topography, detailed to
13 five-foot contours, unless smaller contour intervals are otherwise
14 required by the King County Code or rules and regulations
15 promulgated thereunder;

16 12. a layout of sewers and the proposed water distribution
17 system;

18 13. proposed easements and access; and

19 C. a completed environmental checklist, if required by K.C.C.
20 20.44;

21 D. a downstream drainage analysis or any other requirement
22 specified in the King County Surface Water Design Manual or K.C.C.
23 9.04;

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

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

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

31 H. documentation of the date and method of segregation for the
32 subject property verifying that the lot or lots were not created in
33 violation of the short subdivision or subdivision laws in effect at
34 the time of creation;

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

37 J. the payment of fees.

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

40 SECTION 39. Ordinance 6465, Section 3, and K.C.C. 19.34.010
41 are hereby amended to read as follows:

42 Applicability.

43 A. This process may be used to divide land by the owner of any
44 legal lot which is to be developed for residential condominiums
45 pursuant to RCW 64.32. A binding site plan for a residential
46 condominium project shall be based on either a recorded final

1 planned unit development, a building permit issued for the entire
2 project, or a conceptual site plan as set forth in K.C.C. 19.34.040
3 of this chapter.

4 B. This process is separate from other site plan review
5 processes including (~~the P-Suffix provisions of Chapter 21.46, the~~
6 ~~mobile home park plan provisions of Chapter 21.09, the planned unit~~
7 ~~development provisions of Chapter 21.56 and the manufacturing park~~
8 ~~site plan provisions of Chapter 21.34,)) those provisions of K.C.C.
9 Title 21A and shall not be construed to substitute for the
10 requirements of such processes.~~

11 SECTION 40. Ordinance 6465, Section 4, and K.C.C 19.34.020
12 are hereby amended to read as follows:

13 Binding site plan on recorded ((P)) planned unit developments.
14 Whenever a binding site plan for a residential condominium
15 development is proposed on a parcel for which a final planned unit
16 development has been recorded, a copy of the planned unit
17 development site plan shall be recorded as the binding site plan
18 upon verification by the (~~manager~~) director that the binding site
19 plan is the same as or contains the relevant details of the planned
20 unit development site plan.

21 SECTION 41. Ordinance 6465, Section 5, and K.C.C 19.34.030
22 are hereby amended to read as follows:

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

27 A. A plan shall be prepared in a form prescribed by the
28 (~~manager~~) director which is adequate for permanent retention by
29 the King County records and elections division.

30 B. The plan must be prepared by a registered land surveyor or
31 civil engineer.

32 C. The plan must substantially reflect the site plan approved
33 for the building permit. Specific details not relevant to the
34 division of land may be omitted.

35 D. The plan must be verified by the (~~manager~~) director for
36 compliance with the approved building permit. The (~~manager~~)
37 director may require dedication of additional right-of-way for
38 public streets pursuant to the criteria set forth in K.C.C.
39 19.26.310.

40 E. The legal description and map must be verified by the King
41 County engineer.

42 SECTION 42. Ordinance 6465, Section 6, and K.C.C 19.34.040
43 are hereby amended to read as follows:

44 Conceptual plans. Whenever a binding site plan for a
45 residential condominium project is proposed on a parcel of land for
46 which neither a planned unit development nor a building permit has

1 been approved for the entire parcel, the following must be
2 satisfied prior to recording:

3 A. A conceptual site plan shall be prepared in a form
4 prescribed by the ((~~manager~~)) director which includes the following
5 information:

- 6 1. Maximum number of dwelling units permitted.
- 7 2. Approximate size and location of all proposed buildings.
- 8 3. Approximate layout of an internal vehicular circulation
9 system, including proposed ingress and egress.
- 10 4. Approximate location of proposed open space, including
11 required landscaped areas, if any.
- 12 5. Approximate location of proposed parking areas.
- 13 6. Location and size of utility trunk lines serving the
14 site.
- 15 7. Topography detailed to five-foot contours.

16 B. Upon application the ((~~manager~~)) director shall distribute
17 copies to public agencies having pertinent expertise or
18 jurisdiction for review and comment.

19 C. The ((~~manager~~)) director shall consider, and base his
20 decision to approve with or without conditions, deny or return the
21 application on the following:

22 1. Conformance of the proposed site plan with any approved
23 building permit or planned unit development and any conditions on a
24 portion of the site, and with any applicable codes and ordinances,
25 of the State of Washington and King County. The ((~~manager~~))
26 director shall identify, to the extent feasible, conditions likely
27 to be imposed on building permits related to dedication of
28 right-of-way or open space, and tracts, easements or limitations
29 which may be proposed or required for utilities, access, drainage
30 controls, sanitation, water supply, protection of sensitive areas
31 or other unique conditions or features which may warrant protection
32 of the public health, safety, and welfare. Such preliminary
33 conditions shall not be binding at the time of building permit
34 approval.

35 2. The recommendations and comments of agencies having
36 pertinent expertise or jurisdiction.

37 3. The ((~~manager~~)) director may require dedication of
38 additional road right-of-way pursuant to the criteria of K.C.C.
39 19.26.310.

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

43 E. The plan must be approved and signed by the King County
44 engineer.

45 F. Prior to recording, the ((~~manager~~)) director shall verify
46 the final plan and any attachments to determine whether the binding

1 site plan is accurate and complete and complies with any conditions
2 or approval.

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

7 SECTION 43. Ordinance 6465, Section 7, and K.C.C. 19.34.050
8 are hereby amended to read as follows:

9 Appeal. Any decision of the ((~~manager~~)) director shall be
10 final unless appealed to the zoning and subdivision examiner
11 pursuant to Chapter 20.24.

12 SECTION 44. Ordinance 6465, Section 8, and K.C.C. 19.34.060
13 are hereby amended to read as follows:

14 Recording. The proposed binding site plan approved by the
15 ((~~manager~~)) director shall be recorded with the records and
16 elections division within thirty days of approval. Upon recording,
17 the site plan shall be binding on the owner, his heirs and assigns,
18 and shall permit the division of land within the site. Divisions
19 shall only be permitted upon the filing of a declaration under the
20 Horizontal Regimes Act, Chapter 64.32 RCW, provided the structure
21 or structures, road and parking systems, and related facilities
22 substantially conform to the recorded binding site plan.

23 SECTION 45. Ordinance 6465, Section 9, and K.C.C. 19.34.070
24 are hereby amended to read as follows:

25 Amendments and rescindment.

26 A. Amendment of a recorded residential condominium binding
27 site plan shall be accomplished by following the same process as
28 required for a new application as set forth in this chapter.

29 B. Upon the request of the owner or owners of a legal lot or
30 lots subject to a recorded binding site plan the ((~~manager~~))
31 director shall rescind all or a portion of a binding site plan,
32 provided that any portion of a binding site plan which is
33 rescinded shall be considered to be one lot unless divided by an
34 approved subdivision or short division.

35 C. Signatures of owners of portions of a binding site plan
36 which are not altered by an amendment or rescission are not
37 required on the amended binding site plan or application for
38 rescission.

39 SECTION 46. Resolution 11048, Apendix A, and K.C.C 19.36.010
40 are hereby amended to read as follows:

41 Discussion with ((~~BALD~~)) the department of development and
42 environmental services. The proposed layout shall first be
43 discussed with the ((~~BALD~~)) department.

44 SECTION 47. Resolution 11048, Apendix A, and K.C.C 19.36.030
45 are hereby amended to read as follows:

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1 Discussion and submission of preliminary plat by surveyors.
 2 The surveyors should discuss the preliminary plat with the ((BALD))
 3 department of development and environmental services staff to
 4 eliminate features which do not conform to the regulations, and
 5 submit the preliminary plat for approval by the ((BALD))
 6 department.

7 SECTION 48. Resolution 11048, Apendix A, and K.C.C 19.36.040
 8 are hereby amended to read as follows:

9 Review by Department of Public Works and Health Department
 10 ~~((Approval of plat by Division of Building and Land~~
 11 ~~Development-Division of Building and Land Development to note~~
 12 ~~required changes on plat))~~. Upon receipt of the preliminary plat,
 13 the ~~((division of building and land development))~~ department shall
 14 submit copies to the department of public works and the King County
 15 health department for review and comment concerning the
 16 acceptability of the plat and conformance with the regulations. The
 17 ~~((division of building and land development))~~ department will
 18 indicate its approval on the print of the preliminary plat which
 19 will be returned to the surveyor. Any changes required by the
 20 ~~((division of building and land development))~~ department will be
 21 marked on this print.

22 SECTION 49. Ordinance 9544, Section 3, and K.C.C.19.36.045
 23 are hereby amended to read as follows:

24 Complete application. A. Applications for preliminary
 25 subdivision approval shall be considered fully complete as of date
 26 of application pursuant to R.C.W. 58.17.033 once the ~~((division))~~
 27 department determines that the application contains the following
 28 materials and information:

29 1. A completed subdivision application form with supporting
 30 documents as required by K.C.C. 19.28.030, and which contains
 31 sufficient information to determine compliance with adopted rules
 32 and regulations including, but not limited to R.C.W. 58.17.110,
 33 R.C.W. 43.21C, SEPA as implemented by W.A.C. 197-11, K.C.C. 20.44;
 34 K.C.C. Title 21A, Zoning; K.C.C. Title 14((-42)) Road Standards and
 35 Transportation Concurrency and Mitigation; K.C.C. 9.04, Surface
 36 Water Runoff; K.C.C. Title 25, Shoreline Management; K.C.C. Title
 37 19, Subdivisions; K.C.C. Title 17, Fire Code; K.C.C. Title 13,
 38 Sewer and Water Utilities; administrative rules adopted pursuant to
 39 K.C.C. 2.98 to implement any such code or ordinance provision; King
 40 County board of health rules and regulations; county approved
 41 utility comprehensive plans; and conformance with applicable
 42 private restrictions and covenants which are in effect at the time
 43 of application;

44 2. Verification of pre-application approval of proposed
 45 water supply and sewage disposal by the Seattle-King County
 46 department of public health;

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- 1 3. Fire district receipt, pursuant to K.C.C. 17.10.020E;
- 2 4. Copies of all easements, deed restrictions or other
- 3 encumbrances restricting the use of the subject property;
- 4 5. Documentation of the date and method of segregation for
- 5 the subject property verifying that the lot or lots were not
- 6 created in violation of the short subdivision or subdivision laws
- 7 in effect at the time of creation;
- 8 6. A completed environmental checklist;
- 9 7. Payment of any application fees specified in K.C.C.
- 10 Title 27, Development Permit Fees; ((and))
- 11 8. Completed applications for other required permits if the
- 12 permits are to be processed with the subdivision, or copies of
- 13 issued permits if they have been previously approved;
- 14 9. A certificate of transportation concurrency; and
- 15 10. A certificate of sewer and water availability.

16 SECTION 50. Ordinance 4460, Section 1, and K.C.C. 19.36.050
17 are hereby amended to read as follows:

18 Notice of public hearing. The ((~~building and land development~~
19 ~~division~~)) department of development and environmental services
20 shall cause notice to be given of the time and place of the
21 ((~~Notice of public hearing.~~)) public hearing on a proposed
22 preliminary plat as follows:

23 A. By first class mail sent thirty days prior to the date of
24 hearing, to owners, including applicant, of property located within
25 five hundred feet of any boundary of the subject property. The area
26 within which mailed notice is required shall be expanded to include
27 at least twenty different property owners in rural or lightly
28 inhabited areas or in other appropriate cases to the extent the
29 ((~~division~~)) department determines is necessary. Notice shall
30 contain:

- 31 1. The name and total area of the proposed plat, the number
 - 32 of proposed lots and typical lot sizes, the proposed use and the
 - 33 name of the plat applicant;
 - 34 2. A legal description of the subject location description
 - 35 in non-legal language;
 - 36 3. The time and place of hearing at which interested
 - 37 parties may be heard;
 - 38 4. A form to request a copy of the ((~~division~~)) department
 - 39 report; and
 - 40 5. Identification of the responsible county official.
- 41 Mailed notice as provided in this subsection is supplementary to
42 official hearing notification by publication and posting and the
43 failure of one or more owners to receive mailed notice shall not
44 affect the scheduling or validity of the hearing if notice was
45 given pursuant to subsections C and D of this section.

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1 B. By first class mail sent thirty days prior to the date of
2 the hearing to:

3 1. Any city located within three miles of any boundary of
4 the subject property;

5 2. Any city which has a utility which is proposed to serve
6 the plat; and

7 3. The State Department of Transportation where the plat or
8 part thereof adjoins a state right-of-way. The content of the
9 notice shall be as provided in subsection A of this section.

10 C. By publication at least twenty days prior to the date of
11 hearing in the official county newspaper and another newspaper of
12 general circulation in the affected community.

13 D. By posting a notice board, K.C.C. 19.26.070 A., on or
14 adjacent to the subject property at a place conspicuous and likely
15 to be seen by persons passing the property. The ((division))
16 department may require additional notice boards when a site does
17 not abut a public road, when a large site abuts more than one
18 public road or in any other instance when the ((division))
19 department deems additional boards to be necessary. Posting shall
20 occur for at least thirty days prior to the date of the hearing.
21 Notice shall include but not be limited to:

22 1. The name and total area of the proposed plat, the number
23 of proposed lots and typical lot sizes, the proposed use, the name
24 of the plat applicant and the file number;

25 2. A legal description of the subject location in non-legal
26 language;

27 3. The time and place of the hearing at which interested
28 parties may testify;

29 4. A form to request a copy of the ((division)) department
30 report;

31 5. Identification of the responsible county official; and

32 6. A description of the appeal procedure.

33 The form and content of the notice shall be approved by the
34 ((division)) department. Posting, including the expenses, thereof,
35 shall be the responsibility of the applicant and an affidavit of
36 posting shall be submitted prior to the hearing by the applicant to
37 the ((division)) department in a form approved by the ((division))
38 department.

39 E. By any other method, if the ((division)) department
40 determines it appropriate for the purpose of proposed preliminary
41 plat, including but not limited to providing notification of the
42 proposed action and hearing to local or community newspapers.

43 SECTION 51. Resolution 11048, Appendix A, and K.C.C 19.36.060
44 are hereby amended to read as follows:

45 Final plat to conform to preliminary plat - Improvements to
46 conform to certain specifications - Surety bond for improvements.

1 A. After the return of the approved print of the preliminary
2 plat to the surveyor, the developer is in position to go ahead with
3 the improvement with the assurance that the final plat will be
4 approved, provided that:

5 1. The final plat strictly conforms with the approved
6 preliminary plat;

7 2. The improvements have been installed in accordance with
8 the current King County specifications for private work on county
9 rights-of-way with the approval of the development engineer or that
10 the plattor has deposited a performance bond with the ((manager))
11 director in an amount equal to the ((manager's)) director's
12 estimate for such improvements, based on current county bonding
13 schedules, as a guarantee that the plattor will, within one year
14 from date of acceptance of the final plat, complete the
15 improvements in accordance with the requirements and to the
16 satisfaction of the development engineer or in the alternative to
17 the above required bond, the ((manager)) director may accept other
18 secure methods providing for and securing to the county the actual
19 construction and installation of such improvements within a
20 one-year period and on the terms identical to the herein described
21 bond.

22 B. A bond or other satisfactory security to secure the
23 successful operation of improvements for a period of 12 months in
24 an amount and form satisfactory to the ((manager)) director. Such
25 bond or security shall cover workmanship and materials, damage from
26 reasonable expected usage and damage due to construction
27 activities.

28 1. The bond shall be deposited by the plattor with the
29 manager either:

30 a. Prior to the recording of the final plat when the
31 plattor has constructed improvements in accordance with King County
32 specifications and with the approval of the development engineer,
33 or

34 b. Prior to release of the performance bond or the
35 acceptance by King County of streets and street drainage facilities
36 for maintenance following final construction inspection.

37 2. The bond shall be in effect for a period of not less
38 than 12 months commencing upon the date of:

39 a. final plat recording, or

40 b. release of performance bond, or

41 c. acceptance by King County of streets and street
42 drainage facilities for maintenance following final construction
43 inspection, whichever occurs last.

44 SECTION 52. Resolution 11048, Appendix A, and K.C.C 19,36.070
45 are hereby amended to read as follows:

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1 Submission of final plat to ((BALD)) the department - Filing
2 fees - Deposit to cover cost of checking plat - Certificate of
3 title - Certificate of tax payment and deposit. On completion of
4 the improvements required by the county engineer, or upon the
5 receipt of the bond guaranteeing the completion of the improvement,
6 the final plat shall be submitted to the ((BALD)) department
7 accompanied by the following:

8 A. The plattor shall deposit a check payable to the county
9 Comptroller in an amount to be determined by the county Comptroller
10 according to the legal requirement, which is twenty-five cents for
11 every enclosure; seven dollars for description; one dedication, one
12 acknowledgement, etc.; one dollar for each additional dedication or
13 acknowledgement made upon such plat; five dollars for each
14 additional sheet if plat is to be recorded on more than one sheet;
15 twenty-five cents for every enclosure on both original plat and
16 replat, in case of replat; ten cents for each lot or cemetery plat.

17 If the property is registered under the Torrens Act, an additional
18 charge of one dollar and fifty cents shall be charged for each
19 numeral entered on the register. Title shall be obtained from the
20 registrar of the Torrens Act;

21 B. The plattor shall be prepared to make a deposit equal to
22 the estimated cost (to be determined by the county engineer) of
23 checking the plat. The deposit shall be made with the county
24 Comptroller to be credited to the road district fund. All work
25 done by the county engineer in connection with the checking,
26 computing and correcting such plat, either in the field or in the
27 office, shall be charged to such deposit.

28 If, during the process of checking, the county engineer finds that
29 the cost of checking will exceed the estimated cost, the county
30 engineer shall notify the plattor to deposit an additional amount
31 to cover the cost of the checking. After the county engineer has
32 completed the checking of the plat, he shall forward to the county
33 Comptroller a statement of the checking charges incurred. The
34 county Comptroller, upon receipt of the statement, shall refund to
35 the plattors the difference between the checking charges and amount
36 deposited or shall require the plattor to pay the difference if the
37 checking charges are greater than the amount deposited;

38 C. A certificate of title from a reputable abstractor, showing
39 the ownership and title of all the interested parties in the plat,
40 subdivision or dedication. The certificate shall be dated not to
41 exceed thirty days prior to the time of submitting the plat for
42 final approval;

43 D. A certificate by the county Comptroller showing that taxes
44 have been paid in accordance with RCW 58.08.030 and 58.08.040, and
45 that deposit has been made to the county Comptroller for the taxes
46 for the following year. Also, a certificate by the county

1 Comptroller showing that all taxes and assessments levied and
2 chargeable against the property in the plat, replat or subdivision
3 have been in accordance with RCW 58.08.030;

4 E. A certificate of future connection if required pursuant to
5 Title 13.

6 SECTION 53. Resolution 11048, Appendix A, and K.C.C 19.36.080
7 hereby are amended to read as follows:

8 Filing plat for record.

9 A. APPROVAL. After the county engineer has completed the
10 checking of the plat, he shall affix his signature into the space
11 provided and send the plat to the ((BALD)) department with a letter
12 stating that all requirements of this resolution have been fully
13 complied with, with the exception of the certification by the
14 office of finance. The ((BALD)) department shall, following their
15 approval of the plat, forward the tracing to the King County
16 Comptroller for his certification which is required by law. The
17 King County Comptroller immediately following his certification
18 shall forward the tracing to the council for its approval;

19 B. FILING. All plats shall be filed for record at the request
20 of the county council. After the plat has been recorded, the
21 original tracing shall be returned to the county engineer and filed
22 for record as the property of King County, Washington.

23 SECTION 54. Ordinance 9544, Section 4, and K.C.C 19.36.085
24 are hereby amended to read as follows:

25 Changes to proposed or approved plats. A. Applicant-generated
26 modifications or requests for revision(s) which are not made in
27 response to technical staff review, throughout the public process
28 or from examiner conditions which result in any substantial changes
29 as determined by the ((division)) department including the creation
30 of additional lots or elimination of open space requirements shall
31 be treated as a new application for purposes of vesting.

32 B. Applicant-generated proposals to create additional lots,
33 elimination of open space or changed conditions of approval on an
34 approved preliminary plat shall also be treated as new applications
35 for purposes of vesting.

36 C. Proposals to amend an approved final plat shall be treated
37 as an alteration pursuant to the provisions of this chapter
38 regarding alterations.

39 SECTION 55. Ordinance 9544, Section 20, and K.C.C 19.36.089
40 are hereby amended to read as follows:

41 Errors, Omissions, Corrections to Final Plats - Council
42 proceedings. Final plats approved and signed by the ((division
43 manager)) director and submitted to the clerk of the council for
44 adoption by the County Council shall be placed on the Council
45 agenda and acted upon no later than ten (10) days after receipt by
46 the clerk of the council. Upon signature of the ((division

1 ~~manager~~) director accompanied by a recommendation for approval,
2 said final plat shall be approved. Errors found during the review
3 process that are considered willful and deliberate
4 misrepresentations shall result in the plat being withdrawn and
5 subsequent resubmittals shall be treated as new final plat
6 applications.

7 SECTION 56. Ordinance 9544, Section 6, and K.C.C 19.39.020
8 are hereby amended to read as follows:

9 Application requirements. A. Any person may submit a
10 subdivision alteration or vacation application consistent with the
11 applicable provisions of K.C.C. 19.36.045 and 19.36.085 to the
12 ((~~division~~)) director provided:

13 1. Alteration applications shall contain the signatures of
14 the majority of those persons having an ownership interest in lots,
15 tracts, parcels, or divisions in the subject subdivision to be
16 altered or any portion to be altered. Vacation applications shall
17 contain the signatures of all parties having an ownership interest
18 in the portion of the subdivision subject to vacation.

19 2. If the subdivision is subject to restrictive covenants
20 which were filed at the time of the approval of the subdivision,
21 and the application for alteration or vacation would result in the
22 violation of a covenant, the application shall contain an agreement
23 signed by all parties subject to the covenants providing that the
24 parties agree to terminate or alter the relevant covenants to
25 accomplish the purpose of the alteration or vacation of the
26 subdivision or portion thereof.

27 B. Applications for vacations of county roads may be processed
28 pursuant to this chapter only when such road vacations are proposed
29 in conjunction with the vacation of the plat together with the
30 roads. Vacations limited to county roads only shall be processed
31 pursuant to R.C.W. Ch. 36.87. Regardless of the process used,
32 vacations of roads may not be made that are prohibited under R.C.W.
33 36.87.130.

34 SECTION 57. Ordinance 9544, Section 7, and K.C.C 19.39.030
35 are hereby amended to read as follows:

36 Notice.

37 A. Notice of a proposed subdivision alteration shall be given
38 by King County within ten days of determination of application
39 completeness by:

40 1. Publication in a newspaper of general circulation in the
41 county and a newspaper of general circulation in the area of the
42 proposed alteration;

43 2. Posting at least five signs or posters on or adjacent to
44 the subdivision to be altered in conspicuous locations designed to
45 provide public awareness of the proposal;

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1 3. Mailing notification to agencies identified in R.C.W.
2 58.17.080; and.

3 4. Mailing notification to the owner(s) of each lot or
4 parcel of property located within the total subdivision to be
5 altered and to owners of property within three hundred feet of the
6 original subdivision.

7 B. Alteration application notice shall include the name of the
8 applicant and a general description of the proposed alteration.
9 The notice shall also contain a vicinity map of the proposal, a
10 general locational description rather than a legal description, the
11 procedures and deadline of not less than 14 days from receipt of
12 notice for filing comments or requests for public hearings, a form
13 to request subsequent (~~(division reports)~~) department, and the name
14 of the responsible county official.

15 C. Separate mailed notice of alteration hearings as required
16 by K.C.C. 19.39.040 of this section shall be made to all persons
17 who have submitted written comments during the comment period.
18 Hearing notices shall include a description of the time and place
19 of the public hearing with the items specified in Paragraph B. of
20 this section.

21 D. Vacation application notice shall be made as set forth for
22 preliminary subdivision applications in K.C.C. 19.36.050.

23 SECTION 58. Ordinance 9544, Section 8, and K.C.C 19.39.040
24 are hereby amended to read as follows:

25 Public hearings.

26 A. A public hearing shall be required for subdivision
27 alteration proposals if requested by any person within the fourteen
28 day public comment period or if the (~~(division)~~) department
29 determines that a public hearing is in the public interest. In
30 cases where public hearings are required, the (~~(division)~~)
31 department shall refer the application to the zoning and
32 subdivision examiner for consideration pursuant to K.C.C. 20.24.070
33 and R.C.W. 58.17.330.

34 B. All subdivision vacation applications shall be referred to
35 the zoning and subdivision examiner for public hearing and
36 consideration pursuant to K.C.C. 20.24.070.

37 SECTION 59. Ordinance 9544, Section 9, and K.C.C 19.39.050
38 are hereby amended to read as follows:

39 Findings and recommendations.

40 A. Following any public hearing required by K.C.C. 19.39.040,
41 the zoning and subdivision examiner shall determine if the proposed
42 alteration or vacation is consistent with the required findings of
43 K.C.C. 20.24.195. If the proposal is found to serve such purposes,
44 the examiner may recommend that the council approve the
45 application.

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1 B. If a public hearing is not requested for an alteration
2 application, the ((division)) department shall make the same
3 findings and recommendations as set forth in Subsection A. of this
4 section directly to the council.

5 C. The council shall make findings and take actions as set
6 forth for subdivisions in K.C.C. 20.24.230 and 20.24.235 and shall
7 deny or approve the alteration or vacation accordingly.

8 SECTION 60. Resolution 11048 (part), and K.C.C 19.40.020 are
9 hereby amended to read as follows:

10 Enforcement. The director of the department of ((parks,
11 planning and resources)) development and environmental services is
12 authorized to enforce the provisions of this chapter, the
13 ordinances and resolutions codified in it, and any rules and
14 regulations promulgated thereunder pursuant to the enforcement and
15 penalty provisions of Title 23.

16 SECTION 61. Should any section, subsection, paragraph,
17 sentence, clause or phrase of this ordinance or its application to
18 any person or circumstance be declared unconstitutional or invalid
19 for any reason, such decision shall not affect the validity of the
20 remaining portion of this ordinance or its application to other
21 persons or circumstances.

22 INTRODUCED AND READ for the first time this 28th day of
23 November, 19 94.

24 PASSED by a vote of 13 to 0 this 19th day of
25 December, 19 94

26 KING COUNTY COUNCIL
27 KING COUNTY, WASHINGTON

28 Kent Pullen
29 Chair
30

31 ATTEST:

32 Gerald A. Peterson
33 Clerk of the Council

34 APPROVED this 30th day of December, 1994

35 Ray Lube
36 King County Executive
37
38
39
40

41 Attachments:

42 None

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