Ordinance No. 2849

(Amending or Repealing Ordinances)

CFN=458 – Subdivision Code
Passed 6/6/1989
Incorporating Administrative Application and Review Procedures for Lot Line
Adjustments and to clarify the definition of accumulative short subdivision

Amended by Ord. 3424 (Sec.12.04.080)
Amended by Ord. 3511 (Sec. 12.04)
Amended by Ords. 3551;3561
Amended by Ord. 3664 (Sec. 12.04.020)
Amended by Ord. 3830
Amended by Ord. 3906 (Ch. 12.04)
Amended by Ord. 3944 (Sec 12.04.025)
ORDINANCE NO. 2849

AN ORDINANCE of the City of Kent, Washington, amending Kent City Code Chapter 12.04 (City of Kent Subdivision Code) (Ordinance 1840), to incorporate administrative application and review procedures for lot line adjustments and to clarify the definition of accumulative short subdivision, by amending Sections 12.04.020; 12.04.030; amending 12.04.040 to add new definitions and to renumber 12.04.059 through 12.04.079; amending 12.04.080 by deleting portions therein; amending 12.04.110; 12.04.212; 12.04.222; 12.04.224; and adding a new Chapter 12.04.1000.

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

Section 1. Section 12.04.020 of the Kent City Code is amended as follows:

The purpose of this code is to provide rules, regulations, requirements, and standards for subdividing land in the City of Kent, and for administrative procedures for adjustments of lot lines 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 2. Section 12.04.030 of the Kent City Code has been amended as follows:
SCOPE:
This code shall apply to the division of land for sale or lease into two (2) or more parcels and to the modification of lot lines between adjoining parcels.

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 3. Section 12.04.040 of the Kent City Code is amended as follows:

SECTION 12.04.040. DEFINITIONS

12.04.041 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.

12.04.042 Block. A group of lots, tracts, or parcels within well defined and fixed boundaries.

12.04.043 City Council. The City Council of the City of Kent, Washington.

12.04.044 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.
12.04.045 **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.

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

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

12.04.048 **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.

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

12.04.050 **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.

12.04.051 **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.
12.04.052 **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.

12.04.053 **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.

12.04.054 **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.

12.04.055 **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.

12.04.056 **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.
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).

Lot Lines. The property lines bounding the lot.

Lot Line Adjustment. A lot line adjustment is the adjusting of common property line(s) or boundaries between adjacent lots, tracts, or parcels for the purpose of rectifying a disputed property line location, freeing such a boundary from any differences or discrepancies or accommodating a minor transfer of land. The resulting adjustment shall not create any additional lots, tracts or parcels and all reconfigured lots, tracts or parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes.

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.

12.04.061 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.

12.04.062 Lot Splits. The division of land into four (4) or less lots, tracts, parcels, sites, or divisions for the purpose of sale or lease.

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

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

12.04.065 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.

12.04.066 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.

12.04.067 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 application submittal date of the initial short subdivision approval.

12.04.068 Planning Commission. That body as defined in Ordinance 1674, City of Kent.

12.04.069 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.

12.04.070 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.

12.04.071 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.

12.04.072 Roadway. That portion of a street intended for the accommodation of vehicular traffic, generally within curb lines.
12.04.073 Short Plat. The map or representation of a short subdivision.

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

12.04.075 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.

12.04.076 Subdivision. The division or redivision of land into 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 ten (10) parcels may be defined as lot splits or short subdivisions.

12.04.077 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.

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

12.04.079 Tract. A parcel of land proposed for subdivision or subdividing.

Section 4. Section 12.04.080 of the Kent City Code is amended as follows:

This code is in conformance with Chapter 58.17 of the Revised Code of the State of Washington regulating platting, subdivision, adjusting lot lines, and the dedication of land; and further provides for administrative procedures for the adjustment of lot lines.

Section 5. Section 12.04.110 of the Kent City Code is amended to delete subsection "C" as follows:

Exceptions:

The provisions of this code do not apply to:

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

B) Divisions made by testamentary provisions, or the laws of descent.

C) A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.
D) 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 6. Section 12.04.212 of the Kent Code is amended as follows:

Section 12.04.212. Application for Subdivision - General Overview of Procedures

A) 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.

B) 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 Hearing Examiner 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.

C) Lot Line Adjustment. The general administrative procedures for processing applications for a lot line adjustment are as follows:

1) The completed application is filed with the Planning Department;
2) The application is reviewed by the Planning Department staff;

3) The adjustment is either approved, modified, or denied by the Director an/or designee;

4) The approved lot line adjustment is recorded by the applicant at King County Department of Assessments.

Section 7. Section 12.04.222 of the Kent City Code is amended as follows:

Section 12.04.222. Principles of Acceptability

1) Create legal building sites which comply with all provisions of the City of Kent Zoning Code and health regulations.

Section 8. Section 12.04.224 of the Kent City Code is amended as follows:

Section 12.04.224. 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

ten (10) days 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 9. A new Section 12.04.1000 is added to the Kent Code as follows:
SECTION 12.04.1000. DETAILED ADMINISTRATIVE PROCEDURES FOR LOT LINE ADJUSTMENTS.

Section 12.04.1001. Purpose

The purpose of a lot line adjustment is to accommodate a minor transfer of land between adjacent legally created lots, to rectify a disputed property line location or to clarify exempt parcel status (per RCW 58.17.040(6)).

Section 12.04.1002. Principles of Acceptability

Lot line adjustments shall be consistent with the following principles of acceptability:

1. Adjust lot lines including the elimination of a common lot line in order to correct property line or setback encroachments;

2. Create better lot design, or improve access;

3. Conform to applicable zoning, subdivision and other code requirements pertaining to lot design, building location, and development standards;

4. Avoid creation of an additional lot parcel and tract;

5. Lots created or combined for tax purposes do not constitute a legal lot of record.

Section 12.04.1003. Application Requirements

1. Lot line adjustment applications shall be submitted on forms supplied by the Planning Department and shall include the following:

A. Four (4) copies of a legible map, drawn to scale on a minimum 8 1/2" x 11" sheet of paper showing when applicable:
i. Existing lot lines

ii. Proposed new lot lines and distance it has been moved

iii. Adjacent streets

iv. Type, location and dimensions of existing and/or proposed easements

v. Existing structures and distance to property lines

vi. Total square footage of revised lots

vii. Ground floor square footage of all structures

viii. Location of on-site parking, landscaping and other significant site features affected by the change

ix. Indicate north

x. Identify parcels as Lot A, Lot B, etc.

B. The signature of all property owners having interest in the lot line adjustment, indicating approval of the proposal;

C. A title report documenting the ownership and title of all interested parties of the property and listing all encumbrances;

D. A copy of the existing legal description for both parcels;

E. A metes and bounds description of the proposed new lots if other than a platted lot.
Section 12.04.1004. Administrative Review

1. The Planning Department will review and approve this proposed lot line adjustment within ten (10) working days of receiving a completed application.

2. Action. The Planning Director may approve, approve with modifications, or deny the application for a lot line adjustment.

A. Approval. If approved all four (4) lot line adjustment maps shall be stamped "approved" and signed and dated by the Planning Director. The applicant shall be notified in writing of the decision. Additional copies of the approval notification and map shall be distributed to the King County Assessor's Office and to the City of Kent Property Management Department.

B. Approval with Modification(s). If modification(s) are deemed necessary by the Planning Director, they may be added to the original lot line adjustment map or a revised map may be required. The applicant will be notified of any such modification action. If a modification of the original lot line adjustment map, legal description or other information is necessary, the projected approval date may be extended.

C. Denial. If denied, the lot line adjustment shall be marked "Denied" and the applicant shall be notified in writing of the decision, stating the reasons therefore.
Section 12.04.1005. Final Recording

A lot line adjustment does not become effective until it is recorded with the King County Assessor's Office. It is the responsibility of the applicant to record the approved map and new legal descriptions. A copy of the recorded documents shall be submitted to the Planning Department by the applicant.

The recording of a lot line adjustment does not constitute a transfer of title. Separate deeds to this effect must be recorded with the Assessor's Office and are not subject to these provisions.

Section 10. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 11. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 12. 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.

DAN KELLEHER, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK
APPROVED AS TO FORM:

SANDRA DRISCOLL, CITY ATTORNEY

PASSED the __ day of __, 1989.
APPROVED the __ day of __, 1989.
PUBLISHED the __ day of __, 1989.

I hereby certify that this is a true copy of Ordinance No. __, 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)