AN ORDINANCE of the City of Kent, Washington, relating to plats and subdivisions; amending the Kent Subdivision Code (Ordinance 1840) to increase the number of lots allowed in a short subdivision to nine (9), and amending Section 1.4, Section 2.2, and Section 2.3 to incorporate regulations pertaining to nine lot short subdivision.

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

Section 1. Section 1.4 of the Kent Subdivision Code is amended as follows:

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 within well defined and fixed boundaries.

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

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

8) 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 a short plat showing the dedication thereof; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the City of Kent.

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

10) Final Approval. 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.

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) Hearing Examiner (Land Use). A person appointed by the City Administrator to conduct public hearings on applications outlined in the City ordinance creating the Hearing Examiner, and who prepares a record, findings of fact and conclusions on such applications.

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

14) 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.

15) Lot. A fractional part of divided 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.

16) 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.

17) 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 (except in industrial and commercial zones in which case the user of a corner lot has the option of determining which part of the lot fronting on a street shall become the lot frontage).

18) Lot Lines. The property lines bounding the lot.

19) 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 requirements shall not apply.

20) 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.

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) Lot, Through. A lot that has both ends fronting on a street. Both ends will be considered front.

23) Meander Line. A line along a body of water intended to be used solely as a reference for surveying.

24) 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.

25) 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.

26) Piggyback or Accumulative Short Subdivision. Multiple short subdivision of contiguous land under common
ownership. Ownership for purposes of this section shall mean ownership as established at the date of the initial short subdivision approval.

((27)) Planning Commission. That body as defined in Ordinance 1674, City of Kent.

((28)) 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.

((29)) 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.

((30)) Preliminary Plat. A neat and precise drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, 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.

((31)) Roadway. That portion of a street intended for the accommodation of vehicular traffic, generally within curb lines.

((32)) Short Plat. The map or representation of a short subdivision.

((33)) Short Subdivision. The division or redivision of land into ((four 4)) nine (9) or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease or transfer of ownership.

((34)) 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, who
may designate the City Engineer to sit in his absence with full voting power; and the Fire Chief, who may designate the Chief of the Fire Prevention Bureau to sit in his absence with full voting power.

((34)) Subdivision. The division or redivision of land into ((five (5))) ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease, or transfer of ownership; provided that subdivisions of less than ((five (5))) ten (10) parcels may be defined as lot splits or short subdivisions.

((35)) Subdivision, Phased. A subdivision which is developed in increments over a period of time. Preliminary plat approval must be granted for the entire subdivision and must delineate the separate divisions which are to be developed in increments. The preliminary plat approval shall be conditioned upon completion of the proposed phases in a particular sequence and may specify a completion date for each phase. Final plat approval shall be granted for each separate phase of the preliminary plat and any changes at the preliminary plat stage would require Council approval.

((36)) Tentative Plat. A map drawn in accordance with the same requirements as the preliminary plat map, but submitted prior to preliminary plat submittal.

((37)) Tract. A parcel of land proposed for subdivision or subdividing.

Section 2. Section 2.2.3 of the Kent Subdivision Code is amended as follows:

Section 2.2.3 Scope Any land being divided into ((four (4))) nine (9) 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.
Provided, no application for a short subdivision shall be approved if the land being divided is held in common ownership with a contiguous parcel which has been divided in a short subdivision within the preceding five (5) years, (piggyback short subdivision), except: if the subject property has received Master Plan approval by the City (through a rezone, PUD, or other hearing process), piggyback short subdivisions shall be permitted. Such short subdivisions must be consistent with the approved Master Plan.

Section 3. A new Section 2.2.4 is added to the Kent Subdivision Code as follows:

Section 2.2.4 Preliminary Map Review. In any short subdivision of property in excess of four (4) lots, the applicant must submit a map for preliminary staff review prior to submittal of the application. The staff shall review this map within one (1) week and inform applicant of any obvious concerns and recommendations for revisions. This shall not preclude the staff from making further recommendations at the application stage.

Section 4. Section 2.2.4 of the Kent Subdivision Code is renumbered as follows:

Section (2.2.4) 2.2.5 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 18" x 22".
b) Shall show how the proposed subdivision will be served by streets and utilities. Show how access will be provided to all lots and location of sewer and water lines.

c) Shall show all existing structures and distances from any existing and proposed lot lines within or abutting the short plat.

d) All short plats shall be surveyed by a land surveyor licensed in the State of Washington. All exterior corners and streets shall be monumented.

Section 5. Section 2.2.5 of the Kent Subdivision Code is renumbered as follows:

Section (2.2.5) 2.2.6 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 6. Section 2.2.6 of the Kent Subdivision Code is amended as follows:

Section (2.2.6) 2.2.7 Short Subdivision Committee Meeting.

1) A meeting attended by the applicant or his representative and the Short Subdivision Committee members shall be held within thirty (30) days of the 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 and conditions, or deny the application for a Short Subdivision. Any short subdivision which is in excess of four (4) lots shall be subject to full subdivision standards and shall comply with the following Sections of this Code: Section 2.3.4, Installation of Improvements or Bonding in Lieu of Improvements; Section 2.3.5, 2)a)(1)-(10) Final Plat Requirements; Section 3.1, General Requirements and Minimum Standards of Residential Design; and Section 3.2, General Requirements and Minimum Standards of Industrial and Commercial Design.

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. An applicant may request (to have) that an application, on which the Short Subdivision Committee has taken affirmative action, be reopened by the Committee if it is found by the Planning Director and the applicant that new information has come to light that might affect the action taken by the Short Plat Subdivision Committee. In case of a denial by the Short Subdivision Committee any appeal shall be made to the City Council, as per Section 2.2.7; new information can be presented during City Council consideration of the appeal.

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 7. Section 2.2.7 of the Kent Subdivision Code is renumbered as follows:

Section (2.2.7) 2.2.8 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 twenty-one (21) days unless an extension thereto is agreed to, in writing, by the applicant.

Section 8. Section 2.3 of the Kent Subdivision Code is amended as follows:

Section 2.3 DETAILED PROCEDURES FOR SUBDIVISION. Any land being divided into (five (5)) ten (10) 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, or any land which is held in common ownership with a contiguous parcel divided under the Short Subdivision procedures within the preceding five (5) years shall conform to the procedures and requirements of this Section.

Section 9. Section 2.3.4 of the Kent Subdivision Code is amended as follows:

Section 2.3.4. 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((:)) or a short subdivision of five (5) or more lots is recorded:
grading and paving of streets and alleys, installation of curbs, gutters, sidewalks, monuments, sanitary and storm sewers, street lights, water mains and street name signs, together with all appurtenances thereto to 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 salary and benefits of the inspector.

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 nor any short subdivision of five (5) or more lots recorded until all improvements are constructed in a satisfactory manner and approved by the responsible departments or a bond approved by the City has been 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(††) or one (1)
year after recording of a five (5) lot or larger short subdivision. 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 against 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 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 or recordation of a five (5) lot or larger short subdivision 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 10. Section 2.3.5 of the Kent Subdivision Code is amended as follows:

Section 2.3.5 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) 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.

Application fees are contained in City of Kent Ordinance ((#2026)) 2403.

2) Final Plat Requirements

a) The final plat or final short subdivision map (for short subdivisions of five (5) or more lots) 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, and 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:

(1) Include the date, title, name and location of subdivision, graphic scale, and true north point.

(2) Display 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) Contain data sufficient to determine readily and reproduce on the ground the location, bearing, and length of every street, easement line, lot line, boundary line and block line on site.

(4) Include dimensions to the nearest one-hundredth (1/100) of a foot and angles and bearings in degrees, minutes, and seconds.

(5) Include Lambert Coordinates, if provided by the Public Works Department, for permanent control monuments on the final plat as determined by the City Engineer's office.

(6) Display all interior permanent control monuments located as determined by the City Engineer's office. All interior monuments shall be installed prior to the release of any bond.

(7) Be mathematically correct.

(8) Be accompanied by an approved printed computer plot closure or demonstrated mathematical plot closure on all lots, streets, alleys and boundaries.

(9) Contain a legal description of the land to be subdivided on both the title report and final linen. Legal description shall be metes-and-bounds description reflecting within said description ties to all subdivision lines, donation claim lines, and/or recorded plat lines.

(10) Be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes showing the original or re-established corners with descriptions.
of the same and the actual traverse showing error of closure and method of balancing. A sketch showing all distances, angles and calculations required to determine corners and distances of the plat shall accompany this data. The allowable error of closure shall not exceed one (1) foot in five thousand (5000) feet.

b) Final plat certificates. In addition to other requirements as specified herein, the final plat shall contain or be accompanied by the following:

(1) Certification showing that streets, rights-of-way and all sites for public use have been dedicated.

(2) Certification by a licensed land surveyor that a survey has been made and that monuments and stakes will be set.

(3) Certification by the responsible health agencies that the methods of sewage disposal and water service are acceptable.

(4) 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 2.3.3 4), Deferred Improvements.

(5) 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.
(6) 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.

(7) 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.

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

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

(10) 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 Hearings. 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) 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. [Amendment - per City Council action 2/13/85]

Section 11. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ATTEST:

ISABEL HOGAN, MAYOR

BETTY GRAY, DEPUTY CITY CLERK

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the 15 day of APR, 1985.
APPROVED the 17 day of APR, 1985.
PUBLISHED the 19 day of APR, 1985.
I hereby certify that this is a true copy of Ordinance No. 2556, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

(SEAL)

BETTY GRAY, DEPUTY CITY CLERK