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Introduced By:

Clerk 12/14/99

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Proposed No.:

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ORDINANCE NO. **13694**

AN ORDINANCE relating to the segregation of land, creating a new title in the King County Code and amending Title 21A (Zoning Code); adding definitions, establishing the authority and procedures for the segregation of land; repealing Resolution 11048 as amended, Ordinance 1310, Sections 1 and 2, each as may be amended, Ordinance 2911, Section 1, Ordinance 3113, Sections 2 (2)(c)(d)(e)(f)(g)(h)(i) and 19, Ordinance 5596, Section 2, Ordinance 6084, Sections 2 and 3, each as may be amended, Ordinance 6465, Sections 1, 3 through 6, 8, 9 and 17, each as may be amended, Ordinance 7990, Sections 22 and 24, Ordinance 8131, Section 2, Ordinance 9543, Sections 1, 3, 5, 6, 7, 10, 11, 13, 14, 15, 17 through 25, 29 and 30, Ordinance 9544, Sections 4 through 10, 12, 19, 20 and 21, each as may be amended, Ordinance 11017, Sections 1, 2, 4 through 7, 10 and 12, each as may be amended, Ordinance 11619, Sections 1, 10 and 11, each as may be amended, Ordinance 11901, Section 2, Ordinance 12020, Section 36, and K.C.C. Title 19, Chapters 19.01 through 19.40; amending Ordinance 4938, Section 7, K.C.C. 9.04.090, Ordinance 10870, Section 512, K.C.C. 21A.28.020, Ordinance 11621, Section 52, K.C.C. 21A.14.260 Ordinance 12196, Sections 9, 11 and 13, K.C.C. 20.20.020, .040 and .060, and adding new sections to K.C.C. 21A.14.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. There is hereby created a new title in the King County Code entitled Land Segregation.

31 NEW SECTION. SECTION 2. There is hereby added to the King County Code a
32 new section to read as follows:

33 The purpose of this title is to:

34 A. Establish the authority and procedures for segregating land in King County.

35 B. Define and regulate divisions of land that are exempt from the short subdivision
36 or subdivision requirements.

37 C. Insure consistency with and implement the King County Comprehensive Plan
38 as amended in accordance with the Washington State Growth Management Act, RCW
39 36.70A.120.

40 D. Require uniform monumenting of land subdivisions and conveyance by
41 accurate legal description.

42 E. Protect and preserve the public health, safety and general welfare in accordance
43 with the standards established by King County and the state of Washington.

44 F. Insure consistency with chapter 58.17 RCW.

45 NEW SECTION. SECTION 3. There is hereby added to the King County Code a
46 new section to read as follows:

47 Acre. Acre: an area of land equal to forty-three thousand, five hundred sixty
48 square feet.

49 NEW SECTION. SECTION 4. There is hereby added to the King County Code a
50 new section to read as follows:

51 Alteration. Alteration: the modification of a previously recorded plat, short plat,
52 binding site plan, or any portion thereof, that results in modifications to conditions of

53 approval, the addition of new lots or more land, or the deletion of existing lots or the
54 removal of plat or lot restrictions or dedications that are shown on the recorded plat.

55 NEW SECTION. SECTION 5. There is hereby added to the King County Code a
56 new section to read as follows:

57 Applicant. Applicant: a property owner, or a public agency or public or private
58 utility that owns a right-of-way or other easement or has been adjudicated the right to such
59 easement pursuant to RCW 8.12.090, or any person or entity designated or named in
60 writing by the property or easement owner to be the applicant, in an application for a
61 development proposal, permit or approval.

62 NEW SECTION. SECTION 6. There is hereby added to the King County Code a
63 new section to read as follows:

64 Binding site plan. Binding site plan: a plan drawn to scale processed in
65 accordance with sections 68 through 73 of this ordinance and chapter 58.17 RCW.

66 NEW SECTION. SECTION 7. There is hereby added to the King County Code a
67 new section to read as follows:

68 Building envelope. Building envelope: the area of a lot that delineates the limits of
69 where a building may be placed on a lot.

70 NEW SECTION. SECTION 8. There is hereby added to the King County Code a
71 new section to read as follows:

72 Building site. Building site: a parcel, consisting of one or more lots or portions
73 thereof, that is capable of being developed under current federal, state, and local statutes,
74 including: zoning and use provisions, dimensional standards, minimum lot area for

75 construction, minimum lot width, shoreline master program provisions, sensitive area
76 provisions, health and safety provisions.

77 NEW SECTION. SECTION 9. There is hereby added to the King County Code a
78 new section to read as follows:

79 Civil engineer. Civil engineer: an individual registered and licensed as a
80 professional civil engineer pursuant to chapter 18.43 RCW.

81 NEW SECTION. SECTION 10. There is hereby added to the King County Code a
82 new section to read as follows:

83 Engineered preliminary drainage plan. Engineered preliminary drainage plan: a
84 preliminary plan, consistent with the King County Surface Water Design Manual, that
85 shows the locations, types and approximate sizes of the proposed drainage and conveyance
86 facilities, including any required bioswales, wetponds or other water quality facilities.

87 NEW SECTION. SECTION 11. There is hereby added to the King County Code a
88 new section to read as follows:

89 Condominium. Condominium: real property, portions of which are designated for
90 separate ownership and the remainder of which is designated for common ownership
91 solely by the owners of those portions as defined in chapters 64.32 and 64.34 RCW. Real
92 property is not a condominium unless the undivided interests in the common elements are
93 vested in the unit owners and unless a declaration, survey map and plans have been
94 recorded pursuant to chapter 64.32 or 64.34 RCW.

95 NEW SECTION. SECTION 12. There is hereby added to the King County Code a
96 new section to read as follows:

97 Dedication. Dedication: the deliberate conveyance of land by an owner for any
98 general and public uses, reserving no rights other than those that are compatible with the
99 full exercise and enjoyment of the public uses for which the property has been conveyed.
100 The intention to dedicate shall be evidenced by the owner by the presentment for filing of a
101 final plat, short plat or binding site plan showing the dedication thereon or quit claim deed.
102 The acceptance by the public shall be evidenced by the approval of such plat, short plat,
103 binding site plan or quit claim deed for filing by the county.

104 NEW SECTION. SECTION 13. There is hereby added to the King County Code a
105 new section to read as follows:

106 Department. Department: the King County department of development and
107 environmental services.

108 NEW SECTION. SECTION 14. There is hereby added to the King County Code a
109 new section to read as follows:

110 Development engineer. Development engineer: the director of the department of
111 development and environmental services or his or her designee, authorized to oversee the
112 review, conditioning, inspection and acceptance of right-of-way use permits, road and
113 drainage projects constructed pursuant to permits administered by the department and
114 required pursuant to this title. The designee shall be a professional civil engineer
115 registered and licensed pursuant to chapter 18.43 RCW.

116 NEW SECTION. SECTION 15. There is hereby added to the King County Code a
117 new section to read as follows:

118 Director. Director: the director of the King County department of development
119 and environmental services or his or her designee.

120 NEW SECTION. SECTION 16. There is hereby added to the King County Code a
121 new section to read as follows:

122 Easement. Easement: a right granted by a property owner to specifically named
123 parties or to the public for the use of certain land for specified purposes, that may include,
124 but are not limited to, road access, pedestrian or bicycle pathways, minerals, utility
125 easements, drainage and open space.

126 NEW SECTION. SECTION 17. There is hereby added to the King County Code a
127 new section to read as follows:

128 Financial guarantee. Financial guarantee: a form of financial security posted to
129 ensure timely and proper completion of improvements, compliance with the King County
130 Code or to warrant materials, workmanship of improvements and design. Financial
131 guarantees include assignments of funds, cash deposits, surety bonds and other forms of
132 financial security acceptable to the director.

133 NEW SECTION. SECTION 18. There is hereby added to the King County Code a
134 new section to read as follows:

135 General site plan. General site plan: a site plan approved pursuant to this title that
136 is not based on a recorded final planned unit development, a building permit, an as-built
137 site plan for developed sites or a site development permit issued for the entire site.

138 NEW SECTION. SECTION 19. There is hereby added to the King County Code a
139 new section to read as follows:

140 Homeowners' association. Homeowners' association: any combination or
141 grouping of persons or any association, corporation or other entity that represents
142 homeowners residing in a short subdivision, subdivision or binding site plan. A

143 homeowners' association need not have any official status as a separate legal entity under
144 the laws of the state of Washington.

145 NEW SECTION. SECTION 20. There is hereby added to the King County Code a
146 new section to read as follows:

147 Improvements. Improvements: constructed appurtenances, including but not
148 limited to road and drainage construction, utility installation, recreational features, lot
149 grading prior to a building permit, plat monument signs, survey monuments.

150 NEW SECTION. SECTION 21. There is hereby added to the King County Code a
151 new section to read as follows:

152 Innocent purchaser. Innocent purchaser: an individual who has purchased real
153 property for value and states under oath that he or she had no knowledge at any time prior
154 to or during the sale that the lot had been or is being created in violation of the provisions
155 of this title.

156 NEW SECTION. SECTION 22. There is hereby added to the King County Code a
157 new section to read as follows:

158 Land surveyor. Land surveyor: an individual licensed as a land surveyor pursuant
159 to chapter 18.43 RCW.

160 NEW SECTION. SECTION 23. There is hereby added to the King County Code a
161 new section to read as follows:

162 Lot. Lot: a physically separate and distinct parcel of property that has been created
163 pursuant to the provisions of this title, or pursuant to any previous laws governing the
164 subdivision, short subdivision or segregation of land.

165 NEW SECTION. SECTION 24. There is hereby added to the King County Code a
166 new section to read as follows:

167 Nonbuilding lot. Nonbuilding lot: a lot created defined as a nonbuilding lot on the
168 face of the plat or short plat, for which improvements for the purpose of human habitation
169 or occupancy are prohibited.

170 NEW SECTION. SECTION 25. There is hereby added to the King County Code a
171 new section to read as follows:

172 Ownership interest. Ownership interest: having property rights as a fee owner,
173 contract purchaser.

174 NEW SECTION. SECTION 26. There is hereby added to the King County Code a
175 new section to read as follows:

176 Plat, final. Final plat: the final drawing of the subdivision and dedication prepared
177 for filing with the county auditor and containing all elements and requirements set forth in
178 this title and in chapter 58.17 RCW

179 NEW SECTION. SECTION 27. There is hereby added to the King County Code a
180 new section to read as follows:

181 Plat, preliminary. Preliminary plat: a neat and approximate drawing of a proposed
182 subdivision showing the general layout of streets, alleys, lots, blocks and other elements of
183 a subdivision required by this title and chapter 58.17 RCW. The preliminary plat shall be
184 the basis for the approval or disapproval of the general layout of a subdivision.

185 NEW SECTION. SECTION 28. There is hereby added to the King County Code a
186 new section to read as follows:

187 Revisions. Revisions: a change prior to recording of a previously approved
188 preliminary plat, preliminary short plat or binding site plan that includes, but is not limited
189 to, the addition of new lots, tracts or parcels.

190 NEW SECTION. SECTION 29. There is hereby added to the King County Code a
191 new section to read as follows:

192 Segregation. Segregation: a division of land by any of the following means:
193 subdivisions, short subdivisions, binding site plans and divisions described in Section 39 of
194 this ordinance.

195 NEW SECTION. SECTION 30. There is hereby added to the King County Code a
196 new section to read as follows:

197 Short plat, final. Final short plat: the final drawing of the short subdivision and
198 dedication prepared for filing with the county auditor and containing all elements and
199 requirements set forth in this title and in chapter 58.17 RCW.

200 NEW SECTION. SECTION 31. There is hereby added to the King County Code a
201 new section to read as follows:

202 Short plat, preliminary. Preliminary short plat: a neat and approximate drawing of
203 a proposed short subdivision showing the general layout of streets, alleys, lots, blocks and
204 other elements of a short subdivision required by this title and chapter 58.17 RCW. The
205 preliminary short plat shall be the basis for the approval or disapproval of the general
206 layout of a subdivision.

207 NEW SECTION. SECTION 32. There is hereby added to the King County Code a
208 new section to read as follows:

209 Short subdivision. Short subdivision: a division or redivision of land into four or
210 fewer lots, tracts, parcels or sites for the purpose of sale, lease or transfer of ownership.

211 NEW SECTION. SECTION 33. There is hereby added to the King County Code a
212 new section to read as follows:

213 Subdivision. Subdivision: a division or redivision of land into five or more lots,
214 tracts or parcels for the purpose of sale, lease or transfer of ownership.

215 NEW SECTION. SECTION 34. There is hereby added to the King County Code a
216 new section to read as follows:

217 Tract. Tract: land reserved for specified uses including, but not limited to, reserve
218 tracts, recreation, open space, sensitive areas, surface water retention, utility facilities and
219 access. Tracts are not considered lots or building sites for purposes of residential dwelling
220 construction.

221 NEW SECTION. SECTION 35. Parent parcel. Parent parcel: each existing lot
222 that is located within the perimeter of a proposed boundary line adjustment application.

223 NEW SECTION. SECTION 36. There is hereby added to the King County Code a
224 new section to read as follows:

225 Scope of chapter. This chapter contains provisions general to the administration of
226 land segregation. Any segregation of land is subject to the provisions of this title except as
227 stated herein.

228 NEW SECTION. SECTION 37. There is hereby added to the King County Code a
229 new section to read as follows:

230 Adverse possession lawsuit. Applications for segregation allowed by this title
231 concerning lands on which there is a pending lawsuit for adverse possession will not

232 receive final approval without the consent of the adverse possession claimant or until a
233 trial court judgment settling the lawsuit is entered.

234 NEW SECTION. SECTION 38. There is hereby added to the King County Code a
235 new section to read as follows:

236 Transfer of land or granting of an easement to a public agency. The transfer of land
237 or granting of an easement to a public agency for road and utility purposes shall not be
238 considered a segregation of land.

239 NEW SECTION. SECTION 39. There is hereby added to the King County Code a
240 new section to read as follows:

241 Exemptions. The subdivision and short subdivision provisions of this title shall not
242 apply to:

243 A. Divisions of lands for cemeteries and other burial plots while used for that
244 purpose.

245 B. Divisions of land into lots or tracts each one of which is one-sixteenth of a
246 section of land or larger, or forty acres or larger if the land is not capable of description as
247 a fraction of a section of land; provided, that for purposes of computing the size of a lot
248 that borders on a street or road, the lot size shall be expanded to include that area that
249 would be bounded by the center line of the road or street and the side lot lines of the lot
250 running perpendicular to such center line and further provided that within the resource
251 zones, each lot or tract shall be of a size that meets the minimum lot size requirements of
252 K.C.C. 21A.12.040.A for the respective zone.

253 C. Divisions of land into lots or tracts that are one-one hundred twenty-eighth of a
254 section, or five acres or larger only for the purpose of allowing fee simple purchase or
255 deeding of such lots or tracts to public agencies.

256 D. Divisions of land made by testamentary provisions or laws of descent.

257 E. Divisions of land into lots or tracts consistent with RCW 58.17.040(7), for
258 which a condominium binding site plan has been recorded in accordance with the binding
259 site plan provisions set forth in this title.

260 F. An adjustment of boundary lines in accordance with the provisions of this title.

261 G. Divisions of land for the purpose of lease when no residential structures other
262 than mobile homes are permitted to be placed upon the land and for which a binding site
263 plan for the use of the land as a mobile home park has been approved by the director.

264 H. Divisions of land by binding site plan into lots or tracts classified for industrial
265 or commercial use consistent with the binding site plan provisions of this title.

266 I. Divisions of land by a public roadway or freeway, as defined by the King
267 County Roadway Functional Classification System, that is planned, established, financed
268 and constructed by a state or county agency after the effective date of this ordinance.

269 NEW SECTION. SECTION 40. There is hereby added to the King County Code
270 a new section to read as follows:

271 Recording map and legal descriptions. The final recording map and legal
272 description of a plat, short plat, boundary line adjustment or binding site plan shall be
273 prepared by a land surveyor in accordance with chapter 58.09 RCW and chapter 332-130
274 WAC, Surveys and Recording, and be recorded with the county office of records and
275 elections as required by this title.

276 NEW SECTION. SECTION 41. There is hereby added to the King County Code
277 a new section to read as follows:

278 Review for conformity with other codes, plans and policies. Applications for
279 approvals pursuant to this title shall be reviewed in accordance with the applicable
280 procedures of any combination of this title and K.C.C. chapters 20.20 and 20.24.
281 Furthermore, applications for subdivisions, short subdivisions and binding site plans may
282 be approved, approved with conditions or denied in accordance with the following adopted
283 county and state rules, regulations, plans and policies including, but not limited to:

- 284 A. Chapter 43.21C RCW (SEPA);
- 285 B. Chapter 58.17 RCW (Subdivisions);
- 286 C. Chapters 36.70A and 36.70B RCW (Growth Management and Project Review);
- 287 D. K.C.C. Title 9 (Surface Water Management);
- 288 E. K.C.C. Title 13 (Sewer and Water);
- 289 F. K.C.C. Title 14 (Roads and Bridges);
- 290 G. K.C.C. Title 17 (Fire Code);
- 291 H. K.C.C. chapter 20.44 (SEPA);
- 292 I. K.C.C. Title 21A (Zoning);
- 293 J. K.C.C. Title 23 (Code Enforcement);
- 294 K. K.C.C. Title 25 (Shoreline Master Program);
- 295 L. Administrative rules adopted pursuant to K.C.C. chapter 2.98;
- 296 M. King County board of public health rules and regulations;
- 297 N. King County approved utility comprehensive plans;
- 298 O. King County Comprehensive Plan;