13694

09/30/1999

Introduced By: Brian Derdowski, Larry Phillips, Jane Hague

Clerk 12/14/99
rb

Proposed No.: 98-585

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Director. Director: the director of the King County department of development 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:

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

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

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

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

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

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

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

NEW SECTION. SECTION 32. There is hereby added to the King County Code a 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

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

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

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

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

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

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

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

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

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

A. Chapter 43.21C RCW (SEPA);

B. Chapter 58.17 RCW (Subdivisions);

C. Chapters 36.70A and 36.70B RCW (Growth Management and Project Review);

D. K.C.C. Title 9 (Surface Water Management);

E. K.C.C. Title 13 (Sewer and Water);

F. K.C.C. Title 14 (Roads and Bridges);

G. K.C.C. Title 17 (Fire Code);

H. K.C.C. chapter 20.44 (SEPA);

I. K.C.C. Title 21A (Zoning);

J. K.C.C. Title 23 (Code Enforcement);

K. K.C.C. Title 25 (Shoreline Master Program);

L. Administrative rules adopted pursuant to K.C.C. chapter 2.98;

M. King County board of public health rules and regulations;

N. King County approved utility comprehensive plans;

O. King County Comprehensive Plan;

299 P. County wide Planning Policies;

300 Q. this title.

301 NEW SECTION. SECTION 42. There is hereby added to the King County Code
302 a new section to read as follows:

303 Determining and maintaining legal status of a lot. A. A property owner may
304 request that the department determine whether a lot was legally segregated. The property
305 owner shall demonstrate to the satisfaction of the department that, a lot was created, in
306 compliance with applicable state and local land segregation statutes or codes in effect at
307 the time the lot was created, including, but not limited to, demonstrating that the lot was
308 created:

309 1. Prior to June 9, 1937 and the lot has been:

310 a. Provided with approved sewage disposal or water systems or roads, or

311 b. Conveyed as an individually described parcel to separate, noncontiguous
312 ownerships through a fee simple transfer or purchase prior to October 1,
313 1972

314 c. Recognized prior to October 1, 1972 as a separate tax lot by the county
315 assessor;

316 2. Through a review and approval process recognized by the county for the
317 creation of four lots or less from June 9, 1937 to October 1, 1972 or the subdivision
318 process on or after June 9, 1937;

319 3. Through the short subdivision process on or after October 1, 1972; or

320 4. Through the following alternative means allowed by the state statute or county
321 code:

322 a. For the raising of agricultural crops or livestock, in parcels greater than ten
323 acres, between September 3, 1948, and August 11, 1969;
324 b. For cemeteries or other burial plots, while used for that purpose, on or after
325 August 11, 1969;
326 c. At a size five acres or greater, recorded between August 11, 1969, and
327 October 1, 1972, and did not contain a dedication;
328 d. At a size twenty acres or greater, recognized prior to the effective date of this
329 title provided, however, for remnant lots not less than seventeen acres and no more than
330 one per quarter section;
331 e. Upon a court order entered between August 11, 1969, to July 1, 1974;
332 f. Through testamentary provisions or the laws of descent after August 10,
333 1969;
334 g. Through an assessor's plat made in accordance with RCW 58.18.010 after
335 August 10, 1969;
336 h. As a result of deeding land to a public body after April 3, 1977, and that is
337 consistent with King County zoning code, access and board of health requirements so as to
338 qualify as a building site pursuant to section 8 of this ordinance; or
339 i. By a partial fulfillment deed pursuant to a real estate contract recorded prior
340 to October 1, 1972, and no more than four lots were created per the deed.
341 B. In requesting a determination, the property owner shall submit evidence,
342 deemed acceptable to the department, such as:
343 1. Recorded subdivisions or division of land into four lots or less;
344 2. King County documents indicating approval of a short subdivision;

345 3. Recorded deeds or contracts describing the lot or lots either individually or as
346 part of a conjunctive legal description (e.g. Lot 1 and Lot 2); or
347 4. Historic tax records or other similar evidence, describing the lot as an
348 individual parcel. The department shall give great weight to the existence of historic tax
349 records or tax parcels in making its determination.
350 C. Once the department has determined that the lot was legally created, the
351 department shall continue to acknowledge the lot as such, unless the property owner re-
352 aggregates or merges the lot with another lot or lots in order to:
353 1. Create a parcel of land that would qualify as a building site, or
354 2. Implement a deed restriction or condition, a covenant or court decision.
355 D. The department's determination shall not be construed as a guarantee that the
356 lot constitutes a building site as defined in section 8 of this ordinance.
357 E. Reaggregation of lots after the effective date of this ordinance shall only be the
358 result of a deliberate action by a property owner expressly requesting a
359 permanent merger of two or more lots.
360 NEW SECTION. SECTION 43. There is hereby added to the King County Code a
361 new section to read as follows:
362 Removing limitations on nonbuilding lots. Limitations placed on a nonbuilding lot
363 may be removed and the lot recognized by King County as a building lot by approval of a
364 subdivision, short subdivision, binding site plan or alteration of a plat, short plat or binding
365 site plan.
366 NEW SECTION. SECTION 44. There is hereby added to the King County Code a
367 new section to read as follows:

368 Determining innocent purchaser status. A. An innocent purchaser of a parcel
369 divided in violation of King County subdivision requirements who files a notarized
370 affidavit of innocent purchase with the department on forms approved by the director may
371 seek to establish the parcel's eligibility for county development approvals and for lawful
372 future conveyance; provided that nothing herein is intended to exempt development on
373 innocent purchaser lots from compliance with development standards of the county's
374 zoning code.

375 B. All contiguous parcels divided in violation of this title that are under common
376 ownership at the time of application for innocent purchaser status shall be recognized only
377 as a single lot.

378 C. Innocent purchaser status shall not be granted to any individual or group more
379 than once.

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

382 Public street rights-of-way. Dedication or deeding to the county of right-of-way or
383 a portion thereof for public streets shall be required within or along the boundaries of all
384 binding site plans, subdivisions and short subdivisions or of any lot or lots within them,
385 under the following circumstances, where facts support that such dedication is reasonably
386 necessary as a result of the impact created by the proposed development:

387 A. Where the six-year capital improvement plan or transportation needs report
388 indicates the necessity of a new right-of-way or portion thereof for street purposes;

389 B. Where necessary to extend or to complete the existing or future neighborhood
390 street pattern;

391 C. Where necessary to provide additions of right-of-way to existing county right-
392 of-way;
393 D. Where necessary to comply with county road standards and King County road
394 plans;
395 E. Where necessary to provide a public transportation system that supports future
396 development of abutting property consistent with the King County Comprehensive Plan or
397 King County zoning code, provided that the right-of-way shall:
398 1. Provide for vehicular and pedestrian circulation within and between
399 neighborhoods;
400 2. Provide local traffic alternatives to the use of arterial streets; and
401 3. Reduce potential traffic impacts to existing residential access streets.
402 NEW SECTION. SECTION 46. There is hereby added to the King County Code a
403 new section to read as follows:
404 Limitations within future road corridors. In order to allow for the development of
405 future road corridors that would complete the public circulation system or that would
406 provide a sole source of access for an abutting property, the county may limit
407 improvements within specific areas of a proposed binding site plan, subdivision or short
408 subdivision. These limitations may preclude the construction of buildings, driveways,
409 drainage facilities or other improvements within the specified areas.
410 NEW SECTION. SECTION 47. There is hereby added to the King County Code a
411 new section to read as follows:
412 Affidavit of correction. A. Any map page or document on file with the records
413 and elections division under the provisions of this title that contains an error in fact or

omission may be amended by an affidavit of correction. The following types of errors may be corrected by affidavit:

1. Any courses, distances or elevations omitted from the recorded document;

2. An error in any courses, distances or elevations shown on the recorded document;

3. An error in the description of the real property shown on the recorded document;

4. An error in the field location of any shown easement; or

5. Any other error or omission where the error or omission is ascertainable from the data shown on the recorded document.

B. Nothing in this section shall be construed to permit changes in courses, distances or elevations for the purpose of redesigning lot or tract configurations.

C. The affidavit of correction shall contain the seal and signature of the land surveyor making the correction.

D. The affidavit of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The notarized signatures of the owners shall be required, if deemed necessary by the department.

E. The affidavit of correction form, as provided by the department, shall be submitted to the department for review and approval and shall include signatures of the development engineer, the director of the department, the King County assessor and the manager of the King County division of records and elections. After department approval,

436 the affidavit shall be recorded with the records and elections division. Submittals shall
437 include payment of fees as authorized by K.C.C. Title 27..

438 F. Should a nonsurvey-related error occur on the recorded document as a result of
439 information required to be placed on the document by the department, the department's
440 responsible land surveyor may prepare the affidavit providing the original land surveyor
441 has no objections. The seal and signature of the department's responsible land surveyor
442 making the correction shall be affixed to the affidavit. A copy of the affidavit shall be
443 mailed by the department to the original land surveyor following recording.

444 NEW SECTION. SECTION 48. There is hereby added to the King County Code a
445 new section to read as follows:

446 Vertical and horizontal survey controls. A. Vertical requirements. The vertical
447 datum on all engineering plans, plats, binding site plans and short plats shall be the North
448 American vertical datum of 1988 and shall tied to at least one King County Survey Control
449 Network benchmark. The benchmark will be shown on the plans. If a King County
450 Survey Control Network benchmark does not exist within one-half mile of the subject
451 property, or two hundred fifty feet or greater of total vertical difference exists between the
452 starting benchmark and the project, an alternate vertical datum may be used.

453 B. Horizontal requirements. The horizontal component of all plats, binding site
454 plans and short plats shall have the North American datum of 1983/91 as its coordinate
455 base and basis for bearings. All horizontal control for these projects shall be referenced to
456 a minimum of two King County Survey horizontal control monuments. If two horizontal
457 control monuments do not exist within one mile of these projects, an alternate coordinate
458 base and basis of bearings may be used.

459 NEW SECTION. SECTION 49. There is hereby added to the King County Code a
460 new section to read as follows:
461 Financial guarantees. Notwithstanding any other provision of this title, the director
462 is authorized to require all applicants issued permits or approvals under the provisions of
463 this title to post financial guarantees consistent with the provisions of K.C.C. Title 27A.
464 NEW SECTION. SECTION 50. There is hereby added to the King County Code a
465 new section to read as follows:
466 Application requirements for preliminary plats, preliminary short plats and
467 preliminary binding site plans. The following application requirements shall be required in
468 addition to those application requirements described in K.C.C. 20.20.040:
469 A. A title report issued within thirty days of application, showing all persons
470 having an ownership interest, a legal description describing exterior boundary of
471 application site and listing all encumbrances affecting the site.
472 B. A map prepared by a land surveyor showing the following:
473 1. Location of all physical and legal description encroachments affecting the
474 boundary between the application site and the adjoining parcels. Encroachments may be
475 from the application site onto the adjoining parcels or from the adjoining parcels onto the
476 application site;
477 2. Contours based upon topographic field survey. For land inside the urban
478 growth boundary, contour intervals shall be at two-foot intervals when slopes are fifteen
479 percent or less and five-foot intervals for slopes exceeding fifteen percent. The
480 preliminary map shall contain notes indicating that contours are based upon field survey.
481 A field topographic base map shall accompany the application. If approved by the

department, field survey may be waived for large areas of open space or extensive sensitive area tracts. Two temporary benchmarks must be shown within the application site along with the appropriate elevation and datum;

3. A legal description of application site as shown in the title report;

4. The proposed layout of lots, tracts, right-of-way and easements, along with existing utilities and areas of proposed dedications;

5. The purpose of any tracts and dedications proposed within the application site;

6. All easements, listed in the title report, capable of being plotted on the map;

7. Field-verified survey of location of all known sensitive areas including, but not limited to, streams, wetlands and steep slopes that may affect the proposal. Show the approximate one hundred-year floodplain of sensitive areas, where applicable;

8. Name of proposal;

9. North arrow, scale and date of map and revisions when applicable;

10. Location of adjoining parcels and buildings within one hundred feet of the site shall be shown and delineated by dashed lines. The zoning of the parcels shall also be identified;

11. Name and location of all existing adjoining right-of-way along with the name and location of any adjoining or internal right-of-way proposed to be vacated with the proposal;

12. A vicinity map; and

13. An engineered preliminary drainage plan.

C. A proposed binding site plan shall be deemed to have satisfied the requirements of Section 50B when the binding site plan is based on a recorded final planned unit

505 development, building permit, as-built site plan for developed sites or a site development
506 permit for the entire site.

507 NEW SECTION. SECTION 51. There is hereby added to the King County Code a
508 new section to read as follows:

509 Minimum subdivision and short subdivision improvements.

510 A. Prior to final recording of a plat or short plat, the following minimum
511 improvements shall be constructed consistent with the approved plans, except that the
512 director may allow posting of a financial guarantee in the event that expiration of the plat
513 or short plat is imminent or other extraordinary circumstances prevent the construction of
514 such improvements.

515 1. Drainage facilities and erosion control measures consistent with K.C.C.
516 9.04.090;

517 2. Water mains and hydrant installed and fire flow available, if required;

518 3. Roadways graded to all lots within the subdivision or short subdivision and
519 capable of providing access by passenger vehicle;

520 4. Specific site improvements required by the preliminary plat approval ordinance
521 or preliminary short plat approval decision, if the decision requires completion prior to plat
522 recording;

523 5. Delineation of sensitive areas that are to remain undeveloped;

524 6. Temporary control monuments set by a land surveyor, located in
525 conformance with this title, and in place at final inspection. Permanent monuments and
526 control points shall be set and verified by a land surveyor within ninety days of the final
527 lift of asphalt; and

528 7. Improvements without which the director determines a safety hazard would
529 exist.
530 B. The director shall have right of entry onto any lot, tract, easement or parcel that
531 is part of the final plat or short plat to ensure compliance with the minimum subdivision
532 improvements required in subsection A of this section.
533 NEW SECTION. SECTION 52. There is hereby added to the King County Code a
534 new section to read as follows:
535 Violations and enforcement. Any person or entity who violates any provision of
536 this title shall, in addition to any remedies and sanctions provided for under state law, be
537 subject to the enforcement provisions of K.C.C. Title 23.
538 NEW SECTION. SECTION 53. There is hereby added to the King County Code a
539 new section to read as follows:
540 Circumvention of zoning density prohibited. A legal lot, which has been subject to
541 a boundary line adjustment or created through a legally recognized land segregation
542 process and is of sufficient land area to be subdivided at the density applicable to the lot,
543 may be further segregated. However, such further segregation of the lot shall not be
544 permitted if the total number of lots contained within the external boundaries of the lots
545 subject to the original boundary line adjustment or the total number of lots contained
546 within the external boundary of the parcel subject to the original land segregation, exceed
547 the density allowed under current zoning.
548 NEW SECTION. SECTION 54. There is hereby added to the King County Code a
549 new section to read as follows:

550 Rules. The director is authorized to adopt rules to implement the provisions of this
551 title pursuant to K.C.C. chapter 2.98.

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

554 Purpose. The purpose of this chapter is to specify requirements for the segregation
555 of land into short subdivisions, which are four or fewer lots, and subdivisions, which are
556 five or more lots, in accordance with applicable Washington state and King County laws,
557 rules and regulations, including permit processing procedures required by K.C.C. chapter
558 20.20.

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

561 Preliminary approval of subdivision. A. Preliminary subdivision approval shall be
562 effective for a period of sixty months.

563 B. Preliminary subdivision approval shall be considered the basis upon which the
564 applicant may proceed toward development of the subdivision and preparation of the final
565 plat subject to all the conditions of the preliminary approval.

566 C. If the final plat is being developed in divisions, and final plats for all of the
567 divisions have not been recorded within the time limits provided in this section, preliminary
568 subdivision approval for all unrecorded divisions shall become void. The preliminary
569 subdivision for any unrecorded divisions must again be submitted to the department with a
570 new application, subject to the fees and regulations applicable at the time of submittal.

571 D. An urban planned development permit, fully contained community permit, or
572 development agreement approved pursuant to K.C.C. chapter 21A.39 may extend the

573 preliminary approval period beyond sixty months for any preliminary subdivision
574 approved simultaneous or subsequent to the urban planned development permit or fully
575 contained community permit. Such extensions may be made contingent upon satisfying
576 conditions set forth in the urban planned development permit, fully contained community
577 permit or development agreement. In no case shall the extended preliminary approval
578 period exceed the expected buildout time period of the urban planned development or fully
579 contained community as provided in the urban planned development permit, fully
580 contained community permit or development agreement. This section shall apply to any
581 approved urban planned development permit, fully contained community permit or
582 development agreement in existence on the date of the effective date of this ordinance, or
583 approved subsequent to the effective date of this ordinance.

584 NEW SECTION. SECTION 57. There is hereby added to the King County Code a
585 new section to read as follows:

586 Revisions of preliminary subdivisions. Applications to revise subdivisions that
587 have received preliminary approval shall comply with the following:

588 A. Revisions that result in any substantial changes as determined by the
589 department, shall be treated as a new application for purposes of vesting and shall be
590 reviewed as Type 3 land use decision pursuant to K.C.C. 20.20.020. For the purpose of
591 this section, substantial change includes the creation of additional lots, the elimination of
592 open space or changes to conditions of approval on an approved preliminary subdivision.

593 B. Approval of the following modifications by the department shall not be
594 considered revisions:

595 1. Engineering design, unless the proposed design alters or eliminates features
596 specifically required as a condition of preliminary subdivision approval;
597 2. Changes in lot dimensions that are consistent with K.C.C. Title 21A;
598 3. A decrease in the number of lots to be created so long as the decrease allows
599 for future compliance with the minimum density provisions of K.C.C. Title 21A, if
600 applicable.
601 NEW SECTION. SECTION 58. There is hereby added to the King County Code a
602 new section to read as follows:
603 Preliminary short subdivision - approval time. Preliminary approval of a short
604 subdivision shall be effective for a period of sixty months.
605 NEW SECTION. SECTION 59. There is hereby added to the King County Code a
606 new section to read as follows:
607 Limitations for short subdivisions. A. A maximum of four lots may be created by
608 a single application.
609 B. An application for further segregation may not be submitted within a period of
610 five years after recording, except through the filing of a subdivision application, or unless
611 the short plat contains fewer than four lots, in which case an alteration application may be
612 submitted to create a cumulative total of up to four lots within the original short plat
613 boundary.
614 C. A maximum of eight lots may be created from two or more contiguous parcels
615 with any common ownership interest.
616 NEW SECTION. SECTION 60. There is hereby added to the King County Code a
617 new section to read as follows:

618 Revisions of preliminary short subdivisions. Applications to revise short
619 subdivisions that have received preliminary approval shall comply with the following:
620 A. Revisions that result in any substantial changes as determined by the
621 department, shall be treated as a new application for purposes of vesting and shall be
622 reviewed as Type 2 land use decision pursuant to K.C.C. 20.20.020. For the purpose of
623 this section, substantial change includes the creation of additional lots, the elimination of
624 open space or changes to conditions of approval on an approved preliminary short
625 subdivision.
626 B. Approval of the following modifications by the department shall not be
627 considered revisions:
628 1. Engineering design, unless the proposed design alters or eliminates features
629 specifically required as a condition of preliminary short subdivision approval;
630 2. Changes in lot dimensions that are consistent with K.C.C. Title 21A;
631 3. A decrease in the number of lots to be created so long as the decrease allows
632 for future compliance with the minimum density provisions of K.C.C. Title 21A, if
633 applicable.
634 NEW SECTION. SECTION 61. There is hereby added to the King County Code a
635 new section to read as follows:
636 Purpose. The purpose of this chapter is to specify provisions that must be satisfied
637 prior to the final approval and recording of final plat and final short plat maps, for
638 preliminarily-approved subdivisions and short subdivisions.
639 NEW SECTION. SECTION 62. There is hereby added to the King County Code a
640 new section to read as follows:

641 Phased development. Portions of an approved preliminary subdivision may be
642 processed separately by the department for the purpose of recording divisions. All
643 divisions shall be approved within the prescribed time limits for the preliminary
644 subdivision, and all conditions of approval for each particular division must be met.

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

647 Final plat and final short plat review procedures.

648 A. Following submittal of the engineering plans, a final plat or final short plat shall
649 be surveyed by a land surveyor and submitted to the department for review and approval
650 by the development engineer prior to recording. If more than one sheet is required, an
651 index sheet shall be included that must show the entire segregation with road names and lot
652 numbers;

653 B. All final plats and final short plats shall conform to the conditions of
654 preliminary approval;

655 C. Plat certificates or owner's duplicate certificates for land registered pursuant to
656 chapter 65.12 RCW shall be provided to the department prior to recording along with a
657 copy of the last real estate transaction for all adjoining unplatted parcels. Supplemental
658 plat certificates shall be provided to the department if the final plat or final short plat is not
659 recorded within thirty days of the original certificate or supplemental certificate date;

660 D. All applicable processing fees specified by K.C.C. Title 27 and any civil
661 penalty assessed pursuant to K.C.C. Title 23 against a site being reviewed under this
662 section shall be paid prior to recording;

E. A deposit to cover anticipated taxes and assessments is required for final plats pursuant to chapter 58.08 RCW. A deposit, however, shall not be required for the filing of a final short plat. The applicant shall also provide certification from the King County office of finance that property taxes for the subject property are not delinquent prior to the issuance of a final approval;

F. Proof of sewer and water availability, including any required water rights, shall be submitted to the department and final health department approval shall be obtained prior to recording, if applicable;

G. Upon approval by the department, the final plat or short plat shall be recorded with the county records and elections division; and

H. A typewritten copy of protective deed covenants shall accompany the final plat or short plat, if applicable.

NEW SECTION. SECTION 64. There is hereby added to the King County Code a new section to read as follows:

Final plat and final short plat engineering plan review requirements.

A. Engineering plans for roads, drainage controls and other proposed or conditioned improvements shall be prepared, submitted and reviewed for approval by the development engineer prior to the commencement of on-site clearing or construction activities.

B. Approval of the engineering details of the proposed sanitary sewer and water systems and other proposed public facilities by the development engineer and the King County department of public health will be required prior to the approval of the final plat.

C. Plans and technical information reports shall be submitted to the department and prepared consistent with the requirements of the King County Road Standards, K.C.C. chapter 14.42, Surface Water Design Manual, K.C.C. chapter 9.04 and conditions of preliminary approval. Each plan set or document shall be stamped, signed and dated by a civil engineer.

D. Prior to approval of engineering plans, the applicant shall post a site restoration guarantee consistent with the provisions of K.C.C. Title 27A, and shall pay all applicable fees set forth in K.C.C. Title 27.

NEW SECTION. SECTION 65. There is hereby added to the King County Code a new section to read as follows:

Contents of final plat and final short plat. The following information shall be shown on a final plat or final short plat:

A. Name of subdivision and department file number for final plats or department file number for final short plats;

B. Location by section, township and range, and by legal description;

C. The signature and seal of the land surveyor;

D. Survey map requirements as specified in chapter 332-130 WAC and chapter 58.09 RCW;

E. Boundary of plat or short plat based on relative accuracy procedures or field traverse standards, and meeting or exceeding those standards specified in WAC 332-130-090;

706 F. Exact location, width and name of all streets within and adjoining the plat or
707 short plat, and the exact location and widths of all alleys. The naming of a street shall
708 conform to the county's process for naming streets;
709 G. Courses and distances to the nearest established street lines or official
710 monuments that shall accurately describe the location of the plat or short plat;
711 H. Municipal, township, county or section lines accurately tied to the lines of the
712 plat or short plat distances and courses;
713 I. All easements for rights-of-way provided for public utilities;
714 J. Lots designated by number on the plat or short plat within the area of the lot, and
715 tracts similarly designated by letter. Each tract shall be clearly identified with the
716 ownership, purpose and maintenance responsibility;
717 K. Blocks in numbered additions to plats bearing the same name may be numbered
718 or lettered consecutively through the several additions;
719 L. Accurate location of all existing and proposed permanent control monuments at
720 each corner of the subdivision or short subdivision consistent with RCW 58.17.240 and at
721 all road intersections and curve control points that fall within the pavement;
722 M. A traverse line established along the shore not more than twenty feet landward
723 of the ordinary high water mark when a subdivision or short subdivision borders on a body
724 of water. This line shall be labeled "Plat traverse line" or "Short plat traverse line", as
725 applicable, on the final plat or short plat documents;
726 N. Accurate boundary delineation for any areas to be dedicated or reserved for
727 public use, along with the purposes of the use indicated thereon; and the accurate

728 delineation of any areas to be reserved by deed covenant for common uses of all property
729 owners;

730 O. The boundary description of the property being platted or short platted
731 matching the description recorded in the most recent real estate transfer document
732 encompassing the property. If the description is incorrect, a true and exact description
733 shall be shown upon the plat or short plat together with the original description. The
734 original description shall be labeled "original description" and the true and exact
735 description shall be labeled "surveyor's corrected description." The surveyor's corrected
736 description shall be preceded by the verbiage: "The intent of the original description is to
737 encompass all of the property described within the surveyor's corrected description";

738 P. Dedication with notarized acknowledgments by all parties having an ownership
739 interest, as required by RCW 58.17.165 and section 36 of this ordinance, acknowledging
740 the adoption of the plat and the dedication of streets and other public areas. Dedications by
741 corporations shall include corporate acknowledgment and dedications by individuals shall
742 include individual acknowledgment;

743 Q. Restrictions, title encumbrances and notes required by the conditions of
744 approval;

745 R. Certification by a land surveyor to the effect that the plat or short plat correctly
746 represents a survey made by the surveyor, or under the surveyor's direction, and that the
747 existing monuments are located as shown on the final plat or final short plat;

748 S. Approval and signature blocks for the department, the department of
749 assessments and the finance division;

750 T. Approval of the county council to the extent such approval is required; and

751 U. Recording certificate required for the signature of the King County records and
752 elections division.

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

755 Final forms. A. A final plat or final short plat shall be prepared on forms eighteen
756 inches by twenty-four inches in size, allowing for a two-inch border on one of the
757 eighteen-inch sides, to allow for binding, and one-half-inch borders on the other three
758 sides. The two-inch border will typically be on the top or left side depending on the
759 configuration of the drawing.

760 B. Forms shall be printed with materials acceptable for filing as specified in WAC
761 332-130-050 and be formatted consistent with forms provided by the department.

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

764 Alterations of final plats. A. Alterations shall be processed in accordance with
765 RCW 58.17.215 through 58.17.218 and shall comply with regulations in effect at the time
766 the alteration application was submitted. Alteration applications and recording documents
767 shall contain the signatures of the majority of those persons having an ownership interest
768 in lots, tracts, parcels or divisions in the subject subdivision to be altered or any portion to
769 be altered.

770 B. If the subdivision is subject to restrictive covenants that were filed at the time of
771 the approval of the subdivision, and the application for alteration would result in the
772 violation of a covenant, the application shall contain an agreement signed by all parties

773 subject to the covenants providing that the parties agree to terminate or alter the relevant
774 covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.
775 C. Notice of alterations shall comply with the notice provisions of K.C.C. Title 20.
776 Mailing notification shall also include owners of each lot or parcel of property within the
777 subdivision to be altered.
778 D. An application shall be processed as a Type 3 permit pursuant to K.C.C.
779 Chapter 20.20 and K.C.C. 20.24.080. The application may be approved if the proposed
780 alteration is consistent with the required findings of K.C.C. 20.24.195.
781 E. After approval of an alteration, the applicant shall produce a revised drawing of
782 the approved alteration of the final plat, to be processed in the same manner as set forth for
783 final plats in this title.
784 NEW SECTION. SECTION 68. There is hereby added to the King County Code a
785 new section to read as follows:
786 Alterations of final short plats. Alteration of a final short plat may be approved by
787 the department when consistent with the following requirements:
788 A. Alterations shall be accomplished by following the same procedure and
789 satisfying the same laws, rules and conditions as required for a new short plat application,
790 as set forth in this chapter.
791 B. Alteration applications and recording documents shall contain the signatures of
792 the majority of those persons having an ownership interest in lots, tracts, parcels or
793 divisions in the subject short plat to be altered or any portion to be altered.
794 C. If the short subdivision is subject to restrictive covenants that were filed at the
795 time of the approval of the short subdivision, and the application for alteration would result

796 in the violation of a covenant, the application shall contain an agreement signed by all
797 parties subject to the covenants providing that the parties agree to terminate or alter the
798 relevant covenants to accomplish the purpose of the alteration of the short subdivision or
799 portion thereof.

800 D. Notice of alterations shall comply with the notice provisions of K.C.C. Title 20.

801 E. An alteration may be allowed to remove nonbuilding lot status on short
802 subdivisions provided that no public dedications are required and original conditions of
803 approval do not prohibit conversion of a nonbuilding lot to a building lot. Approval of
804 such alteration requires completion of the original conditions of approval, and the
805 application of new conditions for the lot, consistent with current standards, preparation of a
806 new map page prepared by a land surveyor for recording and payment of all fees required
807 for such review.

808 NEW SECTION. SECTION 69. There is hereby added to the King County Code a
809 new section to read as follows:

810 Vacations of a final plat or final short plat. A. Plat and short plat vacations shall
811 be processed as follows and in accordance with the provisions of RCW 58.17.212.

812 B. All plat and short plat vacation applications shall be referred to the hearing
813 examiner for public hearing and consideration pursuant to K.C.C. 20.24.070. Following
814 the public hearing the hearing examiner shall determine if the proposed vacation is
815 consistent with the required findings of K.C.C. 20.24.195. If the proposal is found to serve
816 such purposes, the hearing examiner may recommend that the county council approve the
817 application.

818 C. Applications for vacations of county roads may be processed pursuant to this
819 chapter only when such road vacations are proposed in conjunction with the vacation of the
820 plat. Vacations limited to county roads shall be processed in accordance with chapter
821 36.87 RCW.

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

824 Purpose. The purposes of this chapter are:

825 A. To provide an alternative method for division of land for commercial and
826 industrial zoned property, mobile home parks, trailer parks or condominiums;

827 B. To allow the director to modify interior lot-based or lot line requirements
828 contained within the zoning, building, fire and other similar uniform codes adopted by the
829 county;

830 C. To allow the director to authorize sharing of open space, parking, access and
831 other improvements among contiguous properties subject to the binding site plan; and

832 D. To specify administrative requirements for binding site plans in addition to the
833 procedural requirements of K.C.C. chapter 20.20 and in accordance with applicable
834 Washington state and King County laws, rules and regulations.

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

837 Applicability. A. Any person seeking the use of a binding site plan process to
838 divide property for the purpose of sale, lease or transfer of ownership of commercial or
839 industrial zoned property, lease of mobile homes or travel trailers or creation of
840 condominium units is required to have an approved binding site plan prior to any property

841 division, as provided for in chapter 58.17, 64.32 or 64.34 RCW, and as required by this
842 chapter. A binding site plan for a condominium shall be based on a recorded final planned
843 unit development, a building permit, an as-built site plan for developed sites or a site
844 development permit issued for the entire site or a general site plan showing the anticipated
845 development plan for the entire site, notwithstanding the provisions of K.C.C. 21A.41.010
846 through 21A.41.020.

847 B. The site that is subject to the binding site plan shall consist of one or more
848 contiguous lots.

849 C. The site that is subject to the binding site plan may be reviewed independently
850 for developed sites, concurrently with or subsequent to a site development permit
851 application for undeveloped land or concurrently with or subsequent to a building permit
852 application.

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

855 NEW SECTION. SECTION 72. There is hereby added to the King County Code a
856 new section to read as follows:

857 Requirements and limitations. A. The binding site plan shall ensure that the
858 collective lots continue to function as one site with respect to, but not limited to, lot access,
859 interior circulation, open space, landscaping, drainage facilities, facility maintenance and
860 parking.

861 B. The binding site plan shall:

1. Identify the areas and locations of all streets, roads, improvements, utilities, open spaces, sensitive areas, parking areas, landscaped areas, surveyed topography for preliminary map, water bodies and drainage features and building envelopes;

2. Contain inscriptions or attachments setting forth such limitations and conditions for the use of the land as are established by the director or the hearing examiner; and

3. Contain provisions requiring any development or division of land to be in conformance with the approved site plan.

C. Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements shall be identified and enforced by covenants, easements or other similar mechanisms.

NEW SECTION. SECTION 73. There is hereby added to the King County Code a new section to read as follows:

Alterations. A. Alteration of a binding site plan shall be accomplished by following the same process required for a new application as set forth in this chapter.

B. Changes to a building permit, planned unit development, subdivision or short subdivision, site development permit within a binding site plan area shall also require alteration of the binding site plan unless the director determines that such changes are consistent with the approved binding site plan.

NEW SECTION. SECTION 74. There is hereby added to the King County Code a new section to read as follows:

Vacations. A. Vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a

885 new binding site plan application, as set forth in this chapter. If a portion of a binding site
886 plan is vacated, the property subject to the vacated portion shall constitute one lot unless
887 the property is subsequently divided by an approved subdivision or short subdivision or
888 another binding site plan.

889 B. If a building permit or commercial site development permit is revised or
890 expires, then the binding site plan shall be vacated unless the director determines that the
891 revision or expiration is consistent with the approved binding site plan.

892 NEW SECTION. SECTION 75. There is hereby added to the King County Code a
893 new section to read as follows:

894 Recording. A. Plat certificates or owner's duplicate certificates for registered land
895 pursuant to chapter 65.12 RCW shall be provided to the department by the owner along
896 with a copy of the last real estate transaction for all adjoining unplatted parcels.

897 B. Prior to recording, the approved binding site plan shall be surveyed and the final
898 recording forms shall be prepared by a land surveyor. A final binding site plan shall be
899 prepared on forms eighteen inches by twenty-four inches in size, allowing for a two-inch
900 border on one of the eighteen-inch sides, to allow for binding, and one-half-inch borders
901 on the other three sides. The two-inch border will typically be on the top or left side
902 depending on the configuration of the drawing.

903 C. The approved binding site plan recording documents shall include the
904 following:

905 1. Except for a binding site plan for a condominium, identification of lots by
906 number on a binding site plan containing more than one lot. Tracts shall be similarly
907 designated and each tract shall be clearly identified with the ownership and purpose;

908 2. Signature and stamp of the land surveyor who prepared the binding site plan in
909 accordance with chapter 332-130 WAC and chapter 58.09 RCW;
910 3. Reference to the recording number of the completed survey if the boundaries
911 have been previously surveyed;
912 4. Reference to all agreements or covenants required as a condition of approval;
913 5. Notarized signatures of all parties having an ownership interest in the land
914 being divided;
915 6. Satisfaction of health department requirements, unless previously approved on
916 a recorded final planned unit development, a building permit, an as-built plan for
917 developed sites or a site development permit for the entire site;
918 7. Approval of the King County development engineer;
919 8. Approval of the King County office of finance;
920 9. Approval of the King County assessor;
921 10. Approval of the director;
922 11. Recording certificate required for signature of King County records and
923 elections division; and
924 12. Department file number.
925 D. A deposit to cover anticipated taxes and assessments is required for binding site
926 plans pursuant to chapter 58.08 RCW. The applicant shall be required to provide
927 certification from the King County office of finance that property taxes for the subject
928 property are not delinquent prior to issuance of a final approval.
929 E. Lots, parcels or tracts created through the binding site plan procedure shall be
930 legal lots of record. All provisions, conditions and requirements of the binding site plan

931 shall be legally enforceable on the purchaser or any other person acquiring a lease or other
932 ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.
933 F. No person shall sell, transfer or lease of any lot, tract or parcel created pursuant
934 to the binding site plan that does not conform to the requirements of the binding site plan
935 or without binding site plan approval.
936 G. The binding site plan shall set forth limitations and conditions, including
937 irrevocable dedications of property and containing a provision that any development of the
938 site shall be in conformity with the approved binding site plan.
939 NEW SECTION. SECTION 76. There is hereby added to the King County Code
940 a new section to read as follows:
941 Purpose. The purpose of this chapter is to provide for review of a condominium
942 survey map and plans for the precision and accuracy of the exterior boundary and legal
943 description of the subject property, as shown on the final map.
944 NEW SECTION. SECTION 77. There is hereby added to the King County Code
945 a new section to read as follows:
946 Final submittal requirements. The following shall be submitted for approval of a
947 condominium proposal:
948 A. Two sets of prints of the final recording maps prepared in accordance with
949 RCW 64.34.232;
950 B. Legal Description from title report dated within thirty days prior to recording;
951 C. Boundary closure calculations and supporting surveys; and
952 D. Copy of last real estate transaction for all adjoining unplatted parcels.

953 NEW SECTION. SECTION 78. There is hereby added to the King County Code
954 a new section to read as follows:
955 Notes. A. The following notes shall be placed on the final condominium map
956 page:
957 *Approval of the Department of Development and*
958 *Environmental Services*
959 1. The exterior boundary and legal description of this condominium meets or
960 exceeds the review standards of the department of development and environmental
961 services.
962 2. The department of development and environmental services review consisted
963 only of review of item 1 above and does not constitute binding site plan approval as
964 contemplated under RCW 58.17.040(7).
965 B. A signature line for the manager of the land use services division shall appear
966 following the notes required by this section.
967 NEW SECTION. SECTION 79. There is hereby added to the King County Code
968 a new section to read as follows:
969 Purpose. The purpose of this chapter is to provide procedures and criteria
970 for the review and approval of minor adjustments to boundary lines of legal lots or
971 building sites in order to rectify defects in legal descriptions, to allow the enlargement or
972 merging of lots to improve or qualify as a building site, to achieve increased setbacks from
973 property lines or sensitive areas, to correct situations wherein an established use is located
974 across a lot line, or for other similar purposes.
975 NEW SECTION. SECTION 80. There is hereby added to the King County Code
976 a new section to read as follows:

977 Procedures and limitations of the boundary line adjustment process. Adjustment of
978 boundary lines between adjacent lots shall be consistent with the following review
979 procedures and limitations:

980 A. Applications for boundary line adjustments shall be reviewed as a Type 1
981 permit as provided in K.C.C. chapter 20.20. The review shall include examination for
982 consistency with the King County zoning code, K.C.C. Title 21A., shoreline master
983 program, K.C.C. Title 25, applicable board of health regulations and, for developed lots,
984 uniform fire and building codes;

985 B. Any adjustment of boundary lines must be approved by the department prior to
986 the transfer of property ownership between adjacent legal lots;

987 C. A boundary line adjustment proposal shall not:

988 1. Result in the creation of an additional lot or the creation of more than one
989 additional building site;

990 2. Result in a lot that does not qualify as a building site pursuant to this title;

991 3. Relocate an entire lot from one parent parcel into another parent parcel;

992 4. Reduce the overall area in a plat or short plat devoted to open space;

993 5. Be inconsistent with any restrictions or conditions of approval for a recorded
994 plat or short plat;

995 6. Involve lots which do not have a common boundary; or

996 7. Circumvent the subdivision or short subdivision procedures set forth in this
997 title. Factors which indicate that the boundary line adjustment process is being used in a
998 manner inconsistent with statutory intent include: numerous and frequent adjustments to

the existing lot boundary, a proposal to move a lot or building site to a different location, and a large number of lots being proposed for a boundary line adjustment;

D. The elimination of lines between two or more lots for the purpose of creating a single lot that meets requirements as a building site shall in all cases shall be considered a minor adjustment of boundary lines and shall not be subject to the subdivision and short subdivision provisions of this title; and

E. Recognized lots in an approved site plan for a conditional use permit, special use permit, urban planned development, or commercial site development permit shall be considered a single site and no lot lines on the site may be altered by a boundary line adjustment to transfer density or separate lots to another property not included in the original site plan of the subject development.

F. Lots that have been subject to a boundary line adjustment process that resulted in the qualification of an additional building site shall not be permitted to utilize the boundary line adjustment process again for five years to create an additional building site.

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

Final approval and recording required. A. A title insurance certificate updated–not more than thirty days prior to recording of the adjustment, which includes all parcels within the adjustment, must be submitted to the department with boundary line adjustment final review documents. All persons having an ownership interest within the boundary line adjustment shall sign the final recording document in the presence of a notary public.

B. Prior to final approval, documentation authorizing the transfer of property ownership shall be placed on the original boundary line map along with the legal

descriptions of those portions of land being transferred when lots are under separate ownership. Lot lines within lots under the same ownership will be adjusted upon the recording of the boundary line adjustment.

C. Final record-of-survey document must be prepared by a land surveyor in accordance with chapter 332-130 WAC and chapter 58.09 RCW. The document must contain a land surveyor's certificate and a recording certificate.

D. The final map page shall contain the following approval blocks:

1. The King County department of assessments to be signed by the King County assessor and deputy King County assessor; and

2. The department of development and environmental services, to be signed by the director.

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

Conceptual review. Prior to proceeding through the boundary line adjustment process, an applicant may desire to pay for an optional preapplication meeting. At that time the department will perform a conceptual review based upon the information brought in by the applicant.

SECTION 83. Ordinance 4938, Section 7, as amended, and K.C.C. 9.04.090 are each hereby amended as follows:

Construction timing and final approval. A. No work ((~~for a permitted development~~)) related to permanent or temporary storm drainage ((~~shall~~)) control for a permitted development may proceed without the approval of the director of the department of development and environmental services.

B. Erosion and sediment control measures associated with both the interim and permanent drainage systems shall be:

1. Constructed in accordance with the approved plan prior to any grading or land clearing other than that associated with an approved erosion and sediment control plan; and

2. Satisfactorily sequenced and maintained until all improvements, restoration and landscaping associated with the permit and ((~~/or~~)) approvals for the project are completed and the potential for onsite erosion has passed.

C. Prior to the construction of any improvements ((~~and/~~)) or buildings on the site, or to final recording of a plat or short plat, those portions of the drainage facilities necessary to accommodate the control of surface and stormwater runoff discharging from the site shall be constructed and in operation ((~~Recording of formal and administrative subdivisions may occur prior to the construction of drainage facilities when approved in writing by the director of the department of development and environmental services only to minimize impacts that may result from construction during inappropriate times of the year.~~)), but, after receipt of a written request, the development engineer may authorize recording to minimize impacts that may result from construction during inappropriate times of the year.

SECTION 84. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are each hereby amended as follows:

Classifications of land use decision processes. A. Land use permit decisions are classified into four types, based on the amount of discretion associated with each decision. Procedures for the four different types are distinguished according to who makes the decision, whether public notice is required, whether a public hearing is required before a

1068 decision is made and whether administrative appeals are provided. The types of land use
1069 decisions are listed in Exhibit A of this section.

1070 1. Type 1 decisions are made by the director, or his or her designee, ("director") of the
1071 department of development and environmental services ("department"). Type 1 decisions
1072 are nonappealable administrative decisions which require the exercise of little or no
1073 administrative discretion, except for Type 1 decisions for which the department has issued a
1074 state Environmental Policy Act ("SEPA") threshold determination. Type 1 decisions for
1075 which the department has issued a SEPA threshold determination are appealable at the time
1076 of issuance of the SEPA threshold determination to the hearing examiner as a Type 2
1077 decision, provided that the appeal is limited to the SEPA threshold determination and
1078 issues relating to zoning code (K.C.C. Title 21A) compliance excluding compliance with
1079 permitted use provisions. However, the decision on the Type 1 permit, exclusive of SEPA
1080 threshold determinations issued by the department and issues relating to zoning code (K.C.C.
1081 Title 21A) compliance excluding compliance with permitted use provisions, is not
1082 appealable to the hearing examiner; rather it is appealable to superior court. For the purposes
1083 of appealing a Type 1 decision to superior court, the Type 1 decision shall not be considered
1084 final until any permitted appeal to the hearing examiner is decided. Public notice is not
1085 required for Type 1 decisions, except for Type 1 decisions for which the department has
1086 issued a SEPA threshold determination, which are treated like Type 2 decisions for the
1087 purposes of public notice.

1088 2. Type 2 decisions are made by the director, or his or her designee. Type 2
1089 decisions are discretionary decisions that are subject to administrative appeal in accordance
1090 with applicable provisions of law or ordinance.

1091 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner
1092 following an open record hearing. Type 3 decisions may be appealed to the county council,
1093 based on the record established by the hearing examiner.

1094 4. Type 4 decisions are quasi-judicial decisions made by the council based on the
1095 record established by the hearing examiner.

1096 B. Except as provided in K.C.C. 20.44.120A.6 and 25.32.080 or unless otherwise
1097 agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit
1098 applications that would require more than one type of land use decision process may be
1099 processed and decided together, including any administrative appeals, using the highest
1100 numbered land use decision type applicable to the project application.

1101 C. Certain development proposals are subject to additional procedural requirements
1102 beyond the standard procedures established in this chapter.

1103 D. Land use permits that are categorically exempt from review under the state
1104 Environmental Policy Act ("SEPA") will not require a threshold determination
1105 (determination of nonsignificance ("DNS") or determination of significance ("DS")). For all
1106 other projects, the SEPA review procedures codified in K.C.C. chapter 20.44 are
1107 supplemental to the procedures set forth in this chapter.

Exhibit A

LAND USE DECISION TYPES

TYPE 1	(Decision by director, no administrative appeal)	Building; clearing and grading; boundary line adjustment; right of way; road variance except those rendered in conjunction with a short plat decision**; variance from the requirements of chapter 9.04 K.C.C.; shoreline exemption; approval of a conversion harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites or a site development permit for the entire site.
TYPE 2	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; road variance decisions rendered in conjunction with a short plat decision; zoning variance; conditional use permit; temporary use; shoreline substantial development permit; Type I decision for which the department has issued a SEPA threshold determination****; procedural and substantive SEPA decision; site development permit; approval of residential density incentives or transfer of development credits; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070B; preliminary determinations under ((~~Section 10B~~))K.C.C.20.20.030B; sensitive areas exceptions and decisions to require studies or to approve, condition or deny a development proposal based on the requirements of K.C.C. chapter 21A.24, extractive operations pursuant to K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances.
TYPE 3	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 4***	(Recommendation by director hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations.

* When applications for shoreline permits are combined with other permits requiring Type 3 or 4 land use decisions pursuant to K.C.C. 25.32.080, the examiner (not the

director) makes the decision. All shoreline permits, including shoreline variances and conditional uses, are appealable to the State Shorelines Hearings Board and not to the hearing examiner.

** The road variance process is administered by the county road engineer of the King County department of transportation pursuant to the King County road standards.

*** Approvals that are consistent with the Comprehensive Plan may be considered by the council at any time. Zone reclassifications which are not consistent with the comprehensive plan require a site-specific land use map amendment and the council's hearing and consideration will be scheduled with the amendment to the comprehensive plan pursuant to K.C.C. 20.18.040 and 20.18.060..

**** Only the SEPA threshold determination and issues relating to zoning code compliance, excluding compliance with permitted use provisions, may be appealed, upon issuance of the threshold determination; other issues, including those relating to building code compliance, are not appealable.

SECTION 85. Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040 are each hereby amended as follows:

Application requirements. A. The department shall not commence review of any application set forth in this chapter until the applicant has submitted the materials and fees specified for complete applications. Applications for land use permits requiring Type 1, 2, 3((,)) or 4 decisions shall be considered complete as of the date of submittal upon determination by the department that the materials submitted meet the requirements of this section. Except as provided in ((~~subsection B of this section~~))K.C.C. 20.20.040B, all land use permit applications described in K.C.C. 20.20.020 Exhibit A shall include the following:

1. An application form provided by the department and completed by the applicant that allows the applicant to file a single application form for all land use permits requested by the applicant for the development proposal at the time the application is filed;

2. Designation of who the applicant is, except that this designation shall not be required as part of a complete application for purposes of this section when a public agency or public or private utility is applying for a permit for property on that the agency or utility does not own an easement or right-of-way and the following three requirements are met:

a. the name of the agency or private or public utility is shown on the application as the applicant;

b. the agency or private or public utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to that the application applies, on a form provided by the department; and

c. the form designating who the applicant is submitted to the department prior to permit approval;

3. A ((~~C~~))certificate of ((~~S~~))sewer ((~~A~~))availability or site percolation data with preliminary approval by the Seattle-King County department of public health; or for schools located in rural areas, a letter indicating compliance with the tightline sewer provisions in the zoning code, as required by K.C.C. chapter 13.08 or ((~~K.C.C. chapter~~)) 13.24;

4. A current ((~~C~~))certificate of ((~~W~~))water ((~~A~~))availability, if required by K.C.C. chapter 13.24;

5. A fire district receipt pursuant to K.C.C. Title 17, if required by K.C.C. chapter 21A.40;

6. A site plan, prepared in a form prescribed by the director;

7. Proof that the lot or lots to be developed are recognized as ((~~separate~~)) a lot((~~s pursuant to the provisions of K.C.C. chapter 19.04, if required by K.C.C. 21A.24.090~~)) under this title;

8. A sensitive areas affidavit, if required by K.C.C. chapter 21A.24;

9. A completed environmental checklist, if required by K.C.C. chapter 20.44((~~, County Environmental Procedures~~));

10. Payment of any development permit review fees, excluding impact fees collectible pursuant to K.C.C. Title 27((~~, Development Permit Fees~~));

11. A list of any permits or decisions applicable to the development proposal that have been obtained prior to filing the application or that are pending before the county or any other governmental entity;

12. Certificate of transportation concurrency from the department of ((~~public works~~)) transportation, if required by K.C.C. chapter 14.70;

13. Certificate of future connection from the appropriate purveyor for lots located within the urban growth area which are proposed to be served by on-site or community sewage system and ((~~/or~~)) group B water systems or private well, if required by K.C.C. 13.24.136 through 13.24.140;

14. A determination if drainage review applies to the project pursuant to K.C.C. chapter 9.04 and, if applicable, all drainage plans and documentation required by the code requirements set forth in the Surface Water Design Manual adopted pursuant to K.C.C. chapter 9.04;

15. Current assessor's maps and a list of tax parcels to that public notice must be given as provided in this chapter, for land use permits requiring a Type 2, 3 or 4 decision;

16. Legal description of the site;

17. Variances obtained or required under K.C.C. Title 21A to the extent known at the date of application; and

18. For ((~~commercial~~)) site development permits only, a phasing plan and a time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years.

A permit application is complete for purposes of this section when it meets the procedural submission requirements of the department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the department.

B. Additional complete application requirements for the following land use permits are set forth in the following sections of the King County Code:

1. Clearing and grading permits, K.C.C. 16.82.060.

2. Construction permits, K.C.C. 16.04.052.

3. Mobile home permits, K.C.C. 16.04.093.

4. Subdivision applications, short subdivision applications and binding site plan applications, section 50 of this ordinance.

C. The director may specify the requirements of the site plan required to be submitted for various permits and may waive any of the specific submittal requirements listed herein that are determined to be unnecessary for review of an application.

D. The applicant shall attest by written oath to the accuracy of all information submitted for an application.

E. Applications shall be accompanied by the payment of the applicable filing fees, if any, as established by K.C.C. Title 27.

SECTION 86. Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060 are each hereby amended as follows:

1212 Notice of application. A. A notice of application shall be provided to the public for
1213 all land use permit applications requiring Type 2, 3 or 4 decisions or Type 1 decisions
1214 subject to SEPA or K.C.C. 20.20.060 J and K, under this section.

1215 B. Notice of the application shall be provided by the department within fourteen
1216 days following the department's determination that the application is complete. A public
1217 comment period of at least twenty-one days shall be provided, except as otherwise provided
1218 in chapter 90.58 RCW and RCW 58.17.215 with regards to alterations. The public comment
1219 period shall commence on the ((~~fifteenth~~)) third day following the department's mailing of
1220 the notice the application ((~~is complete~~)) as provided for in Subsection G of this section.

1221 C. If the county has made a determination of significance ("DS") under chapter
1222 43.21 RCW before the issuance of the notice of application, the notice of the DS shall be
1223 combined with the notice of application and the scoping notice.

1224 D. All required notices of application shall contain the following information:

1225 1. The file number;

1226 2. The name of the applicant;

1227 3. The date of application, the date of the notice of completeness and the date of the
1228 notice of application;

1229 4. A description of the project, the location, a list of the permits included in the
1230 application and the location where the application and any environmental documents or
1231 studies can be reviewed;

1232 5. A site plan on ((~~8 1/2 x 14~~)) eight and one-half by fourteen inch paper, if
1233 applicable;

1234 6. The procedures and deadline for filing comments, requesting notice of any
1235 required hearings and any appeal procedure;
1236 7. The date, time, place and type of hearing, if applicable and scheduled at the time
1237 of notice;
1238 8. The identification of other permits not included in the application to the extent
1239 known;
1240 9. The identification of existing environmental documents that evaluate the
1241 proposed project; and
1242 10. A statement of the preliminary determination, if one has been made, of those
1243 development regulations that will be used for project mitigation and of consistency with
1244 applicable county plans and regulations.
1245 E. Notice shall be provided in the following manner:
1246 1. Posted at the project site as provided in subsections F and I of this section;
1247 2. Mailed by first class mail as provided in subsection G of this section; and
1248 3. Published as provided in subsection H of this section.
1249 F. Posted notice for a proposal shall consist of one or more notice boards posted by
1250 the applicant within fourteen days following the department's determination of completeness
1251 as follows:
1252 1. A single notice board shall be posted for a project. This notice board may also
1253 be used for the posting of the notice of decision and notice of hearing and shall be placed by
1254 the applicant:
1255 a. at the midpoint of the site street frontage or as otherwise directed by the
1256 department for maximum visibility;

b. five feet inside the street property line except when the board is structurally attached to an existing building, but a notice board shall not be placed more than five feet from the street property without approval of the department;

c. so that the top of the notice board is between seven to nine feet above grade; and

d. where it is completely visible to pedestrians;

2. Additional notice boards may be required when:

a. the site does not abut a public road;

b. a large site abuts more than one public road; or

c. the department determines that additional notice boards are necessary to provide adequate public notice;

3. Notice boards shall be:

a. maintained in good condition by the applicant during the notice period through the time of the final county decision on the proposal, including the expiration of any applicable appeal periods, and for decisions that are appealed, through the time of the final resolution of any appeal;

b. in place at least twenty-eight days before the date of any required hearing for a Type 3 or 4 decision, or at least fourteen days following the department's determination of completeness for any Type 2 decision; and

c. removed within fourteen days after the end of the notice period;

4. Removal of the notice board before the end of the notice period ((~~may~~)) <u>shall</u> be cause for discontinuance of county review until the notice board is replaced and remains in place for the specified time period;

5. An affidavit of posting shall be submitted to the department by the applicant within fourteen days following the department's determination of completeness to allow continued processing of the application by the department; and

6. Notice boards shall be constructed and installed in accordance with subsection F of this section and any additional specifications promulgated by the department under K.C.C. chapter 2.98, rules of county agencies.

G. Mailed notice for a proposal shall be sent by the department within fourteen days after the department's determination of completeness:

1. By first class mail to owners of record of property in an area within five hundred feet of the site, but the area shall be expanded as necessary to send mailed notices to at least twenty different property owners;

2. To any city with a utility that is intended to serve the site;

3. To the state Department of Transportation, if the site adjoins a state highway;

4. To the affected tribes;

5. To any agency or community group that the department may identify as having an interest in the proposal, <u>including all recognized unincorporated area councils</u>;

6. Be considered supplementary to posted notice and be deemed satisfactory despite the failure of one or more owners to receive mailed notice;

7. For preliminary plats only, to all cities within one mile of the proposed preliminary plat, and to all airports within two miles of the proposed preliminary plat; and

8. In those parts of the urban growth area designated by the King County Comprehensive Plan where King County and a city have adopted either a memorandum of understanding or a potential annexation boundary agreement, or both, the director shall

ensure that the city receives notice of all applications for development subject to this chapter and shall respond specifically in writing to any comments on proposed developments subject to this title.

H. Notice of a proposed action shall be published by the department within fourteen days after the department's determination of completeness in the official county newspaper and another newspaper of general circulation in the affected area.

I. Posted notice for approved formal subdivision engineering plans, clearing or grading permits subject to SEPA or building permits subject to SEPA shall be a condition of the plan or permit approval and shall consist of a single notice board posted by the applicant at the project site, before construction as follows:

1. Notice boards shall comport with the size and placement provisions identified for construction signs in K.C.C. 21A.20.120B;

2. Notice boards shall include the following information:

a. permit number and a description of the project;

b. projected completion date of the project;

c. a contact name and phone number for both the department and the applicant;

<u>d. a department contact number for complaints after business hours;</u> and

e. hours of construction, if limited as a condition of the permit;

3. Notice boards shall be maintained in the same manner as identified, in subsection F of this section; and

4. Notice boards shall remain in place until final construction approval is granted. Early removal of the notice board may preclude authorization of final construction approval.

NEW SECTION. SECTION 87. There is hereby added to K.C.C. 21A.14 a new section to read as follows:

Adequacy of access – right of way use permits. A. Each lot within the short subdivision or short subdivision alteration shall have acceptable access to a street conforming to county road standards or to a lower level of improvement acceptable to the road engineer. Individual lots may be served by access panhandles established either by fee ownership or easement, subject to approval of the division. In order to assure safe and adequate access, the manager:

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

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

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

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

B. Short subdivisions involving construction within county right-of-way shall obtain a right-of-way use permit pursuant to K.C.C. chapter 14.28.

1347 NEW SECTION. SECTION 88. There is hereby added to K.C.C. 21A.14 a new
1348 section to read as follows:
1349 Railroad buffer strips. Where railroads abut proposed formal subdivisions, short
1350 subdivisions or binding site plans, measures to provide a physical separation between the
1351 two uses shall be required. These measures may include the use: grade separations,
1352 setbacks or barriers such as walls and fences.
1353 NEW SECTION. SECTION 89. There is hereby added to K.C.C. 21A.14 a new
1354 section to read as follows:
1355 Maintenance of private streets, easements and utilities required. As a condition of
1356 preliminary subdivision and short subdivision approval, all private streets, easements,
1357 community utilities and properties shall be maintained by the owners of the property
1358 served by them and kept in good repair at all times. In order to insure continued good
1359 repair, it must be demonstrated to the department prior to plat recording that:
1360 A. There is a workable organization to guarantee maintenance with a committee or
1361 group to administer the organizational functions; and
1362 B. There is a means for assessing maintenance costs equitably to property owners
1363 served by the private streets, easements, community utilities and properties.
1364 SECTION 90. Ordinance 11621, Section 52, and K.C.C. 21A.14.260 are each
1365 hereby amended as follows:
1366 Wildlife habitat corridors – ((A))applicability. Habitat corridors shall be set aside
1367 and protected along the designated wildlife habitat network adopted by the King County
1368 Comprehensive Plan as follows:

A. Wildlife habitat corridors shall apply to the following development activities on parcels that include a portion of a designated wildlife habitat corridor:

1. All urban planned developments, fully contained communities, subdivisions ((~~and~~)), short subdivisions and binding site plans;

2. All building permits on individual lots created prior to January 1, 1995.

B. Habitat corridors shall be identified and protected in one of the following ways:

1. Urban planned developments, fully contained communities, binding site plans, subdivisions and short subdivisions shall either place the corridor in a contiguous permanent open-space tract with all developable lots sited on the remaining portion of the project site, or shall design the lots so that conservation easements on individual lots can form a contiguous easement covering the corridor.

2. Individual lots shall place the corridor in a conservation easement.

C. All tracts or conservation easements shall be configured to meet the design standards in K.C.C. 21A.14.270.

SECTION 91. Ordinance 10870, Section 512, as amended, and K.C.C. 21A.28.020 are each hereby amended as follows:

General requirements. A. All new development proposals including any use, activity((,)) or structure allowed by K.C.C. chapter 21A.08 that requires King County approval shall be adequately served by the following facilities and services prior to the time of occupancy, recording((,)) or other land use approval, as further specified in this chapter:

1. Sewage disposal;

2. Water supply;

3. Surface water management;

4. Roads and access;

5. Fire protection service; and

6. Schools.

B. All new development proposals for building permits, plats, short plats, urban planned developments, ((~~and lot line adjustments, which~~)) fully contained communities and binding site plans, that will be served by a sewer or water district, shall include a certificate of water availability and ((~~/or~~)) a certificate of sewer availability to demonstrate compliance with this chapter and other provisions of the King County Code, the King County Comprehensive Plan and the Growth Management Act.

C. Regardless of the number of sequential permits required, the provisions of this chapter shall be applied only once to any single development proposal. If changes and modifications result in impacts not considered when the proposal was first approved, the county shall consider the revised proposal as a new development proposal.

SECTION 92. The following are each hereby repealed:

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.

SECTION 93. Applicability. Complete applications for segregation submitted prior to the effective date of this ordinance shall continue to be governed by those ordinances in effect on the date the complete application was submitted.

SECTION 94. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

SECTION 95. Pursuant to King County Code section 20.44.080, the Metropolitan King County Council finds that the requirements for environmental analysis, protections and mitigations in those chapters of King County Code Title 21A amended by this ordinance provide adequate analysis of and mitigation for the specific adverse environmental impacts to which the requirements apply.

INTRODUCED AND READ for the first time this 21st day of September, 1998.

PASSED by a vote of 8 to 5 this 13th day of December, 1999.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Louise Miller
Chair

ATTEST:

Anne Noris
Clerk of the Council

APPROVED this 22 day of December, 1999

Ron Sims
King County Executive

Attachments: NA