Ordinance No. 1840

(Amending or Repealing Ordinances)

CFN=458 – Subdivision Code
Passed 9/17/1973
Adopting Kent Subdivision Code

Amended by: Ord. 3424, 3443 (Sec. 2.2.9; Now Sec. 12.04.280)
Amended by Ord. 3511
Amended by Ord. 3551
Amended by Ord. 3561
Amended by Ord. 3664
Amended by Ord. 3690
Amended by Ord. 3752
Amended by Ord. 3830
Amended by Ord. 3898; 3906
Amended by Ord. 3944 (Sec 12.04.025)
Amended by Ord. 4035 (Sec. 12.04.210)
AN ORDINANCE of the City of Kent, Washington adopting by reference that code known as "Kent Sub-Division Code"; providing for future additions and amendments to the Code; and repealing prior City of Kent Ordinances in conflict therewith.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. There is hereby adopted upon the effective date of this Ordinance and upon the filing of three (3) copies with the Kent City Clerk, that certain code known as the "Kent Sub-Division Code", together with all amendments and additions thereto.

Section 2. The Code may be amended by the City Council at any regular City Council meeting upon motion duly made, seconded and passed.

Section 3. City of Kent Ordinance 807 and all other Ordinances or portions thereof in conflict with the provisions of the Code be and the same hereby are repealed.

Section 4. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ISABEL HOGAN, MAYOR

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ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY

PASSED the 17th day of September, 1973.

APPROVED the 23rd day of September, 1973.

PUBLISHED the 30th day of September, 1973.

I hereby certify that this is a true copy of Ordinance NO. 1840, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK

(SEAL)
PROPOSED
KENT SUBDIVISION CODE

RECOMMENDATION OF THE
KENT PLANNING COMMISSION
TO THE KENT CITY COUNCIL

adopted  9/17/73
Ord 1840

MAY 1973
A code of the City of Kent, Washington providing for the municipal adoption of rules, regulations, requirements, standards, and procedures for the approval or disapproval of the subdivision of land into two (2) or more parcels, including, but not limited to the approval of subdivision metes and bounds descriptions or dedications, acquisitions, improvements, and reservation of sites for public use; providing for the variation and exception thereto in hardship cases; providing penalties for the violation of such adopted rules, requirements, regulations and standards; providing for the effectuation of the expressed and implied authority of the City of Kent in accordance with the intents of State statutes; invalidating all parts or sections of other ordinances in conflict herewith. This code is to be known as the City of Kent Subdivision Code.

SECTION I

Section 1.1 TITLE
This code shall be hereinafter known as the City of Kent Subdivision Code.

Section 1.2 PURPOSE
The purpose of this code is to provide rules, regulations, requirements, and standards for subdividing land in the City of Kent, insuring that the highest feasible quality in subdivision will be attained; that the public health, safety, general welfare, and aesthetics of the City of Kent shall be promoted and protected; that orderly growth, development, and the conservation, protection and proper use of land shall be insured; that proper provisions for all public facilities (including circulation, utilities, and services) shall be made; that maximum advantage of site characteristics shall be taken into consideration; that conformance with provisions set forth in the City of Kent Zoning Code and Kent Comprehensive Plan shall be insured.
Section 1.3 SCOPE

This code shall apply to the division of land for sale or lease into two (2) or more parcels, one or more of which is less than twenty (20) acres. This code shall not apply to any lot or block forming a part of any subdivision created and recorded prior to the effective date of this code.

Where this code imposes greater restrictions or higher standards upon the development of land than other laws, ordinances or restrictive covenants, the provisions of this code shall prevail.

Section 1.4 DEFINITIONS

1) Alley. A public thoroughfare or way having a width of not more than thirty (30) feet which affords only a secondary means of access to abutting property.

2) Block. A group of lots, tracts, or parcels which have been subdivided and are entirely surrounded by highways or streets or in part by a well defined and fixed boundary.

3) City Council. The City Council of the City of Kent, Washington.

4) Common Open Space. A parcel or parcels of land or an area of water or a combination of land and water within the site designated for a subdivision and designed and intended for the use or enjoyment of residents of a subdivision. Common open space may contain such complimentary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the subdivision.

5) Comprehensive Plan. The plans, maps, and reports which comprise the official development plan as adopted by the City Council in accordance with RCW 35.63 or RCW 35A.

6) Cul-de-Sac. A short street having one end open to traffic and being terminated at the other end by a vehicular turn-around.

7) Dedication. A deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the City of Kent.

8) County Auditor. As defined in Chapter 36.22 RCW or the office of the person assigned such duties under the King County charter.

9) Division of Land. The Subdivision of any parcel of land into two (2) or more parcels.

10) Final Approval. The final official action taken by the City Council on the proposed plat, subdivision, dedication or portion thereof that has previously received preliminary approval.
11) **Final Plat.** The final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth in this code.

12) **Hillside Subdivision.** A subdivision in which any lot in the subdivision has average slopes greater than fifteen (15) percent and in which any street in the subdivision has grades greater than seven (7) percent at any point.

13) **Home Owners Association.** An incorporated nonprofit organization operating under recorded land agreements through which, a) each lot owner is automatically a member, b) each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property, and c) a charge if unpaid becomes a lien against the property.

14) **Lot.** A fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

15) **Lot, corner.** A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees within the lot lines.

16) **Lot Frontage.** The front of a lot shall be that portion nearest the street except on a corner lot in which case the front yard shall be considered the narrowest part of the lot that fronts on a street.

17) **Lot Lines.** The property lines bounding the lot.

18) **Lot Measurements.**
   
   (a) Depth of a lot shall be considered to be the distance between the foremost points of the side lot lines in front and the rear-most points of the side lot lines in the rear.

   (b) Width of a lot shall be considered to be the distance between the side lines connecting front and rear lot lines, provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where eighty (80) percent requirement shall not apply.

19) **Lot of Record.** A lot which is part of a subdivision recorded in the Office of the County Assessor, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

20) **Lot, through.** A lot that has both ends fronting on a street. Either end may be considered front.

21) **Lot Splits.** The division of land into four (4) or less lots, tracts, parcels, sites, or divisions for the purpose of sale or lease.
22) **Meander Line.** A line along a body of water intended to be used solely as a reference for surveying.

23) **Official Plans.** Those maps, development plans, or portions thereof, adopted by the City Council of the City of Kent as provided in Chapter 44, Section 6, Laws of 1935, as amended. Such plans or maps shall be deemed to be conclusive with respect to the location and width of streets, public parks, and playgrounds and drainage rights-of-way as may be shown thereon.

24) **Performance Bond or Guarantee.** That security which may be accepted in lieu of a requirement that certain improvements be made before the City Council approves the Final Plat, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

25) **Planning Commission.** That body as defined in Ordinance 1674, City of Kent.

26) **Plat.** A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys or other divisions and dedications.

27) **Preliminary Plat.** A neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants to be applicable to the subdivision, and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

28) **Short Plat.** The map or representation of a short subdivision.

29) **Short Subdivision.** The division of land into four (4) or less lots, tracts, parcels, sites, or divisions for the purpose of sale or lease.

30) **Preliminary Approval.** The official favorable action taken on the Preliminary Plat of a proposed subdivision, metes-and-bounds description, or dedication, by the City Council following a duly advertised public hearing.

31) **Subdivision.** The division of land into two (2) or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease; provided that subdivisions of less than five (5) parcels may be defined as lot splits.

32) **Short Subdivision Committee.** The Short Subdivision Committee shall consist of one (1) Planning Commissioner; the Parks and Recreation Director; the Planning Director, who shall be chairman; the Public Works Director; and the Fire Chief.

33) **Tract.** A parcel of land proposed for subdivision or subdividing.

34) **Tentative Plat.** A map similar to the Preliminary Plat, but in sketch form.

35) **Roadway.** That portion of a street intended for the accommodation of vehicular traffic, generally within curb lines.
Section 1.5 STATE ENABLING LEGISLATION AS IT APPLIES TO THIS CODE

This code is in conformance with Chapter 58.17 of the Revised Code of the State of Washington regulating platting, subdivision, and the dedication of land.

Section 1.6 ADMINISTERING AUTHORITY

1) Kent Planning Agency
   The Kent Planning Agency is designated as the official agency of the City for making a review of and a recommendation on all proposed subdivisions in the City as prescribed as follows:

   (a) Planning Commission
       The Planning Commission is authorized to hold a public hearing on all preliminary plats and to make recommendations to the City Council.

   (b) Planning Department
       The Planning Department is responsible for the administration and coordination of this ordinance unless another department is authorized to administer and enforce a specific section or sections.

2) Kent Engineering Department
   The Engineering Department is responsible for reviewing all engineering and technical requirements of this ordinance.

3) City Council
   The Kent City Council shall hold a public meeting or hearing on all Preliminary Plats; further, the City Council shall have sole authority to approve final plats.

Section 1.7 NOTIFICATION OF OTHER AGENCIES

Notice of the filing of a preliminary plat of a proposed subdivision in the City of Kent, which subdivision is adjacent to or within one mile of the City of Kent's municipal boundaries or which contemplates the use of King County's or any other city's or town's utilities shall be given to the appropriate county, city, or town authorities. Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a State Highway shall be given to the State Department of Highways. Such notice shall include the hour and location of the hearing and a description of the property to be platted.

Section 1.8 EXCEPTIONS

The provisions of this code do not apply to:

1) Cemeteries and burial plots while used for that purpose.

2) Division of land into lots or tracts where the smallest lot is twenty (20) acres or more and not containing a dedication of a public right-of-way.

3) Divisions made by testamentary provisions, the laws of descent, or upon court order.
4) Boundary line adjustments where no new lot is created thereby or where no lot is reduced in size below the minimum square footage requirements required by the applicable zoning control.

5) Division of land due to condemnation or sale under threat thereof, by an agency or division of government vested with the power of condemnation.
SECTION II - PROCEDURES

Section 2.1 OUTLINE OF SUBDIVISION PROCEDURES

Section 2.1.1 Preliminary Meeting

Any person who desires to subdivide land in the City of Kent should consult with the Planning Department at an early date on an informal basis in order to become familiar with the requirements of this code. The Engineering Department should also be consulted at this time for advice and assistance in understanding the engineering requirements of this code.

Section 2.1.2 Application for Subdivision - General Overview of Procedures

1) Short Subdivision. The general procedures for processing applications for a short subdivision are as follows: The application is filed with the Planning Department; reviewed by the Short Subdivision Committee; said Committee may approve, modify, or deny the short subdivision; appeal of the decision of the Short Subdivision Committee shall be to the City Council.

2) Subdivision. The general procedures for processing an application for a subdivision consists of four (4) separate steps as follows: (1) Preparation and submission to the Planning Department of a Tentative Map of the proposed subdivision; (2) Submission of a Preliminary Plat of the proposed subdivision to the Planning Commission and City Council for public hearing; (3) Installation or bonding of improvements according to the approved Preliminary Plat; (4) Submission of the Final Plat to the City Council for approval. The approved Final Plat is recorded in the office of the King County Department of Records and Elections.

Section 2.2 DETAILED PROCEDURES FOR SHORT SUBDIVISIONS

Section 2.2.1 Purpose

The procedures regulating short subdivisions are established to promote orderly and efficient division of lots on a small scale, avoiding placing undue burdens on the subdivider and to comply with provisions of RCW 58.17.

Section 2.2.2 Principles of Acceptability

1) Create legal building sites with respect to zoning and health regulations.

2) Establish access to a public road for each segregated parcel.

3) Have suitable physical characteristics - a proposed short plat may be denied because of flood, inundation, or
swamp conditions or construction of protective improvements may be required as a condition of approval.

4) If adjacent to another municipality or King County, take into consideration the subdivision standards of that jurisdiction, as well as the requirements of this code.

5) Make adequate provision for: drainage ways, streets, alleys, other public ways, water supplies and sanitary wastes, as deemed necessary.

Section 2.2.3 Scope

Any land being divided in four (4) or less parcels, lots, tracts, sites, or subdivisions, any one of which is less than twenty (20) acres in size, and which has not been divided in a short subdivision within a period of five (5) years, shall meet the requirements of this Section.

Section 2.2.4 Application Requirements

1) Application. Application for a short subdivision shall be made with the Planning Department on forms prescribed by that Department. Said application shall be accompanied by ten (10) copies of the Short Subdivision Plat.

2) The Short Subdivision Plat shall conform to the following requirements:

(a) Shall be a neat and approximate drawing on reproducible material at a decimal scale. The Plat map shall measure between 8 1/2" x 11" and 17" x 22". 18 x 24.

(b) Shall show how the proposed subdivision will be served by streets and utilities.

(c) Shall be accompanied by a certificate of approval to be signed by the Chairman of the Short Subdivision Committee.

Section 2.2.5 Referral to Other Departments

Upon receipt of an application for a Short Subdivision, the Planning Department shall transmit one (1) copy of the application to each member of the Short Subdivision Committee, and one (1) copy to any department or agency deemed necessary. The application shall be transmitted at least five (5) working days prior to the Short Subdivision Committee meeting.

Section 2.2.6 Short Subdivision Committee Meeting

1) A meeting attended by the applicant at his option and the Short Subdivision Committee members shall be held no earlier than six (6) days and no later than thirty (30) days of receipt of the application. Said meeting shall be open to the public.
2) Quorum. Three (3) of the five (5) members of the Short Subdivision Committee must be present in order for the Committee to take any action.

3) Action. The Short Subdivision Committee may approve, approve with modifications, or deny the application for a Short Subdivision. The decision of the Short Subdivision Committee shall be made at the Subdivision Committee meeting. An additional meeting may be called if no decision is reached at the first meeting. The second meeting shall be no later than seven (7) days after the first meeting.

(a) Approval. If approved, the Short Plat shall be marked "Approved" and signed by the Chairman of the Short Subdivision Committee, and the applicant shall be notified in writing of the decision.

(b) Approval with Modifications. If modifications are deemed necessary by the Short Subdivision Committee, they may be added to the original Short Subdivision Plat or a new Short Subdivision Plat may be required.

(c) Denial. If denied, the Short Plat shall be marked "Denied" and the applicant shall be notified in writing of the decision, giving the reasons therefore.

Section 2.2.7 Appeal
The decision of the Short Subdivision Committee shall be final, unless an appeal by any aggrieved party is made to the City Council within fourteen (14) days after the Short Subdivision Committee's decision. Said appeal shall be in writing to the City Council and filed with the City Clerk and Planning Department. The City Council shall act on said appeal within thirty (30) days unless an extension thereto is agreed to, in writing, by the applicant.

Section 2.2.8 Filing Short Plat
1) A plat must be signed by the Chairman of the Short Subdivision Committee before it is filed.

2) Kent Planning Department. Short Plats shall be filed with the Kent Planning Department, the Kent City Clerk, and the Kent Engineering Department.

Section 2.2.9 Expiration Period
If the Short Plat is not filed within six (6) months of the date of approval, the Short Plat shall be null and void. Upon proper application by the subdivider, the Planning Department may grant one (1) extension of not more than six (6) months.

Section 2.2.10 Limitations on Further Subdivision
Any land subdivided under the requirements of this Section shall not be further divided for a period of five (5) years without following the procedures for subdivision (Section 2.3).
Section 2.3 DETAILED PROCEDURES FOR SUBDIVISION

Any land being divided into five (5) or more parcels, lots, tracts, sites, or subdivision, any one of which is less than twenty (20) acres in size, or any land which has been divided under the Short Subdivision procedures within five (5) years, shall conform to the procedures and requirements of this Section.

Section 2.3.1 Tentative Plat Procedures

1) Application. Applications for a tentative plat meeting and review shall be filed with the Planning Department. Twelve copies of the tentative plat shall be filed.

2) Map Scale and Documentation. The scale and information required for a tentative plat shall be in accordance with the requirements of Section 2.3.2 2), except that the scale and information do not need to be precise and the map does not need to be prepared by a registered land surveyor.

3) Referral to Other Departments. The Planning Department shall transmit copies of the tentative plat to the following departments: four (4) copies to the Engineering Department; one (1) copy to the Building Department; and one copy to the Health Agency; one (1) to the Fire Department; and one (1) each to the public utilities agencies serving the area.

4) Tentative Plat Meeting. A meeting may be held attended by the departments which received copies of the tentative plat, the Planning Department, and the subdivider. Any recommendations of the various departments for revision of the tentative plat should be discussed at such meeting as well as recorded in writing.

5) General Requirements or Findings for Tentative Plat. Following the aforesaid tentative plat meeting, and receipt of the recommendations of the city departments, the Planning Department shall find that the tentative plat:

   (a) Is in general conformance with the regulations of this code.
   (b) Streets conform to the circulation pattern established or proposed for the area the subdivision will be developed in;
   (c) Is in conformance with sewer, water and other utility plans for the area;
   (d) Not detrimental to its surroundings.

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6) Further Action. If the tentative plat is approved as presented, or as modified as per the suggestions presented in writing at the tentative plat meeting, the applicant should proceed to the preliminary plat stage. If not approved, a preliminary plat may still be submitted to the Planning Commission. However, it is likely that the same objections and problems will arise at that stage.

Section 2.3.2 Preliminary Plat Procedures

1) Application.
   (a) Application for a preliminary plat shall be filed with the Planning Department on forms prescribed by the Planning Department at least 25 days prior to the Planning Commission hearing at which it is to be considered.
   (b) The application shall be accompanied by a fee of one-hundred (100) dollars.
   (c) Twelve (12) copies of the preliminary plat shall be submitted, which shall be prepared by a land surveyor registered in accordance with the requirements of RCW 18.43.010.

2) Preliminary Plat Requirements. The following shall be part of the preliminary plat.
   (a) Vicinity Map. Adequate to show the location of the plat.
   (b) Preliminary Plat. Shall include or conform to the following:
      (1) The subdivision name and number, the name and address of the owner or owners, and the name and address of the licensed land surveyor and subdivision engineer.
      (2) The date of preparation, the true north point, a graphic scale and legal description of the property to be subdivided.
      (3) Preliminary plats shall be drawn to an appropriate engineering (decimal) scale.
      (4) Show the location of existing and proposed platted property lines, and existing section lines, streets, buildings, water courses, railroads, bridges, and any recorded public or private utility or roadway easements, both on the land to be subdivided and on the adjoining lands (land that abuts the proposed subdivision), to a distance of one-hundred (100) feet from the edge of the subject property.
(5) Contours and/or elevations (at 5' intervals minimum) shall be shown to that extent necessary to accurately predict drainage characteristics of the property. Contour lines shall be extended at least 100 feet beyond the boundaries of the proposed plat.

(6) Give the names, locations, widths, and other dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations, and utilities.

(7) Indicate the acreage of land to be subdivided; the number of lots; the area of the smallest lot and the approximate square footage and approximate percent of total acreage in open space.

(8) Indicate the approximate dimensions of each lot.

(9) Include a statement of soil type, drainage conditions, present landscaping (describe any natural or man-made land cover), wildlife present, and any other environmental factors which may be prescribed by the Planning Department.

3) Referral to Other City Departments and Agencies. The Planning Department shall distribute four (4) copies of the preliminary map to the Engineering Department, one (1) copy to the Building Department; one (1) copy to the Health Agency; one (1) copy to the Fire Department, and one (1) copy to each of the Public Utility Agencies serving the area in which the subdivision is to be constructed. Each department or agency may file recommendations with the Planning Department within ten (10) days of receipt of the preliminary plat; or in the event that a preliminary plat meeting should be called by the Planning Department, may present their recommendation at that time.

4) Preliminary Plat Meeting. The Planning Department shall compare the applicant's tentative and preliminary plat and shall reach a decision within three (3) working days after the application's submission, as to whether a preliminary plat meeting is necessary. A preliminary plat meeting may be deemed necessary when there are significant differences between the tentative and preliminary plats. The determination of the necessity of a preliminary plat meeting shall be based on the following considerations:

   (a) The degree of commonality between the two plans (i.e. is the preliminary plat a refinement of the tentative plat, or is it a completely new plat for the same property?).

   (b) The presence or absence of revisions present in the preliminary plat resulting from objections raised at the tentative plat meeting.
5) **Planning Commission Public Hearing**

(a) The Planning Commission shall hold a public hearing on any preliminary plat and forward its recommendations to the Kent City Council. Said public hearing shall be held no later than the second regular meeting of the Planning Commission after submission of the application, and the recommendations shall be forwarded to the City Council within fourteen (14) days of the Planning Commission's action.

(b) The Planning Department shall give notice in the following manner:

1) Three notices of the public hearing shall be posted on or adjacent to the land to be subdivided at least ten (10) days prior to the public hearing.

2) One (1) notice of the public hearing shall be given in a newspaper of general circulation at least ten (10) days prior to the public hearing.

6) **Health Agency Recommendation.** The health agencies responsible for approval of the proposed means of sewerage disposal and water supply shall file with the City Council, prior to the Council's consideration of the preliminary plat, written statements as to the general adequacy of the proposed means of sewerage disposal and water supply.

7) **City Council Action.** After receiving the Planning Commission's recommendation, the City Council shall, at its next public meeting, set a date for a public meeting to consider the adoption or rejection of the recommendation. If at this meeting the City Council deems that a change in the Planning Commission's recommendation is necessary, the change of the recommendation shall not be made until the City Council has conducted a public hearing and thereupon adopted its own recommendations and approved or disapproved the preliminary plat.

8) **Approval Period.** Preliminary plats of any proposed subdivision shall be approved, disapproved, or returned to the applicant for modification or correction within sixty (60) days from the date of submission, unless the applicant consents to an extension of such time period.

9) **Expiration Date.** Approval of the preliminary plat shall lapse within one (1) year from the date of approval unless the City Council grants an extension of time for a period of not greater than one (1) year or unless a final plat based on the preliminary plat is submitted prior to the one (1) year limit.

Section 2.3.3 **Installation of Improvements or Bonding in Lieu of Improvements.**

1) **Required Improvements.** The following tangible improvements may be required before a final plat is submitted; every subdivider may be required to grade and pave streets and alleys, install curbs and gutters, sidewalks, monuments, sanitary and storm sewers, street lights, water mains and street name signs, together with all appurtenances thereto in accordance with specifications and standards of this code, approved by the Engineering Department and in accordance with other standards of the City.
2) *Inspection, Approval and Fees.* The Engineering Department shall be responsible for the supervision, inspection and acceptance of all subdivision improvements and shall make a charge therefore to the subdivider in the amount of the hourly cost to the City of Kent. The hourly cost shall include the wages of the inspector and the City's cost for fringe benefits calculated on an hourly basis.

3) *Permits.* Prior to proceeding with subdivision improvements, the subdivider shall make application for such permits from the City as are necessary. The applicant is also responsible for complying with all permit requirements of other federal, state and local agencies.

4) *Deferred Improvements.* No final plat shall be submitted to the City Council until all improvements are constructed in a satisfactory manner and approved by the responsible departments or a bond has been satisfactorily posted for deferred improvements.

(a) *Bonds.* If a developer wishes to defer certain on-site improvements, written application shall be made to the Engineering and Planning Departments stating the reasons why such delay is necessary. If the deferment is approved, the developer shall furnish a performance bond to the City in an amount equal to a minimum of one hundred fifty (150) percent of the estimated cost of the required improvements. The decision of the City Engineer and Planning Director as to amount of such bond shall be conclusive.

(b) *Time Limit.* Such bond shall list the exact work that shall be performed by the applicant and shall specify that all of the deferred improvements be completed within the time established by the Department of Engineering; and if no time is established, then not later than one (1) year after approval of the final plat by the City Council. The bond shall be held by the City Clerk.

(c) *Check in Lieu of Bond.* The developer may substitute a certified or cashier's check or assignment of funds in lieu of a performance bond. Such check or assignment shall be made payable to the City Treasurer and shall be in the same amount as the bond it is substituting.

(d) *Proceed Against Bond or Other Security.* The City reserves the right, in addition to all other remedies available to it by law, to proceed such bond or other payment in lieu thereof. In case of any suit or action to enforce any provisions of this code, the developer shall pay unto the City all costs incidental to such litigation including reasonable attorney's fees. The applicant shall enter into an agreement with the City requiring payment of such attorney's fees.

(e) *Binding Upon Applicant.* The requirement of the posting of any performance bond or other security shall be binding on the applicant, his heirs, successors and assigns.
(f) Notification to Planning Department. The City Engineer shall notify the Planning Department in writing of the following: the improvements deferred, amount of bond or check deposited, time limit of bond or check, name of bonding company, and any other pertinent information.

5) Certificates of Completion. The Engineering Department shall submit a certificate in duplicate to the Planning Department verifying that the subdivider has completed the required installations and/or bonding in accordance with the provisions of this code and the specifications and standards of the departments. One (1) copy of the completed certificate shall be furnished to the subdivider by the Planning Department together with a notice advising him to proceed with preparation of a final plat for that portion of the area in which minimum improvements have been installed and approved or adequate security has been posted as provided in Section 2.3.3 4). Certificate originals shall be retained by the Planning Department.

Section 2.3.4 Final Plat Procedures

1) Application.

(a) Application for final map shall be filed with the Planning Department on forms prescribed by the Planning Department.

(b) The application shall be accompanied by a filing fee of twenty-five (25) dollars plus three (3) dollars per residential lot, and in no event shall the fee be less than fifty (50) dollars. The fee for industrial and commercial subdivisions shall be ten (10) dollars for each one acre of land area and in no event shall the fee be less than fifty (50) dollars. No fee shall exceed three hundred-fifty (350) dollars.

(c) Eleven (11) copies of the final plat plus the original shall be submitted; said plat shall be prepared by a land surveyor registered in accordance with the requirements of RCW 18.43, and shall conform to the preliminary plat.

2) Final Plat Requirements.

(a) The final plat shall be drawn to a scale of not less than one (1) inch representing one hundred (100) feet unless otherwise approved by the Engineering Department on sheets eighteen by twenty-two (18 x 22) inches. The original drawing shall be in black ink on linen tracing cloth or on stabilized drafting film, and shall contain the following information.

(1) Date, title, name and location of subdivision, graphic scale, and true north point

(2) The lines of all streets and roads, alley lines, lot lines, lot and blocks numbered in numerical order, reservations, easements, and any areas to be dedicated to public use, with notes stating their purpose and any limitations.
(3) Certification by a licensed land surveyor that a survey will be made and that monuments and stakes will be set.

(4) Certification by the responsible Health Agencies that the methods of sewage disposal and water service are acceptable.

(5) Certification by the Engineering Department that the subdivider has complied with either of the following alternatives:

(a) All improvements have been installed in accordance with the requirements of these regulations, or

(b) Certain improvements have been deferred according to Section 2.3.4), Deferred Improvements.

(6) The subdivider shall furnish the City a plat certificate from a title insurance company documenting the ownership and title of all interested parties in the plat, subdivision or dedication and listing all encumbrances. The certificate shall be dated within forty-five (45) days prior to the granting of the final plat by the City Council.

(7) Certification by the King County Finance Department that taxes have been paid in accordance with Section 1, Chapter No. 188, Laws of 1927 (RCW 58.08.030 & .040) and that a deposit has been made with the King County Finance Department in sufficient amount to pay the taxes for the following year.

(8) Certification by the City Treasurer that there are no delinquent special assessments and that all special assessments certified to the City Treasurer for collection on any property herein contained dedicated for streets, alleys or other public uses are paid in full.

(9) Certification of approval to be signed by the City Engineer and the Planning Director.

(10) Certification of approval to be signed by the Mayor and the City Clerk.

(11) Copies of any restrictive covenants as may be used in the subdivision.

3) Referral to Other Departments and Agencies. The Planning Department shall distribute the final plat to all departments and agencies receiving the preliminary plat, and to any other departments, utility agencies and other governmental agencies deemed necessary.
4) City Council Public Hearing. At its first public meeting following the date the final plat application has been officially accepted by the Planning Department, the City Council shall set a date for a public hearing or meeting to consider the final map. The final plat shall be approved, disapproved or returned to the applicant for modification or correction within thirty (30) days of the date of application thereof, unless the applicant consents to an extension of such time period.

5) Filing Final Plat. Before the final plat is submitted to the City Council, it shall be signed by the City Engineer and Planning Director. After the final plat is approved by the City Council, it shall be signed by the Mayor and the City Clerk. The final plat shall be filed with the King County Department of Records and Elections by the City.

6) Extension of the Final Map Approval Date. Final approval by the City Council of a portion of the final map will constitute an automatic extension of one (1) year from said approval date for the remainder of the final map. One (1) additional extension of six (6) months may be granted at the discretion of the City Council.

7) Expiration of Plat After Council Approval. If a final plat has not been recorded within six (6) months after approval by the City Council, the map shall expire and be null and void. To revitalize the expired map, the map shall be resubmitted as a preliminary map. One (1) extension to the six (6) month period may be granted by the City Council.
SECTION III - REQUIREMENTS AND STANDARDS FOR THE

SUBDIVISION OF LAND

Section 3.1 GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF RESIDENTIAL DESIGN

A plat, subdivision or dedication shall be prepared in conformance with the following provisions.

Section 3.1.1 Environmental Considerations

1) Purpose. It is the purpose of this section to provide for the protection of valuable, irreplaceable environmental amenities and to make urban development as compatible as possible with the ecological balance of the area. Goals are to preserve drainage patterns, protect ground water supply, prevent erosion and to preserve trees and natural vegetation. This is beneficial to the city in lessening the costs of the development to the city as a whole, and to the subdivider in creating an attractive and quality environment.

2) Unsuitable Land. Land which is found to be unsuitable for subdivision includes land with features likely to be harmful to the safety and general health of the future residents (such as lands adversely affected by flooding, bad drainage, steep slopes, rock formations). Land which the City Council considers inappropriate for subdivision shall not be subdivided unless adequate methods are provided as safeguards against these adverse conditions. If any portion of the land within the boundary of a preliminary plat or approved record of survey is subject to flood, or inundation, or is in a flood control zone, according to RCW 86.16, that portion of the subdivision shall have the written approval of the Department of Ecology before the City Council shall hear the final plat.

3) Trees. Every reasonable effort shall be made to preserve existing trees.

4) Streams.
   (a) Every effort shall be made to preserve existing streams, bodies of water, marshes and bogs.
   (b) If a stream passes through any of the subject property, a plan shall be presented which indicates how the stream will be preserved; methodology should include an overflow area, and an attempt to minimize the disturbance of the natural channel and stream bed.
   (c) The piping or tunneling of water shall be discouraged and allowed only when going under streets.
   (d) Every effort shall be made to keep all streams and bodies of water clear of debris and pollutants.
Section 3.1.2 Compatibility with Existing Land Use and Plans

1) Buffer Between Uses. Where residential subdivisions are to be developed adjacent to business, commercial or industrial land use districts, buffer strips may be provided.

2) Continuity with Improved Additions. No plan for the replatting, subdivision, or dedication of any area shall be approved by the City Council unless the streets shown therein are connected by surfaced road or street (according to City of Kent specifications) to an existing street or highway.

3) Conformity with Existing Plans. The location of all streets shall conform to any adopted plans for streets in the City of Kent.

4) Trails Plan. If a subdivision is located in the area of an officially designated trail, provisions shall be made for reservation of the right-of-way or for easements to the City for trail purposes.

Section 3.1.3 Grading Permit

A Grading Permit shall be required as per Chapter 70 of the Uniform Building Code as adopted by City of Kent, prior to any grading.

Section 3.1.4 Streets

1) Relationship to Adjoining Street System. The proposed street system shall extend existing streets at the same or greater width, unless otherwise approved by the Engineering Department.

2) Street Names. All proposed street names shall be approved by the City of Kent.

3) Arterials, Intersections. Streets intersecting with existing or proposed public highways, major or secondary arterials shall be held to a minimum.


(a) Street Alignment. The alignment of all streets shall be reviewed and approved by the City of Kent Engineering Department. The following standards shall apply; unless otherwise approved by the Engineering Department.

(1) Street Intersection Offsets. Where street intersections must be offset, such offsets shall not measure less than two hundred (200) feet from centerline to centerline.

(2) Cul-de-Sacs. Residential cul-de-sacs shall not exceed a length of six hundred (600) feet.

(3) Street Grades. No street grades shall exceed fifteen (15) percent.

(4) Tangents. A tangent of at least two hundred (200) feet in length shall be provided between reverse curves for community or major arterials, one hundred fifty (150) feet for neighborhood collector streets, and one hundred (100) feet for residential access streets.
(5) Horizontal Curves. Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets sixty (60) feet or more in width, the centerline radius of curvature shall be not less than three hundred (300) feet; on other streets, not less than one hundred (100) feet.

(6) Vertical Curves. All changes in grade shall be connected by vertical curves of a minimum length of two hundred (200) feet unless specified otherwise by the Engineering Department.

(7) Full Width Streets. All streets shall be platted at full width.

(b) Full Width Improvement. All street improvements shall be of full width improvement. Full width improvement shall consist of the following:

(1) All streets, roads, and alleys shall be graded to their full width and the pavement and sidewalks shall be constructed to standard cross sections.

(2) All street and alley surfaces shall be of asphalt concrete according to City of Kent specifications.

(3) All streets shall have permanent concrete curbs and gutters according to City of Kent specifications.

(4) All streets shall have storm drains.

(5) All through streets shall have sidewalks on at least one side; all sidewalks shall have a minimum width of five (5) feet.

(6) All streets shall have street lighting located and installed in accordance with the determinations and standards of the Engineering Department. Street lighting spacing shall consider the dimensions of adjacent full-grown trees.

(7) Adjacent to Unplatted Acreage. Streets which may be extended in the event of future adjacent platting may be required to be dedicated to the boundary line. Extensions of greater depth than an average lot shall be improved with temporary turn-a-rounds. Dedication of a full width boundary street may be required in certain instances to facilitate future development.

(8) Planting Strips. Any planting strips in residential subdivisions shall be not less than four (4) feet in width.
Street Widths. Street widths vary according to function and traffic generated. Minimum width for the types of streets, as defined in the Kent Comprehensive Plan, are listed below and shall be adhered to:

<table>
<thead>
<tr>
<th>Type of Street</th>
<th>Right-of-Way</th>
<th>Pavement Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Arterial</td>
<td>80</td>
<td>60</td>
</tr>
<tr>
<td>Secondary Arterial</td>
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<td>44</td>
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<tr>
<td>Collector</td>
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<td>36</td>
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<tr>
<td>Local Street</td>
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<td>32</td>
</tr>
<tr>
<td>Cul-de-Sac</td>
<td>50</td>
<td>28-32</td>
</tr>
</tbody>
</table>

### Section 3.1.5 Installation of Utilities

All utilities designed to serve the subdivision shall be placed underground. Those utilities to be located in the planting strip shall be placed in such a manner and depth to permit the planting of trees.

Those utilities to be located beneath paved surfaces shall be installed, including all service connections, as approved by the Engineering Department; such installation shall be completed and approved prior to the application of any surface material.

1) Sanitary Sewers. Unless septic tanks are specifically approved by the City, sanitary sewers shall be provided at no cost to the City and designed in accordance with City standards.

2) Storm Drainage. An adequate drainage system shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full width roadway and required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall be less than twelve (12) inches.

3) Water System. The water distribution system including the locations of fire hydrants shall be designed and installed in accordance with City standards as defined by Engineering and Fire Department ordinances and requirements.

### Section 3.1.6 Public Use and Service Areas

Due consideration shall be given by the subdivider to the allocation on adequately sized areas for public service usage.

1) Basements for Utilities. Basements may be required for the maintenance and operation of utilities as specified by the Engineering Department.

2) Community Assets. Due regard shall be shown for all natural features such as large trees, water courses, historical spots and similar community assets which, if preserved, will add attractiveness and value to the property.
Section 3.1.7 Blocks

1) Recommended Length. Blocks should not be less than three hundred (300) feet nor more than one thousand (1000) feet in length. Where circumstances warrant, the Planning Commission may require one (1) or more public cross walks of not less than six (6) feet in width dedicated to the City to extend entirely across the width of the block at locations deemed necessary. Such cross walks shall be paved for their entire width and length with a permanent surface and shall be adequately lighted.

2) Width. Blocks shall be wide enough to allow two (2) tiers of lots, except where fronting on major streets or prevented by topographical conditions or size of the property, in which case the Planning Commission may approve a single tier.

Section 3.1.8 Lots

1) Arrangement. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines. Each lot must front upon a public street or road.

2) Minimum Size. The size, shape, and orientation of lots shall meet the minimum area and width requirements of the applicable zoning classification and shall be appropriate for the type of development and use contemplated.

3) Corner lots may be required to be platted with additional width to allow for the additional side yard requirements.

4) Lots which are bordered by two more or less parallel streets shall be permitted access to only one of those streets.

5) Property Corners at Intersections. All lot corners at intersections of dedicated public rights-of-way shall have a minimum radius of fifteen (15) feet.

Section 3.1.9 Other Improvements

1) Monuments.
   (a) Concrete permanent control monuments shall be established at each and every controlling corner of the subdivision. Interior monuments shall be located as determined by the Engineering Department. All surveys shall be of second degree accuracy. The use of state plane coordinates is encouraged.
   (b) All other lot corners shall be marked with suitable metal or wood markers.

2) Street Signs. The subdivider shall reimburse the City on the cost of the street name signs and installation necessary in the subdivision.
Section 3.1.10 Hillside Subdivisions

1) Hillside Subdivision Defined. A subdivision in which any lot in the subdivision has average slopes greater than fifteen (15) percent and in which any street in the subdivision has grades greater than seven (7) percent at any point.

2) Purpose. Additional regulations shall be placed on Hillside Subdivisions in order to protect the unique environment and to deal with additional drainage and erosion problems present in such areas.

3) The following standards shall apply to Hillside Subdivisions. In addition, the regulations of Section 3.1.1 through 3.1.10 shall apply unless specifically excepted.

(a) Information concerning the soils, geology, drainage patterns, vegetation shall be presented in order to determine if the subdivision can be safely developed.

(b) Detailed plans for any proposed cut and fill operations shall be submitted. These plans shall include the angle of slope, contours, compaction, and retaining walls.

(c) Streets.

(1) Streets may have a grade exceeding fifteen (15) percent.

(2) Street widths may be less than those required in Section 3.1.4 6) b) (9) if it is found that traffic generated will be less than in a non-hillside subdivision.

(d) Lots. Lots may be required to be larger than minimum lot sizes required by the Kent Zoning Code. Generally, lots in steeper areas of the subdivision should be larger than those in less steep areas of the subdivision.

(e) Clearing and Grading and Ground Coverage Requirements. Any clearing or grading shall be accompanied by erosion control measures as deemed necessary by the Engineering Department.

Section 3.2 GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF INDUSTRIAL AND COMMERCIAL DESIGN

The division of land for industrial purposes shall conform to the requirements and minimum standards of residential design except as provided in this section.

Section 3.2.1 Street Widths

<table>
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<tr>
<th>Type</th>
<th>Right-of-Way Width</th>
<th>Pavement Width</th>
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<tr>
<td>INDUSTRIAL ARTERIAL</td>
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<tr>
<td>INDUSTRIAL COLLECTOR</td>
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<td>INDUSTRIAL ACCESS</td>
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<tr>
<td>COMMERCIAL STREETS</td>
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<td>36</td>
</tr>
<tr>
<td>ALLEYS</td>
<td>20</td>
<td>--</td>
</tr>
</tbody>
</table>
Section 3.2.2 Increased Right-of-Way Requirements in Commercial Subdivisions

The City may require that street widths in commercial subdivisions be increased to provide for traffic movement and to reduce or eliminate traffic congestion.

Section 3.2.3 Sidewalks

The City may require that sidewalks be provided.

Section 3.2.4 Property Corners at Intersections

All lot corners at intersections of dedicated public rights-of-way shall have a minimum radius of twenty-five (25) feet.

Section 3.2.5 Railroads

If railroad tracks are to be installed in a subdivision, such tracks and their route shall be shown on the face of the Preliminary Plat.

Section 3.2.6 Blocks

1) Recommended Length. Blocks shall not be less than six hundred (600) feet or more than two thousand (2000) feet in length.

2) Recommended Width. Blocks should be not less than three hundred (300) feet in width, except where fronting on major streets or prevented by topographical conditions or size of the property, in which case the Planning Commission may approve a lesser width. Blocks should not be greater than one thousand (1000) feet in width.

Section 3.2.7 Lots

1) Optional. Lots are optional in industrial and commercial subdivisions. The size, shape and orientation of lots shall meet the minimum area and width requirements of the applicable zoning classification and shall be appropriate for the type of development and use contemplated. However, if lots for individual sale or lease are created, they shall conform to the following criteria.

   (a) Arrangement. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines.

   (b) Corner Lots. Corner lots may be required to be platted wider than interior lots as determined by the Planning Department.

Section 3.3 GENERAL REQUIREMENTS AND STANDARDS FOR MOBILE HOME PARK DESIGN

The standards of Section 3.1 for Residential Subdivisions shall also apply to Mobile Home Park subdivisions unless other standards are specifically approved by the City.
SECTION IV - EXCEPTIONS, PENALTIES, SEVERABILITY, LIABILITY, REPEAL

SECTION 4.1 EXCEPTIONS

1) Exception Requirements. The Planning Commission may recommend to the City Council an exception from the requirements of this code when, in its opinion, undue hardship may be created as a result of strict compliance with the provisions of this code. In recommending any exception, the Planning Commission may prescribe conditions that it deems necessary to or desirable for the public interest. No exceptions shall be recommended unless the Planning Commission finds:

(a) That there are special physical circumstances or conditions affecting said property such that the strict application of the provisions of this code would deprive the applicant of the reasonable use or development of his land;

(b) That the exception is necessary to insure such property the rights and privileges enjoyed by other properties in the vicinity and under similar circumstances.

(c) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity.

2) Applications Required. Application for any exception shall be submitted in writing by the subdivider at the time the preliminary plat is submitted to the Planning Department. The application shall state fully all substantiating facts and evidence pertinent to the request.

SECTION 4.2 PENALTIES

1) Any person, firm, corporation or association, or any agent of any person, firm, corporation or association who violates the provisions of this code shall be guilty of a misdemeanor and upon conviction be subject to a fine not to exceed five hundred (500) dollars for each such violation, or imprisonment for a period not to exceed thirty (30) days, or both such fine and imprisonment.

2) In addition to the above, any person or firm who transfers, sells, or options any land which is undergoing platting procedures before such plat or map has been approved by the City of Kent, and before the same has been filed for record in the office of the King County Department of Records and Elections or the City Clerk shall, upon conviction, be subject to a fine not to exceed three hundred (300) dollars for each such violation, or imprisonment for a period not to exceed thirty (30) days, or both such fine and imprisonment. This provision does not apply when the original subdivider sells the entire parcel to another subdivider.

The King County Prosecuting Attorney may initiate an action to enjoin the transfer, sale, agreement, or option by making application for an injunction in the Superior Court. The Planning Commission, Planning or Engineering Departments may recover said penalty for the City of Kent by civil action in any court of competent jurisdiction.
SECTION 4.3 LIABILITY

City Not Liable. This ordinance shall not be construed to relieve from or lessen the responsibility of any person owning any land or building, constructing or modifying any subdivisions in the City for damages to anyone injured or damaged either in person or property by any defect therein; nor shall the City or any agent thereof be held as assuming such liability by reason of any preliminary or final approval or by issuance of any permits or certificates authorized herein.

SECTION 4.4 SEVERABILITY

If any part or portion of this ordinance is determined to be unconstitutional by a court of competent jurisdiction, such determination shall not affect the remainder of this ordinance.

SECTION 4.5 REPEAL

Ordinance 807 and any and all ordinances in conflict herewith are hereby repealed.