Ordinance No. 3906
(Amending or Repealing Ordinances)

CFN=458-Subdivision Code
Passed – 1/6/09
Subdivision Code Update Ch. 12.04 KCC

Amends Ords. 1840; 2656; 2849; 2863; 2975; 3136; 3169; 3206; 3424; 3443; 3511; 3551; 3663; 3664; 3690; 3752; 3770; 3830; 3898

Amended by Ord. 3944 (Sec 12.04.025)
Amended by Ord. 4035 (Secs. 12.04.117; .210; .221; .227; .263)
Amended by Ord. 4044 (Secs. 12.04.193; 12.04.195)

The date ['Beginning July 1, 1998'] has led to confusion This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012
ORDINANCE NO. 3706

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 12.04 of the Kent City Code, entitled “Subdivisions, Binding Site Plans, and Lot Line Adjustments,” to update the code by removing redundancy, updating application submittal requirements, and revising for consistency with state of Washington regulations.

RECITALS

A. The City of Kent’s subdivision code, Chapter 12.04 Kent City Code (KCC) provides rules, regulations, requirements, standards and procedures for subdividing land, obtaining binding site plans, and adjusting lot lines in the City. This update to the subdivision code generally includes consolidation of sections, reduction of redundancy, removal of standards that are contained in other adopted regulatory documents, update of application submittal requirements, and revision for consistency with State regulations.

B. The State Environmental Policy Act (SEPA) responsible official has determined that the proposed code amendments are procedural in nature and further SEPA analysis is not required for these code amendments.

C. On October 3, 2008, the City requested expedited review from the state of Washington under RCW 36.70A.106 of the City’s intent to
adopt amendments to the subdivision code. Approval for expedited review was granted on October 23, 2008.

D. The Land Use and Planning Board considered these updates to the subdivision code at its workshops on October 27, 2008, and November 10, 2008, and the Board held a public hearing on November 24, 2008. The Planning and Economic Development Committee considered the issues and the recommendation of the Board on December 1, 2008, and the City Council adopted these amendments at its meeting on December 9, 2008.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS Follows:

ORDINANCE

SECTION 1. - Amendment. Chapter 12.04 of the Kent City Code is amended as follows:

CHAPTER 12.04

SUBDIVISIONS, BINDING SITE PLANS, AND LOT LINE ADJUSTMENTS

Article I. General Provisions

Sec. 12.04.010. Title. This code shall be hereinafter known as the city of Kent subdivision code.

Sec. 12.04.015. Purpose. The purpose of this chapter is to provide rules, regulations, requirements, standards, and procedures for subdividing land, for obtaining binding site plans, and for adjustments of lot lines in the city, ensuring:

1A. That the highest feasible quality in subdivisions will be attained;

2B. That the public health, safety, general welfare, and aesthetics of the city shall be promoted and protected;
3C. That orderly growth, development, and the conservation, protection, and proper use of land shall be promoted;

4D. That proper provisions for all public facilities, including connectivity, circulation, utilities, and services, shall be made;

5E. That maximum advantage of site characteristics shall be taken into consideration; and

6E. That the process shall be in conformance with provisions set forth in KCC Title 15, Zoning, and the comprehensive plan.

Sec. 12.04.020. Scope. This chapter 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 chapter imposes greater restrictions or higher standards upon the development of land than other laws, ordinances, or restrictive covenants, the provisions of this chapter shall prevail.

Unless otherwise indicated and as provided by RCW 58.17.040, the provisions of this chapter do not apply to:

1A. Cemeteries and burial plots while used for that purpose;

2B. Divisions made by testamentary provisions, or the laws of descent;

3C. Division of land due to condemnation or sale under threat thereof, by an agency or division of government vested with the power of condemnation;

4D. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land;
5E. Condominium developments, pursuant to either Chapter 64.32 or 64.34 RCW, that are subject to an approved binding site plan;

6F. Divisions of land into lots or tracts each of which is five (5) acres or larger if the land is not capable of description as a fraction of a section of land;

7G. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the city has approved a binding site plan;

8H. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose; and

9I. A division of land into lots or tracts of less than three (3) acres that is recorded in accordance with Chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities.

Sec. 12.04.025. Definitions. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. Active recreation activities shall mean all outdoor recreational activities which involve field and court games.

B. Alley shall mean a public or private way not more than thirty twenty (320) feet wide at the rear or side of property affording only secondary means of vehicular or pedestrian access to abutting property.

C. Binding site plan shall mean a scaled drawing which: (a) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open space, and any other matters specified in this chapter; (b) contains inscriptions or attachments setting forth such appropriate
limitations and conditions for the use of the land as established by the city through the approval process; and (c) contains provisions which require any development be in conformity with the binding site plan.

D. Binding site plan committee shall be a committee consisting of the planning manager, who shall be the chairperson, one (1) member of the land use and planning board, the building official, public works director, parks and community services director, and the fire chief, or their designated representatives.

E. Block shall mean a group of lots, tracts, or parcels within well-defined and fixed boundaries.

F. Circulation shall mean any of a number of quantitative measures that characterizes the frequency of transportation mode trips, the duration of a mode trip, and path choices made between two (2) or more activity spaces. Traffic counts usually indicate a measure of circulation.

G. Clustering or cluster subdivision shall mean a development or division of land in which residential building lots are reduced in size and concentrated in specified portion(s) of the original lot, tract, or parcel.

H. Common open space shall mean 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 or a planned unit development, and designed and intended primarily 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.

I. Community park shall mean a park that serves the entire city of Kent and can be located throughout the city. Community parks may have facilities or amenities that are not offered elsewhere in the city, and which can include boating, swimming, fishing, athletic fields, group picnic
shelters, play equipment, hard courts, skateparks, and trails, and will vary at each park. Access to the park is by car, public transit, foot, or bicycle. Off-street parking is provided.

J. Comprehensive plan shall mean the document, including maps, adopted by the city council, which outlines the city’s goals and policies relating to management of growth, and prepared in accordance with Chapter 36.70A RCW. The term also includes adopted subarea plans prepared in accordance with Chapter 36.70A RCW.

K. Connectivity shall mean subdivisions—which are connected—the connection of neighborhoods by through streets, easements, or other rights-of-way, to activity centers including other subdivisions, neighborhood centers, shopping centers, transit stops, recreational spaces, and other public facilities. Such connections shall have a character that is pedestrian-friendly and that provide a sense of location. A list of goals and criteria below indicate provisions to be considered by the public works department and planning services office in evaluating connectivity:

Goals and Corresponding Criteria:

A. Increase through connections to adjacent subdivisions and activity centers:

1. Subdivision streets should connect through, except where impractical.

2. Cul-de-sac streets of subject subdivision should provide pedestrian/bicycle pathway(s) from bulb ends to neighboring subdivision(s) streets or other adjacent activity centers.

3. Subject subdivision should provide continuous five (5) foot-wide sidewalks (on both sides of streets fronting developed lots) and connect to other streets.

4. Subject subdivision intersections are four (4) way intersections.

B. Increase connections to other travel modes.
1. Subdivision lots should be located no further than one-quarter (1/4) mile from the nearest bicycle path or trail.
2. Subdivision lots should be located no further than one-quarter (1/4) mile from the nearest transit stop.
3. Subdivision lots should be located no further than four (4) miles from the nearest park and ride lot.

C. Provide streetscaping improvements:
   1. Vehicular traffic calming.
   2. Provision of planting strips.

County auditor shall mean that person as defined in Chapter 36.22 RCW or the office of the person assigned such duties under the King County Charter.

L. Cul-de-sac shall mean a short street having one (1) end open to traffic and being terminated at the other end by a vehicular turnaround.

M. Dedication shall mean a deliberate appropriation conveyance of land by its owner for any general and public uses, reserving to himself the owner 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 final 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.

N. Division of land shall mean the subdivision of any parcel of land into two (2) or more parcels.

O. Final plat or final short plat shall mean the final drawing of the subdivision or short subdivision and dedication prepared for filing for record with the King County auditor recorder's office and containing all elements and requirements set forth in this chapter.
P. Hearing examiner shall mean the person appointed by the mayor, or his or her designee, to conduct public hearings on applications outlined in Ch. 2.32 KCC 2.32 which creates the hearing examiner, and who prepares a record, findings of fact, and conclusions on such applications.

Hillside subdivision shall mean 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.

Q. Homeowners’ association shall mean an incorporated nonprofit organization operating under recorded land agreements through which:

1. Each lot owner is automatically a member;
2. Each lot is automatically subject to a proportionate share of the expenses for the organization’s activities, such as maintaining common property; and
3. A charge if unpaid becomes a lien against the property.

R. Land use and planning board shall mean that body as defined in the Kent City Code Chapter 2.57.

S. Lot shall mean 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, parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are required in this title. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record and portions of lots of record; or

4. A parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this title.

I. Lot, corner shall mean a lot abutting upon two (2) or more public or private 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.

II. Lot, frontage shall mean the front of a lot which shall be that portion nearest the public or private street or, if the lot does not abut a street, the portion nearest an ingress/egress tract or easement. On a corner lot, 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 city has the option authority of determining which part of the lot fronting on a street shall become the lot frontage.

V. Lot line adjustment shall mean the adjusting of common property lines 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.

W. Lot lines shall mean the property lines bounding the lot.

X. Lot measurements shall mean:
1. The depth of a lot which shall be considered to be the distance between the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

2. The width of a lot which 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 right-of-way line shall not be less than eighty (80) percent of the required lot width except in the case of lots fronting on the turning circle of cul-de-sacs or curves, where eighty (80) percent of requirements shall not apply. However, the provisions of KCC 15.04.180.37 apply to lot widths within the SR-4.5, SR-6 and SR-8 zoning districts.

Y. *Lot of record* shall mean a parcel of land that has been considered a lot in accordance with the subdivision, short subdivision, or other land segregation laws in existence at the time the lot was created, or a parcel described as a fractional portion of a Section as described in the Public Land Survey System, lot which is part of a subdivision recorded in the office of the King County assessor, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Z. *Lot, through* shall mean a lot that has both ends fronting on a street. Either end may be considered the front as determined by the City.

AA. *Meander line* shall mean a line along a body of water intended to be used solely as a reference for surveying as defined in the Manual of Instructions for Surveying the Public Lands (1973) or its successor.

BB. *Neighborhood park* shall mean a park that serves a neighborhood (not a subdivision) defined by arterial streets. These parks are generally located centrally in the neighborhood so that the park is easily accessible and neighborhood residents do not have to cross a major arterial to reach
the park. Access is primarily by foot or bicycle, so the park is usually no further than one-half (1/2) mile from any point in the neighborhood. Parking spaces are typically not provided, unless on-street parking is not available, accessible or safe. Neighborhood parks have amenities for casual activities that are not programmed or organized, or for which a fee is charged. Amenities may include play equipment, picnic tables, shelters, hard courts (basketball, tennis), walking trails, and open grassy areas.

CC. Official plans shall mean those maps, development plans, or portions thereof, adopted by the city council 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 or easements as may be shown thereon.

DD. Park open space shall mean those areas that are environmentally sensitive, wildlife habitat, or wetlands, that remain in a relatively natural state with minimal improvements for public access, interpretation, study, or enjoyment.

EE. Park service area shall mean those areas defined by arterial streets or geographic features, and which are identified in the comprehensive park and recreation plan, that a neighborhood park or community park is intended to serve.

FF. Performance bond or guarantee shall mean that security which may be accepted in lieu of a requirement that certain improvements be made before the final plat is approved and signed, including performance bonds, escrow agreements and other similar collateral or surety agreements. See the Construction Standards for detailed requirements.

GG. Piggyback or accumulative short subdivision shall mean 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.

HH. Plat shall mean a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, tracts, blocks, streets and alleys, or other divisions and dedications.

II. Preliminary approval shall mean the official favorable action taken on the preliminary plat of a proposed subdivision, metes and bounds description or dedication, by the hearing examiner following a duly advertised public hearing or on a preliminary plat of a short subdivision following a duly advertised meeting of the short subdivision committee.

II. Preliminary plat shall mean a neat and precise scale drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, tracts, 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.

Roadway shall mean that portion of a street intended for the accommodation of vehicular traffic, generally within curblines.

KK. Short plat shall mean the map or representation of a short subdivision.

LL. Short subdivision shall mean 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. Tracts identified for or with the potential for future development shall be included within the number of lots created, but tracts which are not buildable and/or are intended for public dedication, environmental protection, or stormwater detention facilities are not included in the number of lots created.

MM. Short subdivision, type I shall mean the division of land into four (4) or less lots, tracts, parcels, sites, or divisions for the purpose of sale,
lease, or transfer of ownership. Tracts identified for or with the potential for future development shall be included within the number of lots created, but tracts which are not buildable and/or are intended for public dedication, environmental protection, or stormwater detention facilities are not included in the number of lots created.

NN. *Short subdivision, type II* shall mean the division of land into more than four (4) and less than ten (10) lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. Tracts identified for or with the potential for future development shall be included within the number of lots created, but tracts which are not buildable and/or are intended for public dedication, environmental protection, or stormwater detention facilities are not included in the number of lots created.

OO. *Short Subdivision Committee* shall be a committee consisting of the planning manager, who shall be the chairperson, one (1) member of the land use and planning board, public works director, parks and community services director, and the fire chief, or their designated representatives.

PP. *Street* shall mean a public or private way thirty (30) feet or more in right-of-way width which affords a primary means of access to property.

QQ. *Subdivision* shall mean 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 short subdivisions. Tracts identified for or with the potential for future development shall be included within the number of lots created, but tracts which are not buildable and/or are intended for public dedication, environmental protection, or stormwater detention facilities are not included in the number of lots created.

RR. *Subdivision, phased* shall mean a subdivision, which is developed in increments over a period of time.
SS. **Tentative plat** shall mean a map drawn in accordance with the same requirements as the preliminary plat map, but submitted prior to preliminary plat submittal. The tentative plat is reviewed at a pre-application conference.

TT. **Title report** shall mean a certified report from a bonded title agency showing recorded title holder and all encumbrances and defects that exist on the land.

UU. **Tract** shall mean a parcel of land proposed for subdivision or subdividing land reserved for specified uses including, but not limited to, future development, recreation, open space, sensitive areas, surface water retention, utility facilities and access. Tracts are not considered building sites for purposes of residential dwelling unit construction.

VV. **Trail system** shall mean those pathways that connect points of interest, parks, community facilities, streets, residences, etc., in the community, which are generally not confined within the limits of one (1) park or neighborhood. Trails are intended to be used by bicycles, rollerskaters, and pedestrians, and the like. Use by motorized vehicles is prohibited.

WW. **Urban separators** shall mean low-density lands that define community or municipal identities and boundaries, protect adjacent resource lands, rural areas, and environmentally sensitive areas, and create open space corridors within and between urban areas which provide environmental, visual, recreational, and wildlife benefits.

**Sec. 12.04.030. Conformance to state law.** This code is in conformance with RCW 58.17.010 et seq. regulating platting, subdivision, adjusting lot lines, and the dedication of land and further provides for administrative procedures for the adjustment of lot lines.

**Sec. 12.04.035. City functions.**
A. **Planning services office.** The planning services office is responsible for the administration and coordination of this chapter unless another department or division is authorized to administer and enforce a specific section.

B. **Department of public works.** The department of public works is responsible for reviewing all engineering and technical requirements of this chapter.

C. **Fire department.** The fire department is responsible for reviewing all fire access and fire safety requirements of this chapter.

D. **Department of parks and recreation.** The department of parks and recreation is responsible for reviewing all parks and open space dedication requirements of this chapter.

E. **Short subdivision committee.** The short subdivision committee is authorized to hold a public meeting and make a final decision on all short subdivision plats.

F. **Binding site plan committee.** The binding site plan committee is authorized to hold a public meeting and make a final decision on all binding site plans.

G. **Hearing examiner.** The hearing examiner is authorized to hold a public hearing and make a final decision on subdivision preliminary plats.

H. **City council.** The city council shall conduct any closed record appeal from a hearing examiner’s final decision on a subdivision preliminary plat. The city council shall have sole authority to approve subdivision final plats. An appeal of a final plat decision shall be in superior court.

**Sec. 12.04.040. Penalties.**

A. **Civil.** Any violation of any provision of this chapter, or any violation of any term or condition of plat approval prescribed pursuant to this
chapter by any person, firm, corporation, or association, or any agent thereof, shall constitute a civil violation under Ch. 1.04 KCC for which a monetary penalty may be assessed and abatement may be required as provided therein.

B. **Criminal.** Any person, firm, corporation, or association, or any agent thereof, who violates any provision of Chapter 58.17 RCW, or any provision of this chapter, relating to the sale, offer for sale, lease, or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of Chapter 58.17 RCW, or any provision of this chapter, shall be deemed a separate and distinct offense.

**Sec. 12.04.045. Liability.** This chapter 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.

**Sec. 12.04.050. Planned unit developments.** In addition to the standard subdivision of land as outlined in this chapter, the city provides for the subdivision of land under the planned unit development regulations of the zoning code, KCC Title 15. The zoning code should be consulted concerning the special procedures for planned unit developments.

**Sec. 12.04.055. Mobile home park design.** The standards of this chapter for residential subdivisions shall apply to mobile home park subdivisions when lots in such subdivisions are to be sold, unless other standards are specifically approved by the city.

**Sec. 12.04.060. Onsite recreation and open space requirements.**
A. Approval of all subdivisions and short subdivisions located in single-family residential zones as defined in KCC Title 15, Zoning, shall be contingent upon the subdivider’s creation and development of onsite recreation space or paying approved fees in lieu of these provisions to the city, as necessary to mitigate the adverse effects of development upon the existing park and recreation service levels. This requirement shall not apply to (1) dwelling units on lots being created that include forty-three thousand five hundred sixty (43,560) square feet or more, and (2) planned unit developments.

B. When required, residential subdivisions and short subdivisions shall provide recreation space for leisure, play, and sport activities as follows: four hundred fifty (450) square feet per dwelling unit.

C. Recreation space shall be placed in a designated recreation space tract or tracts. The tract(s) shall be owned by a homeowners’ association or other workable organization acceptable to the planning manager to provide continued maintenance of the recreation space tract.

D. Recreation space located outdoors and not part of a stormwater tract developed in accordance with subsection (F) of this section shall:

1. Be of a grade and surface suitable for recreation improvements and have a maximum grade of five (5) percent or as otherwise approved by the planning manager and parks and community services director;

2. Be on the site of the proposed development unless otherwise approved by the planning manager and parks and community services director;

3. Be located in an area where the topography, soils, hydrology, and other physical characteristics are of such quality as to create a flat, dry, obstacle-free space in a configuration which allows for passive and active recreation;
4. Be centrally located or accessible and convenient to the majority of residents within the development;

5. Have good visibility from roads, streets, and sidewalks;

6. Have no dimensions less than thirty (30) feet, except trail segments or as otherwise approved by the planning manager and parks and community services director;

7. Be located in one (1) designated area, unless the planning manager and parks and community services director determine that the residents of a large subdivision, townhouse development, or apartment development would be better served by multiple areas developed with recreation or play facilities; and

8. Be accessible, via trail or walkway, to any existing or planned municipal, county, or regional park; public open space; or trail system adjacent to the subdivision or short subdivision.

E. Recreation space shall be improved with both active and passive areas designed for leisure, play, and sport activities. Play equipment or other age-appropriate facilities, as approved by the city parks and community services director, shall be provided within the recreation space areas. Active recreation improvements shall be included as follows:

1. For developments of twenty-five (25) or less dwelling units, at least one (1) of the following recreation facilities shall be provided in addition to a tot lot or children's play area:
   a. Playground equipment;
   b. Sport court;
   c. Sport field;
   d. Tennis court; or
   e. Any other recreation facility proposed by the applicant and approved by the parks and community services director;

2. For developments of twenty-six (26) to fifty (50) dwelling units, at least two (2) or more of the recreation facilities listed in subsection (E)(1) of this section shall be provided; and
3. For developments of more than fifty (50) dwelling units, at least one (1) additional recreation facility listed in subsection (E)(1) of this section shall be provided for every additional twenty-five (25) dwelling units.

F. Recreation areas that are contained within the onsite stormwater tracts, but are located outside of the one hundred (100) year design water surface, may be credited for up to fifty (50) percent of the required square footage of the onsite recreation space requirement on a foot-per-foot basis, subject to the following criteria:

1. The stormwater tract and any onsite recreation tract shall be contiguously located. At final plat recording, contiguous stormwater and recreation tracts shall be recorded as one (1) tract and owned by the homeowners’ association or other organization as approved by the planning manager; and

2. Unless otherwise approved by the public works department, the drainage facility shall be constructed to meet the following conditions: requirements of the City of Kent Surface Water Design Manual and the following conditions:
   a. The side slope of the drainage facility shall not exceed thirty-three (33) percent the ratio of 3 feet horizontal to 1 foot vertical unless slopes are existing, natural, and covered with vegetation;
   b. A bypass system or an emergency overflow pathway shall be designed to handle flow exceeding the facility design and located so that it does not pass through active recreation areas or present a safety hazard;
   c. The drainage facility shall be landscaped and developed for passive recreation opportunities such as trails, picnic areas, and aesthetic viewing; and
   d. The drainage facility shall be designed not to require fencing under the city’s adopted surface water design manual.
G. When a tract is a joint use tract for a drainage facility and recreation space, as referenced in subsection (F)(1) of this section, the city shall not be responsible for maintenance of the recreation space.

H. A recreation space plan shall be submitted to the public works department and reviewed and approved with engineering plans.

1. The recreation space plan shall address all portions of the site that will be used to meet recreation space requirements of this section, including the drainage facility. The plans shall show dimensions, finished grade, equipment, landscaping, and improvements, as required by the planning manager and parks and community services director, to demonstrate that the requirements of the onsite recreation space or this chapter have been met.

2. If engineering plans indicate that the onsite drainage facility or stormwater tract must be increased in size from that shown in preliminary approvals, the recreation plans shall show how the required minimum recreation space under this section will be met.

Sec. 12.04.065. Fee in lieu of recreation space.

A. Except in the case of short subdivisions, the creation of onsite recreation space, per KCC 12.04.060, is the preferred method of providing new development with opportunities for leisure, play, and sports activities. For short subdivisions, payment of a fee in lieu of providing onsite recreation space is preferred. In subdivisions, applicants shall to the best of their ability endeavor to provide recreation space on the project site. However, if onsite recreation space is not provided in accordance with this chapter, the applicant shall pay a fee in lieu of providing onsite recreation space if approved by the planning manager. A fee in lieu of onsite recreation space may be approved if the recreation space is provided within a city park in the vicinity and will be of greater benefit to the prospective residents of the development.
B. The dollar amount of the fee-in-lieu shall be determined by multiplying the following two (2) factors:

1. One hundred fifty (150) percent of the average assessed value per unit area of land within the boundaries of the subdivision. The average assessed value shall be that for the year in which the subdivision is deemed complete. Computations shall be based upon King County assessor information; and

2. The gross land area within the subdivision multiplied by five (5) percent.

The average assessed value shall be that for the year in which the subdivision is granted preliminary plat approval. Computations shall be based upon King County assessor information.

C. The fee-in-lieu shall be held in a reserve account at the city, and may only be expended to fund a capital improvement that has been agreed upon by the parties to mitigate the identified, direct impact of the development. The payment shall be expended in all cases within five (5) years of collection. Any payment of fees made pursuant to this section that has not been expended within five (5) years of collection shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund. If the payment is not expended within five (5) years due to delay attributable to the developer, the payment shall be refunded without interest.

D. Appeals of fees-in-lieu imposed pursuant to this section shall be governed by the provisions of Ch. 12.01 KCC.

Sec. 12.04.070. Onsite recreation – Maintenance of recreation space or dedication.

A. Recreation space that meets the requirements of this chapter may, at the discretion of the parks and community services director, be
dedicated as a public park in lieu of providing the onsite recreation required under KCC 12.04.060 if the following criteria are met:

1. The dedicated area is at least ten (10) acres in size, unless it is adjacent to an existing or planned county or city park;

2. The dedicated land provides one (1) or more of the following:
   a. Shoreline access;
   b. Regional trail linkages;
   c. Habitat linkages;
   d. Recreation facilities; or
   e. Heritage sites; and

3. The dedicated area is located within one (1) mile of the project site.

B. Unless the recreation space is dedicated to the city in accordance with subsection (A) of this section, maintenance and irrigation of any recreation space shall be, per KCC 12.04.060(C), by the homeowners’ association or other approved organization.

Article II. Type I-Short Subdivisions and Subdivisions

Sec. 12.04.100. Purpose of Type I and Type II short subdivisions. The procedures regulating Type I and Type II short subdivisions are established to promote orderly and efficient division of lots on a small scale, promote infill development and meet density requirements in established urban areas, while providing an efficient review process, avoiding placing undue burdens on the subdivider and complying with the purpose of this chapter and the provisions of RCW 58.17.060 et seq.

Sec. 12.04.103. Purpose of Subdivisions. The procedures regulating subdivisions are established to ensure quality development which promotes orderly and efficient growth, and the conservation and
proper use of land; protects the public health, safety, general welfare, and aesthetics of the city; makes adequate provisions for public facilities in conformance with provisions set forth in KCC Title 15, Zoning, Title 6, Public Works, Title 7, Utilities, and the Kent comprehensive plan; and complies with the provisions of this chapter and chapter 58.17 RCW.

Sec. 12.04.105. Scope of Short Subdivisions.
A. A Type I short subdivision is defined as any land being divided into four (4) or less parcels, lots, tracts, sites or subdivisions, any one (1) 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 be subject to the requirements of this section.

B. A Type II short subdivision is defined as any land being divided into more than four (4) and less than ten (10) parcels, lots, tracts, sites or subdivisions, any one (1) 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.

CB. No application for a short subdivision shall be approved if the land being divided is held in common ownership with a contiguous parcel that has been divided in a short subdivision within the preceding five (5) years. Serial subdivision of contiguous parcels in the same ownership is defined as 'piggybacking' short subdivisions and is prohibited unless the subject property has received master plan approval by the city through a rezone, planned unit development, or other hearing process, then 'piggybacking' short subdivisions shall be permitted. Such short subdivisions must be consistent with the approved master plan.

D. Short subdivisions may not be further divided in any manner within a period of five (5) years without following the procedures for subdivisions, except that when the short subdivision contains fewer than nine parcels, nothing in this section shall prevent the owner who filed the short
subdivision from filing an alteration within the five (5) year period to create up to a total of nine lots.

Sec. 12.04.107. Scope of Subdivisions.
A. Any land being divided into ten (10) or more parcels, lots, tracts, sites, or subdivisions, any one (1) of which is less than twenty (20) acres in size; or

B. Any land which has been previously divided under the short subdivision procedures within the preceding five (5) years; or

C. 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 subdivision procedures and requirements of this chapter.

Sec. 12.04.110. Preliminary consultation with staff.
Any person who desires to subdivide land in the city should consult with the planning department at an early date on an informal basis in order to become familiar with the requirements of this chapter. The department of public works should be consulted at this time for advice and assistance in understanding the engineering requirements of this chapter and the construction standards of the city.

Sec. 12.04.115. Application procedures. An application for a subdivision or type I short subdivision consists of five (5) separate steps as follows the following steps:

1. Preparation of the preliminary tentative plat of the proposed subdivision or Type II short subdivision and submission of an application for a pre-application conference;
2. Review of the tentative plat for pre-application conference by the city and convene a meeting with the city resulting in the issuance of a pre-application conference summary letter;

32. Preparation and submission of the preliminary plat of the proposed subdivision to the hearing examiner for a public hearing and decision, or preparation and submission of the preliminary plat of the proposed short subdivision application to the short subdivision committee for a public meeting and decision;

43. Installation or bonding of improvements according to the approved preliminary subdivision or short subdivision plat requirements and satisfaction of all plat conditions;

54. Submission of the subdivision final plat to the city council for approval, or submission of the short subdivision final plat to the planning department for review and signature by the chair of the short subdivision committee chairman for approval; and

65. Recordation of the approved final plat in the office of the King County department of records and elections.

Sec. 12.04.117. Pre-application review.

A. Applications for a tentative subdivision or tentative short subdivision pre-application meeting and review shall be filed with Planning Services. Pursuant to KCC 12.01.080, a pre-application meeting is required for all subdivisions, all Type II short subdivisions, and only for Type I short subdivisions which require SEPA review. The scale and information required for a pre-application meeting and the number of copies to be filed shall be in accordance with the requirements of the planning manager.

B. Planning Services shall transmit copies of the tentative plat to the fire, public works and parks departments, public utility agencies serving the area, and to any other department or agency deemed necessary.
C. A meeting on the tentative plat shall be held, that which is attended by planning services, other city departments that which receive copies of the tentative plat, and the subdivider. Any recommendations by each of the various departments for revision of the tentative plat should be discussed at such meeting. These recommendations and potential conditions of approval of the application shall be recorded in writing and mailed to the subdivider by planning services.

D. The recommendations of the city departments shall be based on whether the tentative plat is:

1. In conformance with the purpose and regulations of this chapter;
2. In conformance with fire safety regulations;
3. In conformance with the transportation master plan and appropriate design and construction standards established for the area in which the subdivision or short subdivision will be developed;
4. In conformance with sewer, water and other utility plans for the area; and
75. Not detrimental to the natural environment or its surroundings.

Sec. 12.04.119. Subdivision in phases. In a phased subdivision or short subdivision, preliminary approval must be granted for the entire subdivision or short subdivision and must delineate the separate divisions which are to be developed in increments. Preliminary 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 subdivision or short subdivision. All phases shall be recorded with the King County Recorder within the timelines stated in KCC 12.04.215 and 12.04.221.
Sec. 12.04.120. Preliminary subdivision or short subdivision application.

A. Application for a subdivision or short subdivision shall be made to the planning department services on the forms supplied and in the number of copies prescribed by that department.

B. The preliminary plat or short subdivision plat shall be a neat and approximate drawing on reproducible material at a decimal scale. The plat map shall measure between eight and one-half (8 1/2) inches by eleven (11) inches and eighteen (18) inches by twenty-two (22) inches, and be in accordance with Chapter 332-130 WAC, and shall include:

1. The subdivision or short subdivision name, the name and address of the owner, and, if one has been employed in the preparation of the application, the name, and address, and stamp with signature of the licensed land surveyor and—if applicable—the subdivision professional engineer;

2. The date of preparation, the true north point, a north arrow, a graphic scale and legal description of the property to be subdivided, and a drawing completed in an appropriate decimal scale;

3. The location of existing and proposed platted property lines, and existing section lines, streets, structures, buildings, watercourses, railroads, bridges, wells, and any recorded public or private utility or roadway street easements, both on the land to be subdivided and on the adjoining lands that abut the proposed subdivision, for a distance of one hundred (100) feet from the edge of the subject property;

4. The names, locations, widths and other dimensions of proposed streets, alleys, stormwater and critical area tracts, easements, traffic calming features and devices, parks and other open spaces, reservations and utilities;
5. The acreage of land to be subdivided; the number of lots; the area of each lot; and the approximate square footage and approximate percent of total acreage in open space;

6. The approximate dimensions of each lot;

7. How the proposed subdivision will be served by utilities and the location of sanitary sewer, domestic and water lines and storm drainage lines and facilities;

8. All existing structures and distances from any existing and proposed lot lines within or abutting the short subdivision within a distance of fifty (50) one hundred (100) feet;

9. Sufficient topographic data to accurately locate any critical areas that may affect future development, and show contours not less than two feet; Monumentation of all exterior corners and streets and be surveyed by a land surveyor licensed in the state;

10. Provisions for sidewalks, placement or construction of traffic calming features and devices, and other planning features that assure safe walking conditions for students who walk to and from school, users of public transit and other pedestrians;

11. A statement of soil type, drainage conditions, present landscaping including a description of any natural or manmade land cover, wildlife present and any other environmental factors which may be prescribed by planning services and applicable city codes; and

12. All of the information requested on the application form by the planning director services.

12.04.125 Principles of acceptability. No short subdivision shall be approved unless the following principles of acceptability are met: The short subdivision shall:

1. Create legal building sites which comply with all provisions of KCC Title 15, Zoning, and health regulations;

2. Establish access to a public road for each segregated parcel;
3.—Have suitable physical characteristics; a proposed short subdivision may be denied because of flood, inundation, or wetland conditions; slope, soil stability and/or capabilities; or the 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 chapter;

5.—Make adequate provision for stormwater detention, drainage ways, water supplies, sanitary wastes, and other public utilities and services, as required by applicable laws, codes, rules, and regulations;

6.—Make adequate provision for the connectivity of streets, alleys, pedestrian accessways, and other public ways;

7.—Provide building lots and roadway access configured to support the construction of homes with diminished garage doors such that no less than fifty (50) percent of the new lots will support construction of and access to a garage in the rear portion of the lot accessed via a common driveway between lots, or a side access garage, or a garage accessed via a rear alley, or a garage set back no less than ten (10) feet from the front facade of the home, or other design strategies which similarly diminish the prominence of the garage and are approved by the planning manager. Lots and roadways shall be configured such that at least two (2) of these options are supported in each new development;

8.—Provide landscape buffering along all frontage streets of the short subdivision that do not provide the new lots with direct vehicular access; and

9.—Provide adequate provision for recreation space.

**12.04.130 Determination of completeness:** Within twenty-eight (28) calendar days after receiving a type I short subdivision preliminary plat application, the planning department shall mail or personally provide to the applicant a written determination of completeness which states either that the application is complete or incomplete. If incomplete, the letter shall identify what information is required to make the application complete.
complete. The letter shall also identify, to the extent known by the city, other agencies with jurisdiction over the short subdivision application. If the city determines that an application is not complete, the applicant shall have up to ninety (90) calendar days to submit the necessary information to the city. If the applicant either refuses in writing to submit additional information or does not submit the required information within the ninety (90)-calendar-day period, the application shall lapse because of a lack of information necessary to complete the review. Within fourteen (14) calendar days after an applicant has submitted the requested additional information, the city shall again make the completeness determination and shall notify the applicant in the same manner.

If the short subdivision application is determined to be complete, the planning department shall accept the application and note the date of acceptance. The time period for review of the proposed short subdivision begins following the determination of a complete application and acceptance of the application by the city. If the city does not provide a written determination to the applicant that the application is incomplete, the application shall be deemed complete at the end of the twenty-eight (28)-day completeness review period.

Sec. 12.04.135. Vesting. A proposed division of land shall be considered under the requirements of this chapter and the zoning and other land use regulations in effect on the land at the time that a preliminary plat application for a subdivision or short subdivision, as defined in this chapter, has been determined to be complete and has been accepted by the city of Kent, pursuant to KCC 12.041.1030.

Sec. 12.04.140. Notice of application. The applicant shall place at least one public notice board on the property to be subdivided. The public notice board shall be placed on the property as directed by planning services no later than fourteen (14) calendar days after a determination of completeness. If the property to be subdivided is located adjacent to
more than one public street or has more than one potential access route, one public notice board shall be placed on the property adjacent to each street or potential access route. A notice of application shall be issued for land segregation short—subdivision applications within fourteen (14) calendar days after the city has made a determination of completeness, and at least fifteen (15) calendar days prior to the short subdivision committee meeting date for short subdivisions or the public hearing for subdivision applications. The notice of application shall include the tentative date of the public meeting or public hearing and shall be mailed, published and posted on the same day, in the following manner:

1A. The city shall publish the notice of application in a newspaper of general circulation within the city.

2B. The city shall post the notice of application on the public notice board(s) placed on the property and shall also post the notice of application at Kent City Hall and in the register for public review at the planning department services office.

3C. The city shall mail the notice of application listing the date of the short subdivision committee meeting, or the date of public hearing for subdivisions, to the applicant and all owners of real property as shown by the records of the county assessor’s office within two hundred (200) feet of any portion of the boundary of the proposed short subdivision and within 300 feet of any portion of the boundary of the proposed subdivision. In addition, if the property to be short subdivided abuts parcels greater than two (2) acres which have other properties abutting them, these additional properties shall also be mailed a notice of application.

4D. The city shall mail or send the notice of application to all agencies with jurisdiction, city departments, and to any person who requests such notice in writing.
Sec. 12.04.145. Referral of preliminary subdivision and short subdivision applications. Upon determination of completeness of an application for a subdivision or short subdivision, the planning department services shall transmit one (1) copy distribute copies of the application materials for review and comment to each member of the short subdivision committee, provide copies to the appropriate all city departments with jurisdiction over the application, and to any other department or agency deemed necessary. For short subdivisions, in addition, one (1) copy of the application materials shall also be sent to each member of the short subdivision committee. The application shall be distributed transmitted at least fifteen (15) calendar days prior to the short subdivision committee meeting or public hearing.

Sec. 12.04.150. Notification of agencies.
A. The city shall mail a notice of application to all agencies with jurisdiction over the subdivision or short subdivision application. Such notice shall include the hour and location of the short subdivision committee meeting or subdivision public hearing and a description of the property to be platted. A copy of the plat and the application materials shall be provided to agencies as deemed necessary or if requested by the agency.

B. Notice of application for a preliminary plat of a proposed subdivision or short subdivision, adjacent to or within one (1) mile of the city 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.
C. Notice of application for a preliminary plat or if a proposed subdivision or short subdivision is located adjacent to the right-of-way of a federal or state highway or within two (2) miles of a state or municipal airport, then notice of application shall be given to the State Department of Transportation. Such notice shall include the hour and location of the public meeting or hearing, a legal description of the short subdivision property being subdivided, and a location map. The Department of Transportation shall, within fourteen (14) calendar days after receiving the notice, submit to the planning services department a statement of any information that the department deems to be relevant about the effect of the proposed short subdivision development upon the legal access to the state highway, the traffic-carrying capacity of the state highway, and the safety of the users of the state highway, or airport.

Sec. 12.04.155. Public meeting/hearing notice.
A. Notice of the short subdivision committee meeting shall be given in the following manner:

1. The date of the short subdivision committee meeting shall be listed on the notice of application, which shall be mailed in accordance with KCC 12.04.140 to the applicant and all owners of real property as shown by the records of the county assessor’s office within two hundred (200) feet of any portion of the boundary of the proposed subdivision. In addition, if the property to be short subdivided abuts parcels greater than two (2) acres which have other properties abutting them, these additional properties shall also be mailed a notice of application. Seven (7) calendar days prior to the short subdivision committee meeting, the city shall mail the short subdivision committee agenda and staff report(s) to the applicant, all owners of the real property, and any person who provided written comments on the application.

B. The notice of public hearing for a subdivision shall be given in the following manner:
1. The notice of public hearing shall be mailed, published and posted on the same day, not less than ten (10) calendar days prior to the hearing date.

2. The city shall post the notice of public hearing on the public notice board(s) on the property.

3. The city shall publish the notice of public hearing in a newspaper of general circulation within the city.

4. The city shall mail a notice of public hearing to the applicant, any person who submits written comments on an application, and all owners of real property as shown by the records of the county assessor’s office within three hundred (300) feet of any portion of the boundary of the proposed subdivision. If the owner of the real property proposed to be subdivided also owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, the notice shall be mailed to all owners of real property located within three hundred (300) feet of such adjacently owned parcels. Seven (7) calendar days prior to the public hearing, the city shall mail the public hearing agenda and staff report(s) to the applicant, all owners of the real property, and any person who provided written comments on the application.

2. The city shall mail or send the notice of application to all agencies with jurisdiction, city departments, and to any person who requests such notice in writing.

3. The city shall publish the notice of application in a newspaper of general circulation within the city.

4. The applicant shall place at least one public notice board on the property to be subdivided. The public notice board must be placed on the property as directed by the planning department, and no later than fourteen (14) days after a determination of completeness. The applicant must remove the public notice board(s) from the property within seven (7) days after the end of the comment notice period or the conclusion of the public meeting(s). If the property to be subdivided is located adjacent to more than one public street or has more than one potential
access route, one public notice board shall be placed on the property adjacent to each public street or potential access route. Planning department staff shall post the notice of application on the public notice board(s) on the property and shall also post the notice of application at Kent City Hall and in the register for public review at the planning department office.

**Sec. 12.04.160. Public comment.** Affected agencies and the public shall have a fourteen (14) calendar day period to comment on a notice of application. An agency and the public are presumed to have no comments if comments are not received within the specified time period. The planning director-manager may grant an extension of time only if the application involves unusual circumstances. Any extension shall not be granted for a period longer than three (3) additional calendar days. The public may make written response to the proposed short subdivision application within the comment period.

The fourteen (14) day public comment period begins on the date the notice of application is mailed, posted and published. The planning department services must receive all public comments by 4:30 p.m. on the last day of the comment period. Comments may be mailed, personally delivered, or sent by facsimile or e-mail. Comments should be as specific as possible. The short subdivision committee or hearing examiner shall not take action on a short subdivision or subdivision application until after the comment period has passed.

**Sec. 12.04.165. Agency recommendations.** At the time of the preliminary short subdivision or subdivision plat application, written recommendations for approval or disapproval--denial in the form of a certificate of water or sewer availability must be submitted from the health agencies responsible for approval of the proposed means of sewage disposal and/or water supply, regarding the general adequacy of the proposed means of sewage disposal and/or water supply. The applicant is
responsible for submitting the appropriate application forms to the Seattle-King-County health agency department and for paying any the health department review fee.

Sec. 12.04.170. Short subdivision committee.  
A. The short subdivision committee shall consist of the planning director, who shall be chairman; the director of parks and recreation; the director of public works; the fire chief; and a land use and planning board member. Each committee member is authorized to designate an alternate to attend in their absence. A designated alternate shall have full voting power in the short subdivision approval process.

B. At least three (3) of the five (5) members of the short subdivision committee must be present in order for the committee to take any action.

Sec. 12.04.175. Short subdivision preliminary plat meeting.  
A public meeting attended by the applicant or representative and the short subdivision committee members shall be held within forty (40) calendar days of the determination of completeness of the application in compliance with, and subject to, the requirements of KCC 12.01.100 and 12.01.110. The meeting shall be open to the public.

Sec. 12.04.177. Public hearing.  
A. The hearing examiner shall hold an open record public hearing in compliance with KCC 12.01.160 on any subdivision preliminary plat within one hundred (100) calendar days of planning services' determination of a complete application in compliance with, and subject to, the requirements of KCC 12.01.100 and 12.01.110.

B. A record of the public hearing shall be kept by the city and shall be open to public inspection.

Sec. 12.04.180. Approval criteria.
A. A proposed subdivision or short subdivision and dedication shall not be approved unless the city finds that:

1. Appropriate provisions have been made for:
   a. The public health, safety and general welfare of the community;
   b. Protection of environmentally sensitive lands and habitat;
   c. Potable water supplies;
   d. Sanitary wastes;
   e. Other public utilities and services, as deemed necessary;
   f. Drainageways, stormwater facilities and conveyance systems;
   g. Open spaces;
   h. Community parks and recreation;
   i. Neighborhood tot lots and recreation areas;
   j. Schools and school grounds;
   k. Transit stops;
   l. Connectivity of streets, roads, alleyways and other private and public ways for vehicular transportation and pedestrian circulation and access in and between subdivisions and neighborhoods, where feasible;
   m. Connectivity of sidewalks, pedestrian pathways, traffic calming features and devices, and other planning features that assure safe walking conditions within and between subdivisions and neighborhoods for residents and students who walk to and from school, parks, transit stops and other neighborhood services;
   n. In single-family residential zoning districts, building lots and street access configured to support the construction of homes with diminished garage doors such that no less than fifty (50) percent of the new lots will support construction of and access to a garage in the rear.
portion of the lot accessed via a common driveway between lots; or a side access garage; or a garage accessed via a rear alley; or a garage set back no less than ten (10) feet from the front façade of the home; or other design strategies which similarly diminish the prominence of the garage and are approved by the planning manager. Lots and streets shall be configured such that at least two (2) of these options are supported in each new development;

o. In single-family residential zoning districts, landscape buffering along all frontage streets of the subdivision that do not provide the new lots with direct vehicular access:

2. The city has considered all other relevant facts; and

3. The public use and interest will be served by the platting of such subdivision or short subdivision and dedication; and

4. The city has considered the physical characteristics of a proposed subdivision or short subdivision site and may deny a proposed plat because of flood, inundation, or wetland conditions; slope, or soil stability and/or capabilities. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

B. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or the imposition of impact fees may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat.

No dedication, provision of public improvements, or impact fees shall be allowed that constitutes an unconstitutional taking of private property. The city shall not require a release from damages to be procured from other property owners as a condition of approval for any subdivision.

Sec. 12.04.185. Decision on preliminary short subdivisions.

A. The decision of the short subdivision committee shall be made at the short subdivision committee meeting. An additional meeting may be called if no decision is reached at the first
meeting and additional information is needed. The second continuation of the meeting shall be set for the next scheduled short subdivision committee meeting or a date mutually agreed upon by the subdivider applicant and the short subdivision committee.

B. The city shall make written findings on the short subdivision approval criteria. The applicant, owner, and all parties of record shall be notified in writing of the committee’s decision and shall be provided with a copy of the committee’s findings addressing its reasons for approval or denial.

C. The short subdivision committee may approve, approve with modifications and conditions, or deny the application for a short subdivision. Any short subdivision which has four (4) or fewer lots shall not be subject to full subdivision standards and shall not be required to comply with all of the design standards required of subdivisions.

D. 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.

E. An applicant may request that an application previously denied or approved with conditions, on which the short subdivision committee has taken affirmative action, be reopened by the committee if it is found by the planning director manager and the applicant that new information has come to light that might affect modify the actions previously taken by the short subdivision committee.

F. In case of a denial by the short subdivision committee, any appeal made shall be to the hearing examiner in accordance with KCC 12.04.190. New information may be presented during hearing examiner consideration of the appeal.
Sec. 12.04.190. Appeal of short subdivision committee decision. The decision of the short subdivision committee shall be final, unless an appeal by a party of record is made to the hearing examiner within fourteen (14) calendar days after the short subdivision committee’s decision. The appeal shall be in writing and shall be processed pursuant to Ch. 2.32 KCC and Ch. 12.01. KCC. The decision of the hearing examiner shall represent final action of the city and is appealable only to the superior court.

Sec. 12.04.192. Decision on preliminary subdivision
A. The hearing examiner may approve, approve with modifications and conditions, or deny the application for a subdivision.

B. The final decision of the hearing examiner shall be rendered within ten (10) working days following the conclusion of all testimony and hearings, unless a longer period is mutually agreed to on the record by the applicant and the hearing examiner.

C. The city shall provide a written notice of decision by the hearing examiner. The notice of decision shall be provided to the parties of record and to any person who requested notice of the decision prior to the decision and shall include findings and conclusions, based on the record and approval criteria, to support the decision.

D. A party of record may make a written request for reconsideration of the decision by the hearing examiner within five (5) working days of the date the decision is rendered, pursuant to KCC 12.01.160(F).

Sec. 12.04.193. City council closed record appeal. The decision of the hearing examiner shall be final, unless an appeal is made by a party of record to the city council within fourteen (14) calendar days following the issuance of the notice of decision and in accordance with the requirements of KCC 12.01.195. The appeal shall be heard by the city council in a closed record appeal hearing.
No new evidence may be presented. The decision of the city council shall represent final action of the city and is appealable only to superior court.

Sec. 12.04.195. Appeal to superior court. The decision of the hearing examiner is final for short subdivisions and the decision of the city council is final for subdivisions; unless it is appealed to the superior court. Such appeal must be filed with the superior court within twenty-one (21) calendar days from the date the decision was issued.

Sec. 12.04.200. Property annexed to city with short subdivision—preliminary plat approval from King County.

A. In instances where property annexed to the city has received subdivision or short subdivision preliminary plat—approval from King County prior to annexation, the planning department, department of—public works, fire department and building department, parks and community services department shall review the plat. City plan check review and inspections shall be subject to fees, which are on file in the city clerk's office.

B. The density, lot size and dimensions, and the provisions made for open space, drainage—stormwater facilities and conveyance systems, streets, alleys, public ways, water, sanitary wastes, parks, playgrounds, sites for schools and school grounds, and those conditions imposed by King County need not comply with the requirements of KCC Title 15, Zoning, or the Kent—design and construction standards. These plats are to be developed in accordance with county standards in effect at the time of vesting of the preliminary plat application in the county.

C. The preliminary plat shall comply with the King County regulations pertaining to expiration of the preliminary plat that were in effect on the date the application vested. The date of approval will be that date on which King County approved the preliminary plat.
D. The procedures for type I subdivision or short subdivision final plats shall be those county procedures and regulations in effect at the time of vesting of the preliminary short plat application in the county.

Sec. 12.04.205. Installation of improvements or bonding in lieu of improvements.
A. The following tangible improvements may be required before a type I final plat or final short subdivision plat is recorded:

1. Grading and paving of streets and alleys; construction and subsequent acceptance by the City of all public and private improvements as required by the conditions of approval;

2. Installation of curbs, gutters, sidewalks, traffic-calming features and devices, monuments, sanitary and storm sewers, street lights, water mains, street name signs, street trees and planting strip landscaping, together with all appurtenances thereto.

B. All improvements are to be made pursuant to specifications and standards of this city code, approved by the public works department and in accordance with standards of the current edition of the Design and Construction Standards of the city.

B. The engineering public works department shall be responsible for the supervision, inspection and acceptance of all subdivision improvements and shall charge the subdivider a fee that has been assessed in accordance with KCC 6.03.010 Ordinance No. 3490 as enacted, or as subsequently amended or replaced.

C. Prior to proceeding with subdivision or short 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.
D. No type 1 plat or short subdivision plat shall be 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. If a developer wishes to defer certain on-site improvements, written application shall be made to the engineering public works department and planning department services stating the reasons why such delay is necessary. If the deferment is approved, the developer shall furnish a performance bond or assignment of funds to the city in an amount equal to a minimum of one hundred fifty (150) percent of the estimated cost of the all required public and private improvements remaining to be constructed. The decision of the city engineer public works director and planning director manager, or respective designees, as to the amount of such bond shall be final and conclusive. Such bond shall list the exact work that shall be performed by the developer applicant and shall specify that all of the deferred improvements be completed within the time established by the engineering department. If no time is established, then the time period shall not be longer than one (1) year after recording of the subdivision or short subdivision. The bond shall be held by the engineering department's bond and permit specialist public works department. 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 of Kent and shall be in the same amount as the bond it is substituting. At the discretion of the public works director, an assignment of funds may be required for all or a portion of the bond amount.

E. 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 chapter, 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.
The requirement of the posting of any performance bond or other security shall be binding on the applicant, his heirs, successors and assigns.

F. The engineering-public works department shall notify the planning department-services verifying that the developer has completed the required installations and/or bonding in accordance with the provisions of this chapter and the specifications and standards of the departments. The planning department-services shall notify the developer advising him to proceed with recordation of the short subdivision plat or final plat when the required improvements have been installed and approved—or adequate security has been posted as provided in subsection (D) of this section.


A. A final plat or final short plat shall be prepared by a professional land surveyor licensed in the State of Washington, based on the Washington State Plane Coordination System, and be submitted to planning services along with all forms required and with the number of originals and copies requested.

AB. The short-subdivision final plat or final short plat submitted for filing shall comply with the conditions of preliminary approval and Chapter 58.09 RCW, Chapter WAC-332--130 WAC, and Chapter RCW-58.17 RCW, be two (2) reproducible maps drawn to a scale of not less than one (1) inch representing one hundred (100) feet on sheets eighteen (18) by twenty-two (22) inches unless otherwise approved by the public works department, in consultation with the planning services office. The original drawing shall be in black ink on mylar or photographic mylar, and shall:

1. Include the date, title, name and location of the subdivision, graphic scale and true north point;
2. Show the location of all existing fences and structures in relation to lot lines within or abutting the short plat;
3. Show the location of utilities, streets and easements within or abutting short plat;
4. 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;

5. 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;

6. Include dimensions to the nearest one hundredth of a foot and angles and bearings in degrees, minutes and seconds;

7. Include Lambert coordinates to the nearest five (5) seconds, or as required by more stringent state regulations, if provided by the department of public works for permanent control monuments on the final plat as determined by the city engineering department's land surveyor;

8. If applicable, 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;

9. Be mathematically correct;

10. Be accompanied by an approved printed computer plot closure on all lots, streets, alleys and boundaries;

11. Contain a metes and bounds legal description on the face of the final plat mylar which reflects all ties to subdivision lines, donation claim lines and/or recorded plat lines. The plat shall be accompanied by a current plat certificate with the identical metes and bounds legal description of the land to be subdivided on both the title report and final mylar;

12. Be accompanied by a complete survey of the section 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 reestablished 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 ten thousand (10,000) feet or as required by more stringent state regulations.

13. List all conditions of approval for the short subdivision on the face of the plat;

14. Conform to the approved preliminary plat;

15. Be signed by the owner of the property on the face of each final plat mylar;

16. Include a notarized certificate of the owner, contract purchaser, grantor of a deed of trust, or other holder of beneficial title to the property being subdivided indicating that the short subdivision is made with free consent and in accordance with their desires, and if the short subdivision is subject to deeding of property, the notarized certificate shall be signed by all parties having any ownership interest in the lands subdivided. For purposes of this section, “ownership interest” shall include legal and equitable property interests, including, but not limited to, present, future, contingent or whole fee interests, together with a beneficiary’s interest pursuant to a trust and contract interest pursuant to a specifically enforceable contract for the purchase of the real property.

CB. In addition to other requirements as specified in this section, the final plat or final short 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 properly dedicated;

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

1. Signature of the owner of the property on the face of the final plat or final short plat mylar;

2. A notarized certificate of the owner, contract purchaser, grantor of a deed of trust, or other holder of beneficial title to the property being subdivided indicating that the subdivision or short subdivision is
made with free consent and in accordance with their desires, and if the subdivision or short subdivision is subject to deeding of property, the notarized certificate shall be signed by all parties having any ownership interest in the lands subdivided. For purposes of this section, "ownership interest" shall include legal and equitable property interests, including, but not limited to, present, future, contingent or whole fee interests, together with a beneficiary's interest pursuant to a trust and contract interest pursuant to a specifically enforceable contract for the purchase of the real property;

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

44. Certification by the engineering-public works 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 KCC 12.04.205 (D), deferred improvements;

5. The subdivider shall furnish the city a current plat or short plat certificate or title report from a title insurance company, produced no more than forty-five (45) calendar days prior to final plat or final short plat application, that documents the ownership and title of all interested parties in the plat or short plat, subdivision, short subdivision, or dedication and that lists all liens and encumbrances. The legal description in the title report shall be identical to the metes-and-bounds-legal description on the face of the plat or short plat. The city reserves the right to require updates of the certificate or title report at any time prior to signing the final plat or final short plat by the short subdivision committee chairman;

6. Any person signing for a corporation must provide documentation that shows they have the authority to execute on behalf of the said corporation;
26. Copies of any restrictive covenants as may be used in the subdivision or short subdivision;

27. Certification of approval to be signed by the King County assessor;

28. Certification of approval to be signed by the King County recorder;

29. Certificate of approval by the chairman of the short subdivision committee;

30. Copies of any bylaws for a Home Owner’s Association, if created.

DC. All short subdivision final plats subdivisions and short subdivisions shall be surveyed by a land surveyor licensed in the state of Washington. All exterior lot, tract, parcel and right-of-way corners and/or angle points shall be set with re-bar and cap. in accordance with Chapter 58.09 RCW. The type of street monuments used shall be in accordance with city of Kent design and construction standards and shall be installed per those same standards. Sufficient intervisible monuments shall be set to insure that any property within the subdivision or short subdivision can be readily resurveyed at a later time or as may be specified by the public works department. All final plats and final short plats shall be based on at least two City of Kent horizontal control points and reference the North American Datum of 1983/1991 Adjustment (NAD 83/91) or its successor as may be adopted by the public works department survey section.

The licensed land surveyor’s certification must appear on final mylar. Certificates of approval by the chairman of the short subdivision committee, the King County assessor and the King County recorder must be provided on the final mylar.

ED. If any utility companies and/or utility districts have existing easements within the proposed plat or short plat, the plat or applicant and its assigns shall have these easements removed or shall have their rights
subordinated to the city of Kent if they fall within dedicated right-of-way or tracts for public use.

FE. The final plat or final short plat must be submitted to the planning department services for review by the city as to compliance with all terms of the preliminary approval of the proposed subdivision or dedication; terms of bonding or the completion of all improvements; and completeness and accuracy of survey data and platting requirements.

GF. Before a final short plat is filed with King County, it final short plat shall be signed by the chairman of the short subdivision committee when the plat is determined to be in compliance with all applicable short subdivision platting requirements, and before it is filed with King County.

H. After all final plat conditions for a subdivision have been met; planning services shall set a date for a public meeting for the city council to consider the final plat.

I. Before the final plat of a subdivision is submitted to the city council, it shall be signed by the city engineer and planning manager. After the final plat is approved by the city council, it shall be signed by the mayor and the city finance director.

JG. An approved short subdivision final plat or short plat shall be filed for record in the office of with the King County auditor and shall not be deemed approved until filed.

KH. A conformed copy of the recorded plat or short plats shall be filed with the planning department services and the one set of the original mylar shall be filed with the department of public works department.

Sec. 12.04.215. Short subdivision preliminary plat expiration. Short subdivision preliminary plat approval shall lapse four
(4) years from the date of preliminary plat approval unless a final plat based on the preliminary plat has been reviewed and approved by the city and recorded with King County. In addition, for those preliminary short subdivision approvals that have not expired as of the passage date of this ordinance, their expiration period shall be extended two (2) additional years, for a total of a four (4) year expiration period from the time of preliminary approval.

Sec. 12.04.220. Limitations on further subdivision of short subdivisions. Any land subdivided under the requirements for a short subdivision shall not be further divided for a period of five (5) years without following the procedures for subdivisions, except that when the short subdivision contains fewer than four-nineteen parcels, nothing in this section shall prevent the owner who filed the short subdivision from filing an alteration within the five (5) year period to create up to a total of four-nine lots within the original short subdivision boundaries.

Sec. 12.04.221 Subdivision preliminary plat expiration.
A. Subdivision preliminary plat approval shall lapse five (5) years from the date of approval unless a final plat based on the preliminary plat, or any phase thereof, and meeting all of the requirements of this chapter and Chapter 58.17 RCW, is submitted to the City Council for approval within five (5) years from the date of subdivision preliminary plat approval. One (1) extension of one (1) year shall be granted to an applicant who files a written request with planning services at least thirty (30) calendar days before the expiration of the five (5) year period, if the applicant can show that he has attempted in good faith to obtain approval of the final plat within the five (5) year period.

B. Additional time extensions beyond the one (1) year period may be granted by the planning manager if the applicant can show unusual circumstances or situations which make it impossible to record the final plat within the six (6) year period. The applicant must file a written
request with planning services for this additional time extension. The request must be filed at least thirty (30) calendar days prior to the subdivision preliminary plat expiration date. The request must include documentation as to the need for the additional time. Additional time extensions shall not be granted in greater than one (1) year increments.

C. In the case of a phased subdivision, final plat approval by the city council of any phase of the subdivision preliminary plat will constitute an automatic one (1) year extension for the filing of the final plat for the next phase of the subdivision.

Sec. 12.04.223. Decision on subdivision final plat. The city council shall approve, disapprove or return the final plat to the applicant for modification and/or correction within thirty (30) calendar days of the date of the city’s determination of acceptance of the final plat application, unless the applicant consents to an extension of such time period.

Sec. 12.04.225. Subdivision final plat expiration. If a final plat has not been submitted for recording within six (6) months after approval by the city council, the plat shall expire and be null and void. One (1) extension of no longer than six (6) months may be granted by the city council. To revitalize a the plat that has expired under this section, expired plat, the plat shall be resubmitted as a preliminary plat.

Sec. 12.04.2275. Procedure for alteration of a type subdivision or short subdivision.
A. If an applicant wishes to alter a type—1 subdivision or short subdivision or any portion thereof, except as provided in KCC 12.04.230, that person shall submit an application to the planning department services requesting the alteration. The application shall contain the signatures of all persons having an ownership interest in lots, tracts, parcels, sites or divisions within the subdivision or short subdivision or in that portion of the subdivision to be altered.
B. The planning manager shall have the authority to determine whether the proposed alteration constitutes a minor or major alteration. Major alterations are those which substantially change the basic design, density, open space, or other similar requirements or provisions.

BC. If the subdivision or short subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or short subdivision or any portion thereof.

CD. If the alteration is requested to a short-subdivision-prior to final plat or final short plat review and signature, a minor alteration may be approved with consent of the planning director-manager and the public works director. A major plat or short plat alteration shall require consent of the short subdivision committee for short subdivisions or the hearing examiner for subdivisions; after public notice and a public meeting or hearing is held. The planning department services shall provide notice of the application for a major plat or short plat alteration to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the original subdivision or short plat-subdivision application. The planning director-manager shall have the authority to determine whether the proposed alteration constitutes a minor or major alteration pursuant to section 12.04.227.B.

DE. If the alteration is requested to a short-subdivision-after final plat or final short plat review and signature, but prior to filing the final plat-plat or final short plat with King County, a plat or short plat alteration may be approved with consent of the short subdivision committee for short subdivisions or the city council for subdivisions. Upon receipt of an
application for alteration, the planning services department shall provide notice of the application to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the original short plat application. The notice shall establish a date for a public meeting or hearing.

EF. If the alteration is requested to a short subdivision after filing the final plat or final short plat with King County, a minor plat or short plat alteration may be approved with consent of the short subdivision committee in the case of short subdivisions or the city council for subdivisions. If the planning director—manager determines that the proposed alteration is a major alteration, pursuant to section 12.04.227.B, then the planning director—manager may require replatting pursuant to this chapter. Upon receipt of an application for alteration, the planning department services shall provide notice of the application to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the subdivision or short subdivision plat application. The notice shall establish a date for a public meeting or hearing.

FG. The short subdivision committee—city shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between adjacent properties.

GH. After approval of the alteration, the city short subdivision committee shall order the applicant to produce a revised drawing of the approved alteration of the subdivision or short subdivision, which after signature of
the chair of the short subdivision committee, the final plat or final short plat shall be filed with the King County county auditor to become the lawful plat or short plat of the property.

HI. This section shall not be construed as applying to the alteration or replatting of any plat or short plat of state-granted tide-or-shore lands.

Sec. 12.04.230. Procedure for vacation of a type-I subdivision or short subdivision.

A. Whenever an applicant wishes to vacate a type-I subdivision or short subdivision or any portion thereof, that person shall file an application for vacation with the planning department services. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation.

B. If the short-subdivision development is subject to restrictive covenants which were filed at the time of the approval of the short subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or short subdivision or portion thereof.

C. When the vacation application is specifically for a city street or road, the procedures for street vacation in Ch. 6.09 KCC shall be utilized followed for the street or road vacation. When the application is for the vacation of the plat or short plat together with the streets or roads, the procedure for vacation in this section shall be used but vacations of streets may not be made that are prohibited under state law.

D. The planning department services shall give notice to all owners of property within the subdivision or short subdivision, and all property
owners within two hundred (200) feet of short subdivision boundaries, all property owners within three hundred (300) feet of subdivision boundaries, and to all applicable agencies. The short subdivision committee shall conduct a public meeting in the case of short subdivisions and the hearing examiner shall conduct a public hearing for subdivisions if the requested vacation does not involve a public dedication. The city council shall conduct a public hearing on the application for a vacation if the request involves a public dedication. The application for vacation of the a subdivision or short subdivision may be approved or denied after the city has determined the public use and interest to be served by the vacation of the short subdivision. If any portion of the land contained in the short subdivision—proposed vacation was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the city council sets forth findings that the public use would not be served in retaining title to those lands.

E. Title to the vacated property shall vest with the rightful owner as shown in the county-King County records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the city council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the city council. When the road or street that is to be vacated was contained wholly within the subdivision or short subdivision and is part of the boundary of the subdivision or short subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

F. This section shall not be construed as applying to the vacation of any plat or short plat of state-granted tide-or-shore lands.

Sec. 12.04.235. Standards for the subdivision of land and any dedications.
A. Applications for subdivisions, short subdivisions and binding site plans may be approved, approved with conditions or denied in accordance with the following adopted city, county and state rules, regulations, plans and policies including but not limited to:

1. Chapter 58.17 RCW (subdivisions)
2. Chapter 43.21C RCW (SEPA)
3. City of Kent Title 6 (public works)
4. City of Kent Title 7 (utilities)
5. City of Kent Title 11 (environmental management)
6. City of Kent Title 13 (fire prevention and protection)
7. City of Kent Title 12 (planning and land development)
8. City of Kent Title 15 (zoning)
9. City of Kent Comprehensive Plan
10. King County Board of Health rules and regulations

B. All improvements shall be constructed in accordance with the city’s design and construction standards as hereinafter amended.

Sec. 12.04.240. Connectivity. The following goals and criteria listed below shall be considered by the public works department and planning services in evaluating connectivity:

A. Increase through-connections to adjacent subdivisions and activity centers.

1. Subdivision streets should connect through to serve adjacent properties except where impractical.

2. Cul-de-sac streets of the subject subdivision should provide pedestrian/bicycle pathway(s) from curb-ends to neighboring subdivision(s) streets or other adjacent activity centers.

3. Subdivisions should provide continuous sidewalks on both sides of streets fronting developed lots and connect to other streets.
26. **Provide streetscaping improvements.**
   
a1. **Vehicular traffic calming elements should be included in the subdivision.**

b2. **Planting strips and medians should be included in the subdivision.**

e3. **Neighborhood identity elements such as entry monument signs, medians and pavement textures should be included in the subdivision.**

A. 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. 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 land adversely affected by flooding, bad drainage, steep slopes, or 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 Chapter 86.16 RCW, that portion of the subdivision shall have the written approval of the State Department of Ecology before the city council shall hear the final plat. Every reasonable effort shall be made to preserve existing trees. Every effort shall be made to preserve existing streams, bodies of water, marshes, and bogs. 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. The piping or tunneling...
of water shall be discouraged and allowed only when going under streets. Every effort shall be made to keep all streams and bodies of water clear of debris and pollutants.

B. Where residential subdivisions are to be developed adjacent to business, commercial, or industrial land-use districts, buffer strips may be provided. No plan for the replatting, subdivision, or dedication of any areas shall be approved by the city council unless the streets shown therein are connected by a surfaced road or street according to city specifications to an existing street or highway. The location of all streets shall conform to any adopted plans for streets in the city. The proposed street system shall extend existing streets at the same or greater width, unless otherwise approved by the engineering department. All proposed street names shall be approved by the city. Streets intersecting with existing or proposed public highways, major or secondary arterials shall be held to a minimum.

C. The alignment of all streets shall be reviewed and approved by the public works department. The following standards shall apply unless otherwise approved by the public works department, in consultation with the planning services office and the fire prevention division:

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

2. Residential cul-de-sacs shall not exceed a length of five hundred (500) feet.

3. No street grades shall exceed fifteen (15) percent. A grading permit shall be required as per the International Building Code, the International Residential Code, or other applicable building codes, as adopted and amended in Ch. 14.01 KCC, prior to any grading.

4. 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. 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 and on other streets it shall be not less than one hundred (100) feet.

6. All changes in grade shall be connected by vertical curves of a minimum length of two hundred (200) feet unless specified otherwise by the public works department.

7. All streets shall be platted at full width. All street improvements shall be of full-width improvement. Full-width improvement shall consist of the following:
   a. All streets, roads, and alleys shall be graded to their full width and the pavement and sidewalks shall be constructed to standard cross-sections.
   b. All street and alley surfaces shall be of asphalt concrete according to city specifications.
   c. All streets may have permanent concrete curbs and gutters according to city specifications.
   d. All streets shall have storm drains consisting of the proper size pipe and catch basins or open ditch which is to be determined at the time of the public hearing for the preliminary plat. Whenever open ditch is allowed, no closed drains may be installed except across an authorized driveway.
   e. All primary/major arterials, secondary arterials, and collector streets shall have sidewalks, with a minimum of five (5) feet width on at least one (1) side.
   f. All streets shall have street lighting located and installed in accordance with the standards of the public works department as follows:

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Maximum Lighting Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential-Street</td>
<td>18 feet</td>
</tr>
</tbody>
</table>

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Street-light heights and spacing shall consider the canopy and root system dimensions of adjacent full-grown trees.

g. 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 turnarounds. Dedication of a full-width boundary street may be required in certain instances to facilitate future development.

h. Planting strips are required in residential subdivisions and shall:

i. Be not less than five (5) feet in width;

ii. Be located between curbs and sidewalks, except on cul-de-sac streets;

iii. Contain street trees appropriate to the city construction standards, as applied by the public works department, in consultation with the planning services office and fire prevention division;

iv. Be the maintenance responsibility of the abutting property owners, or homeowners' association. Maintenance includes watering, removal of fallen leaves, fallen branches, and fruit debris. Maintenance does not include such things as fertilizing, trimming, root control, removal of dead or dying trees, or insect and disease control:

i. Street widths vary according to function and traffic generated. The following minimum widths for the types of streets, as defined in the comprehensive plan, must be adhered to if full pavement is required:

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Design Right-of-Way Width (feet)</th>
<th>Pavement Width (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Arterial</td>
<td>100</td>
<td>80</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>78</td>
<td>58</td>
</tr>
<tr>
<td>Residential Arterial</td>
<td>56</td>
<td>36</td>
</tr>
<tr>
<td>Residential</td>
<td>53</td>
<td>36</td>
</tr>
</tbody>
</table>
Where full pavement is not required, the right-of-way widths shall remain the same for the type of street defined in the comprehensive plan. The improvement may consist of two (2) eleven (11) foot driving lanes and two (2) eight (8) foot shoulders and two (2) six (6) foot drainage sections and two (2) five (5) foot potential sidewalk sections.

j. If a subdivision is located in the area of an officially designed trail, provisions may be made for reservation of the right-of-way or for easements to the city for trail purposes.


8A. Traffic calming improvements are required, and are specified according to street classification (see subsection (7)(i) of this section), site conditions, or other conditions as determined by the public works department, in consultation with the planning services office and fire prevention division.

8B. Residential streets with entrances connected to arterial or collector streets shall provide curb bulb-outs at each plat entrance, or shall provide curbs constructed at the return radius standard for residential class streets found in the city design and construction standards. Other traffic calming options may be determined more appropriate to site conditions by the public works department, in consultation with the planning services office and fire prevention division.

8C. Mid-block chokers are required on blocks greater than five hundred (500) feet in length, unless otherwise determined by the public works department.

8D. Other traffic calming designs and improvements may be determined appropriate as remedial options by the public works department, in
consultation with the planning services office and fire prevention division. These options include, but are not limited to:

i. Traffic circles;

ii. Chokers;

iii. Chicanes; and

iv. Speed humps.

9. Nonpublic streets. Ownership of private streets not open to public circulation shall remain with a homeowners' association and shall be their responsibility to maintain. Such nonpublic streets may serve not more than nine (9) lots. These streets shall have asphaltic or concrete surface. The minimum paving width for all limited residential access streets shall be twenty (20) feet. A five (5) foot-wide sidewalk shall be provided on one (1) side of the street, as a minimum. However, a sidewalk is not required on limited residential access streets serving four (4) or less dwellings.

Sec. 12.04.245 Exterior street buffering.

A. A minimum ten (10) foot wide perimeter strip of type II landscaping and associated fencing shall be provided along the subdivision or short subdivision perimeter where it is adjacent to a public or private roadway that does not provide direct vehicular access to individual lots. The landscaping strip shall include an automatic irrigation system sufficient to ensure survival of the planted materials. Fencing constructed of wood, iron, masonry, or other suitable materials approved by the planning manager shall be located between the landscaping strip and the short subdivision or short subdivision lots and shall be constructed of consistent materials and configuration along the length of the street frontage. The fence and landscape strip shall be located in a separate tract and shall be depicted on the final short subdivision plat or short plat map. Maintenance of the landscape strip and fence shall be the responsibility of a homeowners' association or other entity approved by the city.
A. 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.

B. 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.

C. 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.

D. 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.

12.04.245 Public use and service areas.
Due consideration shall be given by the subdivider to the allocation on adequately sized areas for public service usage. Easements may be required for the maintenance and operation of utilities as specified by the engineering department. Due regard shall be shown for all natural features such as large trees, watercourses, historical spots, and similar community assets which, if preserved, will add attractiveness and value to the property.

Sec. 12.04.250. Lots. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street and cul-de-sac lines. Each lot must access a street or road, public or private. 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. Corner lots may be required to be platted with additional width to allow for the additional side yard requirements. Lots which are bordered by two (2) more or less parallel streets shall be permitted access to only one (1) of those streets. All lot corners at intersections of dedicated public rights-of-way and private access tracts or easements shall have minimum radii of fifteen (15) feet.

12.04.255 Other improvements.
A. Monuments. 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. All other lot corners shall be marked with suitable metal or wood markers.
B. Street signs. The subdivider shall reimburse the city on the cost of the public street name signs and installation necessary in the subdivision. The subdivider at his cost shall install street name signs on all private streets in the subdivision.
C. Hillside subdivisions. A hillside subdivision is 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. 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. The following standards shall apply to hillside subdivisions in addition to the regulations of KCC 12.04.235 through 12.04.255(A) and (B) which shall apply unless specifically excepted:
1. Information concerning the soils, geology, drainage patterns, and vegetation shall be presented in order to determine if the subdivision can be safely developed.
2. 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.

3. Streets may have a grade exceeding fifteen (15) percent and street widths may be less than those required in KCC 12.04.235(C)(6) and (C)(7)(a) if it is found that traffic generated will be less than in a nonhillside subdivision.

4. Lots may be required to be larger than minimum lot sizes required by KCC Title 15, Zoning. Generally, lots in steeper areas of the subdivision should be larger than those in less steep areas of the subdivision.

5. Any clearing or grading shall be accompanied by erosion control measures as deemed necessary by the engineering department.

Sec. 12.04.260. Zero lot line type subdivsions and short subdivisions.

A. Zero lot line subdivisions and short subdivisions shall be subject to the development standards outlined in KCC Title 15.08.320 and 15.08.330. These standards include minimum lot size, width, depth, etc.

B. The regulations of KCC 12.04.235 through 12.04.2505 shall apply unless specifically excepted. In addition, the following standards shall apply to zero lot line subdivisions unless specifically modified in the conditions of preliminary approval.

1. Streets, curbs and sidewalks:
   a. Public streets. In certain areas, due to existing or planned circulation systems, it may be necessary for the city to require public rights-of-way to be provided within the development. When the provision of such rights-of-way is necessary, the right-of-way width, paving width, and other standards shall be the same as would otherwise be required. The perimeter buffering requirement shall be applied along these rights-of-way.
b. **Nonpublic streets.** Ownership of private streets not open to public circulation shall remain with a homeowners' association and shall be their responsibility to maintain. These streets shall have asphaltic or concrete surface, and concrete or asphalt curbing shall be provided along both sides of all streets except where curb cuts are necessary for driveways. The minimum paving width for all collector streets within the zero-lot-line development shall be twenty-four (24) feet. The minimum paving width for all residential access streets shall be twenty (20) feet. A five (5) foot wide sidewalk shall be provided on one (1) side of the street, as a minimum. However, a sidewalk is not required on limited access streets serving two (2) or less dwellings. In addition, guest parking shall be provided at a rate of 0.5 guest parking spaces per dwelling unit beyond the normal parking provided at the dwelling.

2. **Installation of utilities.** All utilities designed to serve the development shall be placed underground. Any utilities located in a 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 public works department. Such installation shall be completed and approved prior to the application of any surface material. Easements may be required for the maintenance and operation of utilities as specified by the engineering department.

a. **Sanitary sewers.** Sanitary sewers shall be provided at no cost to the city and designed in accordance with city standards.

b. **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. All mobile home parts must comply with city drainage ordinances.
Sec. 12.04.263. Clustering in urban separators.

A. All Type I subdivisions and short subdivisions in the SR-1 zoning district shall be required to be clustered pursuant to this section when the property is located wholly or partially within an urban separator as designated on the City of Kent Comprehensive Land Use Plan Map.

B. Cluster subdivisions and short subdivisions shall be subject to the development standards outlined in KCC Title 15. These standards include, but are not limited to, minimum lot size, width, yards, setbacks, parking, landscaping, signage, etc.

C. The provisions of KCC 12.04.235 through 12.04.2505, as well as other applicable portions of this chapter, shall apply unless specifically excepted or exempted. In addition, the following standards shall apply to clustered Type I short subdivisions or short subdivisions:

1. Location. The cluster residential development shall be required in the SR-1 zoning district within urban separator areas.

2. Permitted uses. The cluster residential development option shall include only single-family residential uses.

3. Minimum area. No minimum area is established for a cluster residential development.

4. Permitted density. The maximum number of dwelling units permitted in a cluster development shall be no greater than the number of
dwelling units allowed for the parcel as a whole for the zoning district in which it is located.

5. **Lot size.** In the interest of encouraging flexibility in site design and the preservation of open space, the minimum lot size of individual building lots within a cluster subdivision or short subdivision is two thousand five hundred (2,500) square feet. New lots created by any subdivision or short subdivision action shall be clustered in groups not exceeding eight (8) units. There may be more than one (1) cluster per project. Separation between cluster groups shall be a minimum of one hundred twenty (120) feet.

6. **Lot width.** The minimum lot width for individual building lots in a cluster subdivision or short subdivision shall be thirty (30) feet.

7. **Other development standards.** Development standards other than lot size and lot width shall be the same as are required within the SR-1 zoning district in which the cluster residential development is located.

8. **Common open space.** The common open space in a cluster subdivision or short subdivision shall be a minimum of fifty (50) percent of the nonconstrained area of the parcel. The nonconstrained area of the parcel includes all areas of the parcel, minus critical areas, as defined in RCW 36.70A.030(5) as currently and hereinafter amended, and buffers. The remainder of the nonconstrained area of the parcel shall be the buildable area of the parcel. The common open space tracts created by clustering shall be located and configured in the manner that best connects and increases protective buffers for environmentally sensitive areas, connects and protects area wildlife habitat, creates connectivity between the open space provided by the clustering and other adjacent open spaces as well as existing or planned public parks and trails, and maintains scenic vistas. Critical areas and buffers shall not be used in determining lot size and common open space requirements in a cluster subdivision or short subdivision. All natural features (such as streams and their buffers, significant stands of trees and rock outcropping), as well as sensitive
critical areas (such as streams, steep slopes and wetlands and their buffers) shall be preserved.

Future development of the common open space shall be prohibited. Except as specified on recorded documents creating the common open space, all common open space resulting from lot clustering shall not be altered or disturbed in a manner that degrades adjacent environmentally sensitive areas, rural areas, agricultural areas, or resource lands; impairs scenic vistas and the connectivity between the open space provided by the clustered development and adjacent open spaces; degrades wildlife habitat; and impairs the recreational benefits enjoyed by the residents of the development. Such common open spaces may shall be retained under ownership by the owner or subdivider, conveyed to residents of the development, conveyed to a homeowners’ association for the benefit of the residents of the development, conveyed to the city with the city’s consent and approval or to another party upon approval of the city of Kent.

Sec. 12.04.264. Clustering in residential zones outside urban separators.
A. When located wholly outside an urban separator, cluster subdivisions or short subdivisions are allowed in SR-1, SR-3, SR-4.5, SR-6, and SR-8 zoning districts subject to the regulations below.

B. The purpose of this cluster development option is as follows: to permit greater flexibility in design and discourage development sprawl; to facilitate the economical and efficient provision of public services; to provide a more efficient use of land in harmony with its natural characteristics; to preserve more usable open space, agricultural land, tree cover, recreation areas, and scenic vistas; and to expand the opportunity for the development of affordable housing without increasing the development’s overall density. Development standards and review criteria are intended to ensure that lots are consistent with the desired character of the zone, allowing lots to vary in size and shape, while still adhering to the planned density of the zone.
C. Cluster subdivisions of short subdivisions shall be subject to the development standards outlined in KCC Title 15, unless otherwise modified by this chapter. These standards include, but are not limited to, minimum lot size, width, yards, setbacks, parking, landscaping, and signage.

D. The provisions of KCC 12.04.235 through 12.04.2505, as well as other applicable portions of this chapter, shall apply unless specifically excepted. In addition, the following standards shall apply to clustered Type I subdivisions or short subdivisions:

1. Location. The cluster residential development may be allowed in SR-1, SR-3, SR-4.5, SR-6, and SR-8 zoning districts outside of urban separators.

2. Permitted uses. The cluster residential development option shall include only single-family residential uses, as defined in KCC 15.02.115.

3. Minimum area. No minimum area is established for a cluster residential development.

4. Permitted density. The maximum number of dwelling units permitted in a cluster development shall be no greater than the number of dwelling units allowed for the parcel as a whole for the zoning district in which it is located.

5. Lot size. In the interest of encouraging flexibility in site design and the preservation of open space, the minimum lot size of individual building lots within a cluster subdivision or short subdivision in single-family residential zoning districts may be reduced by twenty-five (25) percent of the minimum lot size for the underlying zoning district.

6. Lot width. The minimum lot width for individual building lots in a cluster subdivision or short subdivision shall be thirty (30) feet. The hearing examiner may allow a shared driveway easement to be included in the minimum lot width of irregular lots, provided the total driveway width is no greater than twelve-sixteen (162) feet and no...
longer than 150 feet unless otherwise required by the fire and public works departments.

7. Other development standards. Development standards other than lot size and lot width shall be the same as are required within the zoning district in which the cluster residential development is located. Design review is required for cluster development projects using the review criteria in KCC 15.09.045(C), Multifamily design review.

8. Additional approval criteria for cluster development projects:
   a. The proposed cluster development project shall have a beneficial effect upon the community and users of the development that would not normally be achieved by traditional lot-by-lot development, and it shall not be detrimental to existing or potential surrounding land uses as defined by the comprehensive plan.
   b. The proposed cluster development project shall be compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes, but is not limited to, apparent size, scale, mass, and architectural design.
   c. Unusual and sensitive environmental features of the site shall be preserved, maintained, and incorporated into the design to benefit the development and the community.
   d. The proposed cluster development project shall provide open areas by using techniques such as separation of building groups, use of well-designed open space, common or shared space, and landscaping. Open space shall be integrated within the cluster development project rather than be an isolated element of the project.
   e. The proposed cluster development project shall promote variety and innovation in site and building design and shall include architectural and site features that promote community interaction and accessibility, such as porches, de-emphasized garages, shared driveways, sidewalks/walkways, and adjacent common areas. Buildings shall be related by common materials and roof styles, but contrast shall be
provided throughout the site by the use of varied materials, architectural
detailing, building scale, and orientation.

f. Building design shall be based on a unified design
concept, particularly when construction is in phases.

9. Common open space.

a. The common open space in cluster subdivisions or
short subdivisions shall be a minimum of twenty-five (25) percent of the
entire parcel, whether or not the parcel is constrained by critical areas or
and their associated buffers.

b. Parking areas, public rights-of-way, maneuvering
areas, roads/streets, storage areas, driveways, and yards within individual
lots shall not be included in common open space.

c. The common open space tracts created by clustering
shall be located and configured in the manner that best connects and
increases protective buffers for environmentally sensitive areas, connects
and protects area wildlife habitat, creates connectivity between the open
space provided by the clustering and other adjacent open spaces, as well
as existing or planned public parks and trails, and maintains scenic vistas.

d. All natural features (such as streams and their buffers,
significant stands of trees, and rock outcroppings) as well as sensitive
critical areas (such as streams, steep slopes and wetlands and their
associated buffers) shall be preserved.

e. Future development of the common open space shall
be prohibited. Except as specified on recorded documents creating the
common open space, all common open space resulting from lot clustering
shall not be altered or disturbed in a manner that degrades adjacent
environmentally sensitive areas, rural areas, agricultural areas, or resource
lands; impairs scenic vistas and the connectivity between the open space
provided by the clustered development and adjacent open spaces;
degrades wildlife habitat; and impairs the recreational benefits enjoyed by
the residents of the development.
f. Ownership of such common open spaces may be retained by the owner of the subdividers, conveyed to all residents of the development, conveyed to a homeowners’ association for the benefit of the residents of the development, or conveyed to the city with the city’s consent and approval, or conveyed to another party upon approval of the city of Kent.

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

B. The street widths shall be as follows:

<table>
<thead>
<tr>
<th>Type of Street</th>
<th>Right-of-way width in feet</th>
<th>Pavement width in feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Arterial</td>
<td>90</td>
<td>60</td>
</tr>
<tr>
<td>Industrial Collector</td>
<td>80</td>
<td>44</td>
</tr>
<tr>
<td>Industrial Access</td>
<td>60</td>
<td>36</td>
</tr>
<tr>
<td>Commercial Streets</td>
<td>60</td>
<td>36</td>
</tr>
<tr>
<td>Alleys</td>
<td>20</td>
<td>0</td>
</tr>
</tbody>
</table>

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

C. All industrial arterial (ninety (90) foot right-of-way), industrial collectors (eighty (80) foot right-of-way), and commercial streets (sixty (60) foot right-of-way) shall have sidewalks a minimum of five (5) feet in width, on both sides. All industrial and commercial access streets which are also through streets shall have sidewalks a minimum of five (5) feet in width, on one (1) side.

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

E. 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.
F. Blocks shall not be less than six hundred (600) feet or more than two thousand (2,000) feet in length. 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 land-use hearing examiner may approve a lesser width. Blocks should not be greater than one thousand (1,000) feet in width.

G. 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:

1. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines.

2. Corner lots may be required to be platted wider than interior lots as determined by the planning department.

12.04.400 Purpose of type II short subdivisions:
The procedures regulating type II short subdivisions are established to promote orderly and efficient division of lots on a smaller scale, promote infill development and meet density requirements in established urban areas while minimizing the application review time, avoiding placing undue burdens on the subdivider and complying with the purpose of this chapter and the provisions of RCW 58.17.060 et seq.

12.04.405 Scope:
A. Any land being divided into more than four (4) and less than ten (10) parcels, lots, tracts, sites or subdivisions, any one (1) 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 be subject to the requirements of this section.

B. No application for a short subdivision shall be approved if the land being divided is held in common ownership with a contiguous parcel that has been divided in a short subdivision within the preceding five (5) years.
Such serial subdivision of contiguous parcels in the same ownership is defined as 'piggybacking' short subdivisions and is prohibited unless the subject property has received master plan approval by the city through a rezone, planned unit development or other hearing process, then 'piggybacking' short subdivisions shall be permitted. Such short subdivisions must be consistent with the approved master plan.

State law reference(s) — Definition of short subdivision, RCW 58.17.020(6).

12.04.410 Preliminary consultation with staff.
Any person who desires to subdivide land in the city should consult with the planning department at an early date on an informal basis in order to become familiar with the requirements of this chapter. The department of public works should be consulted at this time for advice and assistance in understanding the engineering requirements of this chapter and the construction standards of the city.

12.04.415 Application procedures.
An application for a type II short subdivision consists of six (6) separate steps as follows:

1. Preparation of the tentative short subdivision and submission of the tentative short subdivision application to the planning department;
2. Review of the tentative short subdivision by the city and convene a meeting with the developer and the city resulting in the issuance of a tentative subdivision letter;
3. Preparation of the preliminary plat of the proposed short subdivision and submission of the preliminary short subdivision application to the short subdivision committee for a public meeting and decision;
4. Installation or bonding of improvements according to the approved preliminary plat requirements and satisfaction of all plat conditions;
5. Submission of the final plat to the planning department for review and signature by the chair of the short subdivision committee;
6. Recordation of the approved final plat in the office of the King County department of records and elections.
12:04.420 Subdivision in phases:
In a phased-type II short subdivision, 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 approval of the short subdivision committee.

12:04.425 Tentative short plat review:
A. Applications for a short subdivision tentative plat meeting and review shall be filed with the planning department. A tentative plat meeting and review shall be considered equivalent to a pre-application meeting for the purposes of meeting the requirements of KCC 12.01.080. The scale and information required for a tentative short subdivision application and number of copies to be filed shall be in accordance with the requirements of the planning director.

B. The planning department shall transmit copies of the short subdivision tentative plat to the fire, development services, public works and parks departments, public utility agencies serving the area, and to any other department or agency deemed necessary.

C. A meeting on the tentative short plat shall be held, which is attended by the planning department, other city departments which receive copies of the tentative plat, and the subdivider. Any recommendations of the various departments for revision of the tentative plat should be discussed at such meeting. These recommendations and potential conditions of approval for the short plat shall be recorded in writing and mailed to the subdivider by the planning department.

D. The recommendations of the city departments shall be based on whether the tentative short plat is:
1. In conformance with the purpose and regulations of this chapter;
2. In conformance with fire-safety regulations;
3. In conformance with city of Kent construction standards;
4. In conformance with building code regulations;
5. In conformance with the appropriate street standards and the circulation pattern established or proposed for the area that the subdivision will be developed in;
6. In conformance with sewer, water and other utility plans for the area;
7. Not detrimental to its surroundings.

E. If the short subdivision tentative plat is recommended to proceed as presented or as modified in accordance with the written suggestions made by the city, the applicant shall proceed to the preliminary short subdivision stage. If not recommended to proceed, a preliminary short subdivision may still be submitted to the short subdivision committee. However, it is likely that the same objections and problems will arise at that stage.

F. If changes are made to a preliminary short plat which has already received tentative plat recommendations and potential conditions, the planning department shall compare the subdivision tentative short plat and the proposed preliminary short plat and shall make a determination whether the preliminary plat requires additional tentative plat review. A new tentative plat review and meeting may be required if the preliminary plat is not substantially similar to the tentative plat reviewed by the city.

The determination of the necessity for another tentative plat meeting shall be based on the following considerations:

1. The degree of commonality between the two (2) plans (i.e., the preliminary plat is a refinement of the tentative plat, or is a completely new plat for the same property); and
2. The presence or absence of revisions present in the preliminary plat resulting from concerns or recommendations raised at the tentative plat meeting.

12.04.430 Preliminary short subdivision application.
A. Application for a short subdivision shall be made to the planning department on the forms supplied and in the number of copies prescribed by that department.

B. The short subdivision plat shall be a neat and approximate drawing on reproducible material at a decimal scale. The plat map shall measure between eight-and-one-half (8 1/2) inches by eleven (11) inches and eighteen (18) inches by twenty-two (22) inches and shall include:

1. The short subdivision name and number, the name and address of the owner, and the name and address of the licensed land surveyor and if applicable, the subdivision engineer;

2. The date of preparation, the true north point, a graphic scale and legal description of the property to be subdivided and drawn to an appropriate decimal scale;

3. The location of existing and proposed platted property lines, and existing section lines, streets, buildings, watercourses, railroads, bridges, and any recorded public or private utility or roadway easements, both on the land to be subdivided and on the adjoining lands that abut the proposed subdivision, for a distance of one hundred (100) feet from the edge of the subject property;

4. The names, locations, widths and other dimensions of proposed streets, alleys, easements, traffic calming features and devices, parks and other open spaces, reservations and utilities;

5. The acreage of land to be subdivided; the number of lots; the area of each lot; and the approximate square footage and approximate percent of total acreage in open space;

6. The approximate dimensions of each lot;

7. How the proposed subdivision will be served by utilities and the location of sewer and water lines;

8. All existing structures and distances from any existing and proposed lot lines within or abutting the short subdivision within a distance of fifty (50) feet;
9. Monumentation of all exterior corners and streets and be surveyed by a land surveyor licensed in the state;

10. Provisions for sidewalks, placement or construction of traffic calming features and devices, and other planning features that assure safe walking conditions for students who walk to and from school, users of public transit and other pedestrians;

11. All of the information requested on the application form by the planning director.

12.04.435 Principles of acceptability:

No short subdivision shall be approved unless the following principles of acceptability are met. The short subdivision shall:

1. Create legal building sites which comply with all provisions of KCC Title 15, 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 wetland conditions; slope, soil stability and/or capabilities; or the 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 chapter;

5. Make adequate provision for stormwater detention, drainageways, water supplies, sanitary wastes, and other public utilities and services, as required by applicable laws, codes, rules, and regulations;

6. Make adequate provision for the connectivity of streets, alleys, pedestrian accessways, and other public ways;

7. Provide building lots and roadway access configured to support the construction of homes with diminished garage doors such that no less than fifty (50) percent of the new lots will support construction of and access to a garage in the rear portion of the lot accessed via a common driveway between lots, or a side access garage, or a garage accessed via a rear alley, or a garage set back no less than ten (10) feet from the front facade
of the home, or other design strategies which similarly diminish the prominence of the garage and are approved by the planning manager. Lots and roadways shall be configured such that at least two (2) of these options are supported in each new development;

8. Provide landscape buffering along all frontage streets of the short subdivision that do not provide the new lots with direct vehicular access;

9. Provide adequate provision for recreation space.

12.04.440 Determination of completeness.

Within twenty-eight (28) calendar days after receiving a type II short subdivision preliminary plat application, the planning department shall mail or personally provide to the applicant a written determination of completeness which states either that the application is complete or incomplete. If incomplete, the letter shall identify what information is required to make the application complete. The letter shall also identify, to the extent known by the city, other agencies with jurisdiction over the short subdivision application. If the city determines that an application is not complete, the applicant shall have up to ninety (90) calendar days to submit the necessary information to the city. If the applicant either refuses in writing to submit additional information or does not submit the required information within the ninety (90) calendar day period, the application shall lapse because of a lack of information necessary to complete the review. Within fourteen (14) calendar days after an applicant has submitted the requested additional information, the city shall again make the completeness determination and shall notify the applicant in the same manner.

If the short subdivision application is determined to be complete, the planning department shall accept the application and note the date of acceptance. The time period for review of the proposed short subdivision begins following the determination of a complete application and acceptance of the application by the city. If the city does not provide a written determination to the applicant that the application is incomplete,
the application shall be deemed complete at the end of the twenty-eight (28)-day completeness review period.

12.04.445 Vesting:
A proposed division of land shall be considered under the requirements of this chapter and the zoning and other land use regulations in effect on the land at the time that a preliminary plat application for a type II short subdivision, as defined in this chapter, has been determined to be complete and has been accepted by the city of Kent, pursuant to KCC 12.04.440.

12.04.450 Notice of application:
A notice of application shall be issued for short subdivision applications within fourteen (14) calendar days after the city has made a determination of completeness, and at least fifteen (15) calendar days prior to the short subdivision committee meeting date. The notice of application shall be mailed, published and posted on the same day, in the following manner:
1. The city shall publish the notice of application in a newspaper of general circulation within the city.
2. The city shall post the notice of application on the public notice board(s) placed on the property and shall also post the notice of application at Kent City Hall and in the register for public review at the planning department office.
3. The city shall mail the notice of application listing the date of the short subdivision committee meeting to the applicant and all owners of real property as shown by the records of the county assessor’s office within two hundred (200) feet of any portion of the boundary of the proposed subdivision. In addition, if the property to be short subdivided abuts parcels greater than two (2) acres which have other properties abutting them, these additional properties shall also be mailed a notice of application.
4. The city shall mail or send the notice of application to all agencies with jurisdiction, city departments, and to any person who requests such notice in writing.
5. One notice of application shall be done for all permit applications related to the same project at the time of the earliest complete project permit application.

12.04.455 Referral of preliminary short subdivision application:
Upon determination of completeness of an application for a short subdivision, the planning department shall transmit one (1) copy of the application materials to each member of the short subdivision committee; provide copies to the appropriate city departments and to any other department or agency deemed necessary. The application shall be transmitted at least fifteen (15) calendar days prior to the short subdivision committee meeting.

12.04.460 Notification of agencies:
A. The city shall mail a notice of application to all agencies with jurisdiction over the short subdivision application. Such notice shall include the hour and location of the short subdivision committee meeting and a description of the property to be platted. A copy of the plat and application materials shall be provided to agencies as deemed necessary or if requested by the agency.
B. Notice of application for a preliminary plat of a proposed short subdivision adjacent to or within one (1) mile of the city 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.
C. Notice of application for a preliminary plat of a proposed short subdivision located adjacent to the right-of-way of a state highway shall be given to the State Department of Transportation. Such notice shall include the hour and location of the meeting, a legal description of the short subdivision and a location map. The Department of Transportation shall, within fourteen (14) days after receiving the notice, submit to the planning department a statement of any information that the department deems to be relevant about the effect of the proposed short subdivision upon the legal access to the state highway, the traffic-carrying capacity of the state highway and the safety of the users of the state highway.
12.04.465 Public notice:
A. Notice of the short subdivision committee meeting shall be given in the following manner:
1. Notice of application shall be mailed, published and posted on the same day, at least fifteen (15) calendar days prior to the meeting date.
2. The date of the short subdivision committee meeting shall be listed on the notice of application, which shall be mailed to the applicant and all owners of real property as shown by the records of the county assessor's office within two hundred (200) feet of any portion of the boundary of the proposed subdivision. In addition, if the property to be short subdivided abuts parcels greater than two (2) acres which have other properties abutting them, these additional properties shall also be mailed a notice of application. The city shall mail or send the notice of application to all agencies with jurisdiction, city departments, and to any person who requests such notice in writing.
3. The city shall publish the notice of application in a newspaper of general circulation within the city.
4. The applicant shall place at least one public notice board on the property to be subdivided. The public notice board must be placed on the property as directed by the planning department, and no later than fourteen (14) days after a determination of completeness. The applicant must remove the public notice board(s) from the property within seven (7) days after the end of the comment notice period or the conclusion of the public meeting(s). If the property to be subdivided is located adjacent to more than one public street or has more than one potential access route, one public notice board shall be placed on the property adjacent to each public street or potential access route. Planning department staff shall post the notice of application on the public notice board(s) on the property and shall also post the notice of application at Kent City Hall and in the register for public review at the planning department office.

12.04.470 Public comment:
A. Affected agencies and the public shall have a fourteen (14) calendar day period to comment on a notice of application. An agency is presumed to have no comments if comments are not received within the specified time period. The planning director may grant an extension of time only if the application involves unusual circumstances. Any extension shall not be granted for a period longer than three (3) additional calendar days. The public may make written response to the proposed short subdivision application within the comment period;

B. The fourteen (14) day public comment period begins on the date the notice of application is mailed, posted and published. The planning department must receive all public comments by 4:30 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible. The short subdivision committee shall not take action on a short subdivision application until after the comment period has passed.

12.04.475 Agency recommendations:
At the time of the preliminary short subdivision plat application, written recommendations for approval or disapproval must be submitted from the health agencies responsible for approval of the proposed means of sewage disposal and/or water supply, regarding the general adequacy of the proposed means of sewage disposal and/or water supply. The applicant is responsible for submitting the appropriate application forms to the Seattle-King County health department and for paying the health department review fee.

12.04.480 Short subdivision committee:
A. The short subdivision committee shall consist of the planning director, who shall be chairman; the director of parks and recreation; the director of public works; the fire chief; and a land use and planning board member. Each committee member is authorized to designate an alternate to attend in their absence. A designated alternate shall have full voting power in the short plat approval process.
B. Three (3) of the five (5) members of the short subdivision committee must be present in order for the committee to take any action.

12.04.485 Short subdivision preliminary plat meeting.

A public meeting attended by the applicant or representative and the short subdivision committee members shall be held within forty (40) days of the determination of completeness of the application. The meeting shall be open to the public.

12.04.490 Approval criteria.

A. A proposed short subdivision and dedication shall not be approved unless the city finds that:

1. Appropriate provisions have been made for:
   a. The public health, safety and general welfare of the community;
   b. Protection of environmentally sensitive lands and habitat;
   c. Potable water supplies;
   d. Sanitary wastes;
   e. Other public utilities and services, as deemed necessary;
   f. Drainageways;
   g. Stormwater detention;
   h. Community parks and recreation;
   i. Neighborhood tot-lots and play-areas;
   j. Schools and school grounds;
   k. Transit stops;
   l. Connectivity of sidewalks, pedestrian pathways, traffic-calming features and devices, and other planning features that assure safe walking conditions within and between subdivisions and neighborhoods for residents and students who walk to and from schools, parks, transit stops and other neighborhood services;
   m. Connectivity of streets, roads, alleyways and other private and public ways for vehicular transportation, where feasible; and

2. The city has considered all other relevant facts; and

3. The public use and interest will be served by the platting of such short subdivision and dedication; and
4. The city has considered the physical characteristics of a proposed short subdivision site and may deny a proposed plat because of flood, inundation, or wetland conditions; slope, or soil stability and/or capabilities. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

B. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or the imposition of impact fees may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees shall be allowed that constitutes an unconstitutional taking of private property. The city shall not require a release from damages to be procured from other property owners as a condition of approval for any subdivision.

12.04.495 Decision on short subdivisions:

A. The decision of the short subdivision committee shall be made at the short subdivision committee meeting. An additional meeting may be called if no decision is reached at the first meeting. The second meeting shall be set for the next scheduled short subdivision committee meeting or a date mutually agreed upon by the subdivider and the short subdivision committee.

B. The city shall make written findings on the short subdivision approval criteria. The applicant shall be notified in writing of the committee's decision and shall be provided with a copy of the committee's findings addressing their reasons for approval or denial.

C. 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 all of the design-standard sections of this code.

D. 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 by the short subdivision committee.

E. An applicant may request 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 subdivision committee.

F. In case of a denial by the short subdivision committee, any appeal made shall be to the hearing examiner in accordance with KCC 12.04.500. New information may be presented during hearing examiner consideration of the appeal.

12.04.500 Appeal of short subdivision committee decision:
The decision of the short subdivision committee shall be final, unless an appeal by party of record is made to the hearing examiner within fourteen (14) calendar days after the short subdivision committee’s decision. The appeal shall be in writing and shall be processed pursuant to Ch. 2.32 KCC. The decision of the hearing examiner shall represent final action of the city and is appealable only to the superior court.

12.04.505 Appeal to superior court:
The decision of the hearing examiner is final, unless appealed to the superior court. Such appeal must be filed with the superior court within twenty-one (21) calendar days from the date the decision was issued.

12.04.510 Property annexed to city with short subdivision preliminary plat approval from King County:
A. In instances where property annexed to the city has received short subdivision preliminary plat approval from King County prior to annexation, the planning department, department of public works, fire department and building department shall review the plat. City plan check review and inspections shall be subject to fees, which are on file in the city clerk’s office.

B. The density, lot-size and dimensions, and the provisions made for open space, drainageways, streets, alleys, public ways, water, sanitary wastes,
parks, playgrounds, sites for schools and school grounds, and those conditions of approval imposed by King County need not comply with the requirements of KCC Title 15, Zoning, or the Kent construction standards. These plats are to be developed in accordance with county standard's in effect at the time of vesting of the preliminary plat in the county.

C. The preliminary plat shall comply with the King County regulations pertaining to expiration of the preliminary plat that were in effect on the date the application vested. The date of approval will be that date on which King County approved the preliminary plat.

D. The procedures for type II short-subdivision final plats shall be those county procedures and regulations in effect at the time of vesting of the preliminary short plat application in the county.

12.04.515 Installation of improvements or bonding in lieu of improvements.
A. The following tangible improvements may be required before a short subdivision of five (5) or more lots is recorded:
1. Grading and paving of streets and alleys;
2. Installation of curbs, gutters, sidewalks, traffic calming features and devices, monuments, sanitary and storm sewers, street lights, water mains, street name signs, street trees and planting strip landscaping, together with all appurtenances thereto.

All improvements are to be made pursuant to specifications and standards of this code, approved by the public works department and in accordance with standards of the city.

B. The engineering department shall be responsible for the supervision, inspection, and acceptance of all subdivision improvements and shall charge the subdivider a fee that has been assessed in accordance with Ordinance No. 3490 as enacted or as subsequently amended.

C. Prior to proceeding with short-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.
D. No type II short subdivision shall be 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. 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 the amount of such bond shall be conclusive. 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 engineering department. If no time is established, then the time period shall not be longer than one (1) year after recording of the short subdivision. The bond shall be held by the engineering department’s bond and permit specialist. 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 of Kent and shall be in the same amount as the bond it is substituting.

E. 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 chapter, 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. The requirement of the posting of any performance bond or other security shall be binding on the applicant, his heirs, successors and assigns.

F. The engineering department shall notify the planning department verifying that the developer has completed the required installations and/or bonding in accordance with the provisions of this chapter and the specifications and standards of the departments. The planning department
shall notify the developer advising him to proceed with recordation of the short-subdivision when the required improvements have been installed and approved or adequate security has been posted as provided in subsection (D) of this section.

12.04.520 Filing the final short plat.

A. An application for short subdivision final plat shall be filed with the planning department on the forms provided and in the number of copies prescribed by the planning department. The final plat shall be prepared by a land surveyor registered in accordance with the requirements of Chapter 18.43 RCW, and shall conform to the preliminary plat. Application fees are on file in the city clerk’s office and the planning department.

B. The short subdivision final plat submitted for filing shall be two (2) reproducible maps drawn to a scale of not less than one (1) inch representing one hundred (100) feet unless otherwise approved by the department of engineering and on sheets eighteen (18) by twenty-two (22) inches. The original drawing shall be in black ink on mylar or photographic mylar, and shall:

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

2. Show the location of all existing fences and structures in relation to lot lines within or abutting the short plat;

3. Show the location of utilities, streets and easements within or abutting short plat;

4. 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;

5. 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;

6. Include dimensions to the nearest one-hundredth of a foot and angles and bearings in degrees, minutes and seconds.
7. Include Lambert-coordinates to the nearest five (5) seconds, or as required by more stringent state regulations, if provided by the department of public works for permanent control monuments on the final plat as determined by the city engineering department's land surveyor.

8. If applicable, 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.


10. Be accompanied by an approved printed computer plot closure on all lots, streets, alleys and boundaries.

11. Contain a metes and bounds legal description on the face of the final plat mylar which reflects all ties to subdivision lines, donation claim lines and/or recorded plat lines. The plat shall be accompanied by a current plat certificate with the identical metes and bounds legal description of the land to be subdivided on both the title report and final mylar.

12. Be accompanied by a complete survey of the section 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 reestablished 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 ten thousand (10,000) feet or as required by more stringent state regulations.

13. List all conditions of approval for the short subdivision on the face of the plat.

14. Conform to the approved preliminary plat.

15. Be signed by the owner of the property on the face of each final plat mylar.

16. Include a notarized certificate of the owner, contract purchaser, grantor of a deed of trust, or other holder of beneficial title to the property.
being subdivided indicating that the short subdivision is made with free consent and in accordance with their desires, and if the short subdivision is subject to deeding of property, the notarized certificate shall be signed by all parties having any ownership interest in the lands subdivided. For purposes of this section, "ownership interest" shall include legal and equitable property interests, including, but not limited to, present, future, contingent or whole fee interests, together with a beneficiary's interest pursuant to a trust and contract interest pursuant to a specifically enforceable contract for the purchase of the real property.

C. In addition to other requirements as specified in this section, 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 properly 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 KCC 12.04.515(D), deferred improvements.
5. The subdivider shall furnish the city a current plat certificate or title report from a title insurance company, produced no more than forty-five (45) days prior to final plat application, that documents the ownership and title of all interested parties in the plat, subdivision, or dedication and that lists all liens and encumbrances. The legal description in the title report shall be identical to the metes and bounds legal description on the face of the plat. The city reserves the right to require updates of the certificate or title report at any time prior to signing the final plat by the short subdivision committee chairman.
6. Certification of approval to be signed by the King County assessor.
7. Certification of approval to be signed by the King County recorder.
8. Copies of any restrictive covenants as may be used in the short subdivision.

D. All short subdivision final plats shall be surveyed by a land surveyor licensed in the state. All exterior corner and/or angle points shall be set with re-bar and cap. The type of street monuments used shall be in accordance with city of Kent standards and shall be installed per those same standards. The licensed land surveyor’s certification must appear on final mylar. Certificates of approval by the chairman of the short subdivision committee, the King County assessor and the King County recorder must be provided on the final mylar.

E. If any utility companies and/or utility districts have existing easements within the proposed plat, the platter or its assigns shall have these easements removed or shall have their rights subordinated to those of the city of Kent.

F. The final short plat shall be submitted to the planning department for review by the city as to compliance with all terms of the preliminary approval of the proposed subdivision or dedication; terms of bonding or the completion of all improvements; and completeness and accuracy of survey data and platting requirements.

G. The short subdivision final plat shall be signed by the chairman of the short subdivision committee when the plat is determined to be in compliance with all applicable short subdivision platting requirements and before it is filed with King County.

H. An approved short subdivision final plat shall be filed for record in the office of the King County auditor and shall not be deemed approved until filed.

I. A copy of the recorded short plats shall be filed with the planning department and one (1) set of the original mylar shall be filed with the department of public works.

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Sec. 12.04.525. Short subdivision—preliminary plat expiration. Short subdivision—preliminary plat approval shall lapse four (4) years from the date of preliminary plat approval unless a final plat based on the preliminary plat has been reviewed and approved by the city and recorded with King County. In addition, for those preliminary short subdivision—approvals that have not expired as of the passage date of this ordinance, their expiration period shall be extended two (2) additional years, for a total of a four (4) year expiration period from the time of preliminary approval.

12.04.530 Limitations on further subdivision:
Any land subdivided under the requirements for a type II short subdivision shall not be further divided for a period of five (5) years without following the procedures for subdivisions.

12.04.535 Procedure for alteration of a type II short subdivision:
A. If an applicant wishes to alter any type II short subdivision or any portion thereof, except as provided in KCC 12.04.540, that person shall submit an application to the planning department requesting the alteration. The application shall contain the signatures of all persons having an ownership interest in lots, tracts, parcels, sites or divisions within the subdivision or in that portion of the subdivision to be altered.
B. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.
C. If the alteration is requested to a short subdivision prior to final plat approval and signature, a minor alteration may be approved with consent of the planning director and the public works director. A major plat
alteration shall require consent of the short subdivision committee, after public notice and a public meeting is held. The planning department shall provide notice of the application for a major plat alteration to all owners of property within the subdivision, and as was required by the original short plat application. The planning director shall have the authority to determine whether the proposed alteration constitutes a minor or major alteration.

D. If the alteration is requested to a short subdivision after final plat approval and signature, but prior to filing the final plat with King County, a plat alteration may be approved with consent of the short subdivision committee. Upon receipt of an application for alteration, the planning department shall provide notice of the application to all owners of property within the subdivision, and as was required by the original short plat application. The notice shall establish a date for a public meeting.

E. If the alteration is requested to a short subdivision after filing the final plat with King County, a minor plat alteration may be approved with consent of the short subdivision committee. If the planning director determines that the proposed alteration is a major alteration, then the planning director may require replatting pursuant to this chapter. Upon receipt of an application for alteration, the planning department shall provide notice of the application to all owners of property within the subdivision, and as was required by the subdivision plat application. The notice shall establish a date for a public meeting.

F. The short subdivision committee shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between adjacent properties.

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G. After approval of the alteration, the short subdivision committee shall order the applicant to produce a revised drawing of the approved alteration of the short subdivision, which after signature of the chair of the short subdivision committee, the final plat shall be filed with the county auditor to become the lawful plat of the property.

H. This section shall not be construed as applying to the alteration or replatting of any plat of state-granted tide or shore lands.

12.04.540 Procedure for vacation of a type II short subdivision.

A. Whenever an applicant wishes to vacate a type II short subdivision or any portion thereof, that person shall file an application for vacation with the planning department. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation.

B. If the short subdivision is subject to restrictive covenants which were filed at the time of the approval of the short subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the short subdivision or portion thereof.

C. When the vacation application is specifically for a city street or road, the procedures for street vacation in Ch. 6.09 KCC shall be utilized for the street vacation. When the application is for the vacation of the plat together with the streets or roads, the procedure for vacation in this section shall be used but vacations of streets may not be made that are prohibited under state law.

D. The planning department shall give notice to all owners of property within the subdivision, and within two hundred (200) feet of short subdivision boundaries and to all applicable agencies. The short subdivision committee shall conduct a public meeting if the requested vacation does not involve a public dedication. The city council shall conduct a public hearing on the application for a vacation if the request involves a public
dedication. The application for vacation of the short subdivision may be approved or denied after the city has determined the public use and interest to be served by the vacation of the short subdivision. If any portion of the land contained in the short subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the city council sets forth findings that the public use would not be served in retaining title to those lands.

E. Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the city council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the city council. When the road or street that is to be vacated was contained wholly within the short subdivision and is part of the boundary of the short subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

F. This section shall not be construed as applying to the vacation of any plat or state-granted tide or shore lands.

12.04.545 Standards for the subdivision of land and any dedications:

A. 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. 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 land adversely affected by flooding, bad drainage, steep slopes, or 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 Chapter 86.16 RCW, that portion of the subdivision shall have the written approval of the State Department of Ecology before the city council shall hear the final plat. Every reasonable effort shall be made to preserve existing trees. Every effort shall be made to preserve existing streams, bodies of water, marshes and bogs. 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. The piping or tunneling of water shall be discouraged and allowed only when going under streets. Every effort shall be made to keep all streams and bodies of water clear of debris and pollutants.

B. Where residential subdivisions are to be developed adjacent to business, commercial or industrial land-use districts, buffer strips may be provided. No plan for the replatting, subdivision, or dedication of any areas shall be approved by the city council unless the streets shown therein are connected by a surfaced road or street according to city specifications to an existing street or highway. The location of all streets shall conform to any adopted plans for streets in the city. The proposed street system shall extend existing streets at the same or greater width, unless otherwise approved by the engineering department. All proposed street names shall be approved by the city. Streets intersecting with existing or proposed public highways, major or secondary arterials shall be held to a minimum.

C. The alignment of all streets shall be reviewed and approved by the public works department. The following standards shall apply unless otherwise approved by the public works department in consultation with the planning services office and the fire prevention division:

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

2. Residential cul-de-sacs shall not exceed a length of five hundred (500) feet.

3. No street grades shall exceed fifteen (15) percent. A grading permit shall be required as per the International Building Code, the International Residential Code, or other applicable building codes, as adopted and amended in Ch. 14.01 KCC, prior to any grading.

4. 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. 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 and on other streets it shall be not less than one hundred (100) feet.

6. All changes in grade shall be connected by vertical curves of a minimum length of two hundred (200) feet unless specified otherwise by the public works department.

7. All streets shall be platted at full width. All street improvements shall be of full-width improvement. Full-width improvement shall consist of the following:
   a. All streets, roads, and alleys shall be graded to their full width and the pavement and sidewalks shall be constructed to standard cross-sections.
   b. All street and alley surfaces shall be of asphalt concrete according to city specifications.
   c. All streets may have permanent concrete curbs and gutters according to city specifications.
   d. All streets shall have storm drains consisting of the proper size pipe and catch basins or open ditch which is to be determined at the time of the

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public hearing for the preliminary plat. Whenever open-ditch is allowed, no closed drains may be installed except across an authorized driveway.

e. All primary/major arterials, secondary arterials and collector streets shall have sidewalks, with a minimum of five (5) feet width on at least one (1) side.
f. All streets shall have street lighting located and installed in accordance with the standards of the public works department as follows:

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Maximum Lighting Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Street</td>
<td>18 feet</td>
</tr>
<tr>
<td>Cul-de-sac</td>
<td>18 feet</td>
</tr>
</tbody>
</table>

Street light heights and spacing shall consider the canopy and root system dimensions of adjacent full-grown trees.

g. 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 turnarounds. Dedication of a full-width boundary street may be required in certain instances to facilitate future development.

h. Planting strips are required in residential subdivisions and shall:

i. Be not less than five (5) feet in width;

ii. Be located between curbs and sidewalks, except on cul-de-sac streets;

iii. Contain street trees appropriate to the city construction standards, as applied by the public works department, in consultation with the planning services office and fire prevention division;

iv. Be the maintenance responsibility of the abutting property owners, or homeowners' association. Maintenance includes watering, removal of fallen leaves, fallen branches, and fruit debris. Maintenance does not include such things as fertilizing, trimming, root control, removal of dead or dying trees, or insect and disease control.

i. Street widths vary according to function and traffic generated. The following minimum widths for the types of streets, as defined in the comprehensive plan, must be adhered to if full pavement is required:

<table>
<thead>
<tr>
<th>Street</th>
<th>Design Right-of-Way</th>
<th>Width Pavilion</th>
<th>Width</th>
</tr>
</thead>
</table>

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Where full pavement is not required, the right-of-way widths shall remain the same for the type of street defined in the comprehensive plan. The improvement may consist of two (2) eleven (11) foot driving lanes and two (2) eight (8) foot shoulders and two (2) six (6) foot drainage sections and two (2) five (5) foot potential sidewalk sections.

If a subdivision is located in the area of an officially designed trail, provisions may be made for reservation of the right-of-way or for easements to the city for trail purposes.

Traffic calming design and improvements are required, and are specified according to street classification (see subsection (7)(i) of this section), site conditions, or other conditions as determined by the public works department, in consultation with the planning services office and fire prevention division.

a. Residential streets with entrances connected to arterial or collector streets shall provide curb bulb outs at each plat entrance, or shall provide curbs constructed at the return radius standard for residential class streets found in the city construction standards. Other traffic calming options may be determined more appropriate to site conditions by the public works department, in consultation with the planning services office and fire prevention division.

b. Mid-block chokers are required on blocks greater than five hundred (500) feet in length, unless otherwise determined by the public works department.

c. Other traffic calming designs and improvements may be determined appropriate as remedial options by the public works department, in consultation with the planning services office and fire prevention division.
consultation with the planning services office and fire prevention division.

These options include, but are not limited to:

i. Traffic circles;
ii. Checkers;
iii. Chicanes; and
iv. Speed humps.

9. Nonpublic streets. Ownership of private streets not open to public circulation shall remain with a homeowners' association and shall be their responsibility to maintain. Such nonpublic streets may serve not more than nine (9) lots. These streets shall have asphaltic or concrete surface. The minimum paving width for all limited residential access streets shall be twenty (20) feet. A five (5) foot-wide sidewalk shall be provided on one (1) side of the street, as a minimum. However, a sidewalk is not required on limited residential access streets serving four (4) or less dwellings.

D. Exterior street buffering. A minimum ten (10) foot-wide perimeter strip of type II landscaping and associated fencing shall be provided along the short subdivision perimeter where it is adjacent to a public or private roadway that does not provide direct vehicular access to individual lots. The landscaping strip shall include an automatic irrigation system sufficient to ensure survival of the planted materials. Fencing constructed of wood, iron, masonry, or other suitable materials approved by the planning manager shall be located between the landscaping strip and the short subdivision lots and shall be constructed of consistent materials and configuration along the length of the street frontage. The fence and landscape strip shall be located in a separate tract and shall be depicted on the final short subdivision map. Maintenance of the landscape strip shall be the responsibility of a homeowners' association or other entity approved by the city.

12.04.550 Installation of utilities.

A. 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.

B. 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.

C. 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.

D. 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.

12.04.555 Public use and service areas.

Due consideration shall be given by the subdivider to the allocation on adequately sized areas for public service usage. Easements may be required for the maintenance and operation of utilities as specified by the engineering department. Due regard shall be shown for all natural features such as large trees, watercourses, historical spots, and similar community assets which, if preserved, will add attractiveness and value to the property.

12.04.560 Blocks:

Blocks shall not be less than three hundred (300) feet nor more than one thousand five hundred (1,500) feet in length. Where circumstances warrant, the hearing examiner may require one (1) or more public crossewalks 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 crossewalks shall be paved for their entire width and length with a permanent surface and shall be adequately lighted. 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 hearing examiner may approve a single tier.

12.04.565 Lots.

Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines. Each lot must access a street or road, public or private. 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. Corner lots may be required to be platted with additional width to allow for the additional side-yard requirements. Lots which are bordered by two (2) more or less parallel streets shall be permitted access to only one (1) of those streets. All lot corners at intersections of dedicated public rights-of-way shall have minimum radii of fifteen (15) feet.

12.04.570 Other improvements.

A. Monuments. 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. All other lot corners shall be marked with suitable metal or wood markers.

B. Street signs. The subdivider shall reimburse the city on the cost of the public street name signs and installation necessary in the subdivision. The subdivider at his cost shall install street name signs on all private streets in the subdivision.

C. Hillside subdivisions. A hillside subdivision is 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. 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. The following standards shall apply to hillside subdivisions in addition to the
regulations of KCC 12.04.545 through 12.04.570(A) and (B) which shall apply unless specifically excepted:

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

2. 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.

3. Streets may have a grade exceeding fifteen (15) percent and street widths may be less than those required in KCC 12.04.545(C)(6) and (C)(7)(i) if it is found that traffic generated will be less than in a nonhillside subdivision.

4. Lots may be required to be larger than minimum lot sizes required by KCC Title 15, Zoning. Generally, lots in steeper areas of the subdivision should be larger than those in less steep areas of the subdivision.

5. Any clearing or grading shall be accompanied by erosion control measures as deemed necessary by the engineering department.

Cross-reference(s) — View corridor protection regulations on hillside developments, § 15.08.060.

12.04.575 Zero lot line type II short subdivisions:

A. Zero lot line subdivisions shall be subject to the development standards outlined in KCC Title 15. These standards include minimum lot size, width, depth, etc.

B. The following standards shall apply to zero lot line subdivision. In addition, the regulations of KCC 12.04.545 through 12.04.570 shall apply unless specifically excepted:

1. Streets, curbs and sidewalks:

a. Public streets. In certain areas, due to existing or planned circulation systems, it may be necessary for the city to require public rights-of-way to be provided within the development. When the provision of such rights-of-way is necessary, the right-of-way width, paving width, and other standards shall be the same as would otherwise be required. The
perimeter buffering requirement shall be applied along these rights-of-way:

b.-Nonpublic streets. Ownership of private streets not open to public circulation shall remain with a homeowners' association and shall be their responsibility to maintain. These streets shall have asphaltic or concrete surface, and concrete or asphalt curbing shall be provided along both sides of all streets except where curb cuts are necessary for driveways. The minimum paving width for all collector streets within the zero lot line development shall be twenty-four (24) feet. The minimum paving width for all residential access streets shall be twenty (20) feet. A five (5) foot wide sidewalk shall be provided on one (1) side of the street, as a minimum. However, a sidewalk is not required on limited access streets serving two (2) or less dwellings. In addition, guest parking shall be provided at a rate of 0.5 guest parking spaces per dwelling unit beyond the normal parking provided at the dwelling.

2. Installation of utilities. All utilities designed to serve the development shall be placed underground. Any utilities located in a 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 public works department. Such installation shall be completed and approved prior to the application of any surface material. Easements may be required for the maintenance and operation of utilities as specified by the engineering department.

a. Sanitary sewers. Sanitary sewers shall be provided at no cost to the city and designed in accordance with city standards.

b. 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. All mobile home parts must comply with city drainage ordinances.

d. Water system. The water distribution system including the location of fire hydrants shall be designed and installed in accordance with city standards as defined by the engineering and fire department ordinances and requirements.

d. Electrical hook-ups. All electrical hookups shall comply with the National Electrical Code. Permits shall be obtained from the State Electrical Inspection Division.

12.04.578 Clustering in urban separators:
A. All Type II short subdivisions in the SR-1 zoning district shall be required to be clustered pursuant to this section when the property is located within or contains an urban separator as designated on the City of Kent Comprehensive Land Use Plan-Map.

B. Cluster subdivisions shall be subject to the development standards outlined in KCC Title 15. These standards include minimum lot size, width, yards, setbacks, parking, landscaping, signage, etc.

C. The provisions of KCC 12.04.545 through 12.04.570, as well as other applicable provisions of this chapter, shall apply unless specifically excepted. In addition, the following standards shall apply to clustered Type II short subdivisions:

1. Location. The cluster residential development shall be required in the SR-1 zoning district within urban separator areas.

2. Permitted uses. The cluster residential development option shall include only single family residential uses.

3. Minimum area. No minimum area is established for a cluster residential development.

4. Permitted density. The maximum number of dwelling units permitted in a cluster development shall be no greater than the number of dwelling units allowed for the parcel as a whole for the zoning district in which it is located.
5. **Lot size.** In the interest of encouraging flexibility in site design and the preservation of open space, the minimum lot size of individual building lots within a cluster subdivision is two thousand five hundred (2,500) square feet. New lots created by any subdivision action shall be clustered in groups not exceeding eight (8) units. There may be more than one (1) cluster per project. Separation between cluster groups shall be a minimum of one hundred twenty (120) feet.

6. **Lot width.** The minimum lot width for individual building lots in a cluster subdivision shall be thirty (30) feet.

7. **Other development standards.** Development standards other than lot size and lot width shall be the same as are required within the zoning district in which the cluster residential development is located.

8. **Common open space.** The common open space in a cluster subdivision shall be a minimum of fifty (50) percent of the nonconstrained area of the parcel. The nonconstrained area of the parcel includes all areas of the parcel, minus critical areas, as defined in RCW 36.70A.030(5) as currently and hereinafter amended, and buffers. The remainder of the nonconstrained area of the parcel shall be the buildable area of the parcel. The common open space tracts created by clustering shall be located and configured in the manner that best connects and increases protective buffers for environmentally sensitive areas, connects and protects area wildlife habitat, creates connectivity between the open space provided by the clustering and other adjacent open spaces as well as existing or planned public parks and trails, and maintains scenic vistas. Critical areas and buffers shall not be used in determining lot size and common open space requirements in a cluster subdivision. All natural features (such as streams and their buffers, significant stands of trees and rock outcropping), as well as sensitive areas (such as steep slopes and wetlands and their buffers) shall be preserved. Future development of the common open space shall be prohibited. Except as specified on recorded documents creating the common open space, all common open space resulting from lot clustering shall not be altered or
disturbed in a manner that degrades adjacent environmentally sensitive areas, rural areas, agricultural areas, or resource lands; impairs scenic vistas and the connectivity between the open space provided by the clustered development and adjacent open spaces; degrades wildlife habitat; and impairs the recreational benefits enjoyed by the residents of the development. Such common open spaces may be retained under ownership by the owner or subdivider, conveyed to residents of the development, conveyed to a homeowners' association for the benefit of the residents of the development, conveyed to the city with the city's consent and approval or to another party upon approval of the city of Kent.

12.04.579 Clustering in residential zones outside urban separators:
A. When located wholly outside an urban separator, cluster subdivisions are allowed in SR-1, SR-3, SR-4.5, SR-6, and SR-8 zoning districts subject to the regulations below.
B. The purpose of this cluster development option is as follows: to permit greater flexibility in design and discourage development sprawl; to facilitate the economical and efficient provision of public services; to provide a more efficient use of land in harmony with its natural characteristics; to preserve more usable open space, agricultural land, tree cover, recreation areas, and scenic vistas; and to expand the opportunity for the development of affordable housing without increasing the development's overall density. Development standards and review criteria are intended to ensure that lots are consistent with the desired character of the zone, allowing lots to vary in size and shape, while still adhering to the planned density of the zone.
C. Cluster subdivisions shall be subject to the development standards outlined in KCC Title 15, unless otherwise modified by this chapter. These standards include, but are not limited to, minimum lot size, width, yards, setbacks, parking, landscaping, and signage.
D. The provisions of KCC 12.04.545 through 12.04.570, as well as other applicable portions of this chapter, shall apply unless specifically excepted.
In addition, the following standards shall apply to clustered-Type II short subdivisions:

1. **Location.** The cluster residential development may be allowed in SR-1, SR-3, SR-4.5, SR-6, and SR-8 zoning districts outside of urban separators.
2. **Permitted uses.** The cluster residential development option shall include only single-family residential uses, as defined in KCC 15.02.115.
3. **Minimum area.** No minimum area is established for a cluster residential development.
4. **Permitted density.** The maximum number of dwelling units permitted in a cluster development shall be no greater than the number of dwelling units allowed for the parcel as a whole for the zoning district in which it is located.
5. **Lot size.** In the interest of encouraging flexibility in site design and the preservation of open space, the minimum lot size of individual building lots within a cluster subdivision in single-family residential zoning districts may be reduced by twenty-five (25) percent of the minimum lot size for the underlying zoning district.
6. **Lot width.** The minimum lot width for individual building lots in a cluster subdivision shall be thirty (30) feet. The hearing examiner may allow a shared driveway easement to be included in the minimum lot width of irregular lots, provided the total driveway width is no greater than twelve (12) feet.
7. **Other development standards.** Development standards other than lot size and lot width shall be the same as are required within the zoning district in which the cluster residential development is located. Design review is required for cluster development projects using the review criteria in KCC 15.09.045(C), Multifamily design review.
8. **Additional approval criteria for cluster development projects:**
   a. The proposed cluster development project shall have a beneficial effect upon the community and users of the development that would not normally be achieved by traditional lot-by-lot development, and it shall not
be detrimental to existing or potential surrounding land uses as defined by the comprehensive plan.

b. The proposed cluster development project shall be compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes, but is not limited to, apparent size, scale, mass, and architectural design.

c. Unusual and sensitive environmental features of the site shall be preserved, maintained, and incorporated into the design to benefit the development and the community.

d. The proposed cluster development project shall provide open areas by using techniques such as separation of building groups, use of well-designed open space, common or shared space, and landscaping. Open space shall be integrated within the cluster development project rather than be an isolated element of the project.

e. The proposed cluster development project shall promote variety and innovation in site and building design and shall include architectural and site features that promote community interaction and accessibility, such as porches, de-emphasized garages, shared driveways, sidewalks/walkways, and adjacent common areas. Buildings shall be related by common materials and roof styles, but contrast shall be provided throughout the site by the use of varied materials, architectural detailing, building scale, and orientation.

f. Building design shall be based on a unified design concept, particularly when construction is in phases.

9. Common open space:

a. The common open space in cluster subdivisions shall be a minimum of twenty-five (25) percent of the entire parcel, whether or not the parcel is constrained by critical areas or buffers.

b. Parking areas, public rights of way, maneuvering areas, roads, storage areas, driveways, and yards within individual lots shall not be included in common open space.
c. The common open space tracts created by clustering shall be located and configured in the manner that best connects and increases protective buffers for environmentally sensitive areas, connects and protects area wildlife habitat, creates connectivity between the open space provided by the clustering and other adjacent open spaces, as well as existing or planned public parks and trails, and maintains scenic vistas.

d. All natural features (such as streams and their buffers, significant stands of trees, and rock outcropping) as well as sensitive areas (such as steep slopes and wetlands and their buffers) shall be preserved.

e. Future development of the common open space shall be prohibited. Except as specified on recorded documents creating the common open space, all common open space resulting from lot clustering shall not be altered or disturbed in a manner that degrades adjacent environmentally sensitive areas, rural areas, agricultural areas, or resource lands; impairs scenic vistas and the connectivity between the open space provided by the clustered development and adjacent open spaces; degrades wildlife habitat; and impairs the recreational benefits enjoyed by the residents of the development.

f. Ownership of such common open spaces may be retained under ownership by the owner or subdivider, conveyed to residents of the development, conveyed to a homeowners' association for the benefit of the residents of the development, conveyed to the city with the city's consent and approval, or conveyed to another party upon approval of the city of Kent.

12.04.580. Parks and open space requirements.
Repealed by Ord. No. 3830, § 9, 3-6-07.

12.04.585 Design standards for industrial and commercial plats.
A. The division of land for industrial and commercial purposes shall conform to the requirements and minimum standards of residential design except as provided in this section.
B. The street widths shall be as follows:
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<thead>
<tr>
<th></th>
<th>Right-of-way width in feet</th>
<th>Pavement—width in feet</th>
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<tbody>
<tr>
<td>Industrial Arterial</td>
<td>90</td>
<td>60</td>
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<td>Industrial Collector</td>
<td>80</td>
<td>44</td>
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<tr>
<td>Industrial Access</td>
<td>60</td>
<td>36</td>
</tr>
<tr>
<td>Commercial Streets</td>
<td>60</td>
<td>36</td>
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<td>Alleys</td>
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The city may require that street widths in commercial subdivisions be increased to provide for traffic movement and to reduce or eliminate traffic congestion:

C. All industrial arterial (ninety (90) foot-right-of-way), industrial collectors (eighty (80) foot-right-of-way), and commercial streets (sixty (60) foot right-of-way) shall have sidewalks a minimum of five (5) feet in width, on both sides. All industrial and commercial access streets which are also through streets shall have sidewalks a minimum of five (5) feet in width, on one (1) side:

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

E. 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:

F. Blocks shall not be less than six hundred (600) feet or more than two thousand (2,000) feet in length. 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 land-use hearing examiner may approve a lesser width. Blocks should not be greater than one thousand (1,000) feet in width.
G. 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:

1. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines.
2. Corner lots may be required to be platted wider than interior lots as determined by the planning department.

Article IV: Subdivisions

12.04.600 Purpose of subdivisions.
The procedures regulating subdivisions are established to ensure quality development which promotes orderly and efficient growth; the conservation and proper use of land; protects the public health, safety, general welfare, and aesthetics of the city; makes adequate provisions for public facilities in conformance with provisions set forth in KCC Title 15, Zoning, and the Kent comprehensive plan; and complies with the provisions of this chapter and Chapter 58.17 RCW.

12.04.605 Scope.
A. Any land being divided into ten (10) or more parcels, lots, tracts, sites, or subdivisions, any one (1) of which is less than twenty (20) acres in size; or
B. Any land which has been previously divided under the short subdivision procedures within the preceding five (5) years; or
C. 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 KCC 12.04.615 et seq.

12.04.610 Preliminary consultation with staff.
Any person who desires to subdivide land in the city should consult with the planning department at an early date on an informal basis in order to
become familiar with the requirements of this chapter. The department of public works should be consulted at this time for advice and assistance in understanding the engineering requirements of this chapter and the construction standards of the city.

**12.04.615 Application procedures.**

An application for a subdivision consists of six (6) separate steps as follows:

1. Preparation of the tentative plat of the proposed subdivision and submission of the tentative plat application to the planning department;
2. Review of the tentative subdivision plat by the city and convene a meeting with the city resulting in the issuance of a tentative subdivision letter;
3. Preparation and submission of the preliminary plat of the proposed subdivision to the land-use hearing examiner for public hearing and decision;
4. Installation or bonding of improvements according to the approved preliminary plat requirements and satisfaction of all plat conditions;
5. Submission of the final plat to the city council for approval;
6. Recordation of the approved final plat in the office of the King County department of records and elections.

**12.04.620 Subdivision in phases.**

In a phased subdivision, 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 by the city council and any changes at the preliminary plat stage would require hearing examiner approval.

**12.04.625 Tentative plat review.**

A. Applications for a subdivision tentative plat meeting and review shall be filed with the planning department. A tentative plat meeting and review
shall be considered equivalent to a pre-application meeting for the purposes of meeting the requirements of KCC 12.01.080. The scale and information required for a tentative plat and number of copies to be filed shall be in accordance with the requirements of the planning director.

B. The planning department shall transmit copies of the subdivision tentative plat to the fire, development services, public works and parks departments, public utility agencies serving the area, and to any other department or agency deemed necessary.

C. A meeting on the subdivision tentative plat shall be held, which is attended by the planning department, other city departments which receive copies of the tentative plat and the subdivider. Any recommendations of the various departments for revision of the tentative plat should be discussed at such meeting. These recommendations and potential conditions of approval for the subdivision shall be recorded in writing and mailed to the subdivider by the planning department.

D. The recommendations of the city departments shall be based on whether the tentative plat is:

1. In conformance with the purpose and regulations of this chapter;
2. In conformance with fire safety regulations;
3. In conformance with city of Kent construction standards;
4. In conformance with building code regulations;
5. In conformance with the appropriate street standards and the circulation pattern established or proposed for the area that the subdivision will be developed in;
6. In conformance with sewer, water and other utility plans for the area;
7. Not detrimental to its surroundings.

E. If the subdivision tentative plat is recommended to proceed as presented or as modified in accordance with the written suggestions made by the city, the applicant shall proceed to the preliminary plat stage. If not recommended to proceed, a preliminary plat may still be submitted to the hearing examiner. However, it is likely that the same objections and problems will arise at that stage.
F. If changes are made to a subdivision which has already received tentative plat recommendations and potential conditions, the planning department shall compare the subdivision tentative plat and the proposed preliminary plat and shall make a determination whether the preliminary plat requires additional tentative plat review. A new tentative plat review and meeting may be required if the preliminary plat is not substantially similar to the tentative plat reviewed by the city. The determination of the necessity for another tentative plat meeting shall be based on the following considerations:

1. The degree of commonality between the two (2) plans (i.e., the preliminary plat is a refinement of the tentative plat, or is a completely new plat for the same property); and

2. The presence or absence of revisions present in the preliminary plat resulting from concerns or recommendations raised at the tentative plat meeting.

12.04.630 Preliminary plat application.

A. Application for a subdivision preliminary plat shall be filed with the planning department on the forms provided and in the number of copies prescribed by the planning department. The preliminary plat shall be prepared by a land surveyor registered in accordance with the requirements of RCW 18.43.010. Application fees, which are on file in the city clerk's office and the planning department, shall be paid.

B. Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

C. The subdivision preliminary plat shall include:

1. The subdivision name and number, the name and address of the owner, and the name and address of the licensed land surveyor and the subdivision engineer;
2. The date of preparation, the true north point, a graphic scale and legal description of the property to be subdivided and drawn to an appropriate decimal scale;

3. The location of existing and proposed platted property lines, and existing section lines, streets, buildings, watercourses, railroads, bridges, and any recorded public or private utility or roadway easements, both on the land to be subdivided and on the adjoining lands that abut the proposed subdivision, for a distance of one hundred (100) feet from the edge of the subject property;

4. Contours and/or elevations (at a minimum five (5) foot intervals) to the extent necessary to accurately predict drainage characteristics of the property. Contour lines shall be extended at least one hundred (100) feet beyond the boundaries of the proposed plat;

5. The names, locations, widths and other dimensions of proposed streets, alleys, easements, traffic-calming features and devices, parks and other open spaces, reservations and utilities;

6. How the proposed subdivision will be served by utilities and the location of water and sewer lines;

7. The acreage of land to be subdivided; the number of lots; the area of all lots; and the approximate square footage and approximate percent of total acreage in open space;

8. The approximate dimensions of each lot;

9. A statement of soil type, drainage conditions, present landscaping including a description of any natural or manmade land cover, wildlife present and any other environmental factors which may be prescribed by the planning department;

10. All existing structures and distances from any existing and proposed lot lines within or abutting the subdivision within a distance of 50 feet;

11. Monumentation of all exterior corners and streets and be surveyed by a land surveyor licensed in the state;

12. Provisions for sidewalks, placement or construction of traffic-calming features and devices, and other planning features that assure safe walking.
conditions for students who walk to and from school, users of public transit and other pedestrians;

13. All of the information requested on the application form by the planning director.

12.04.635 Principles of acceptability.
No subdivision shall be approved unless the following principles of acceptability are met; the subdivision shall:
1. Create legal building sites which comply with all provisions of KCC Title 15, Zoning, and health regulations;
2. Establish access to a public road for each segregated parcel;
3. Have suitable physical characteristics; a proposed plat may be denied because of flood, inundation or wetland conditions; slope; soil stability and/or capabilities; or the 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 chapter;
5. Make adequate provision for stormwater detention, drainageways, water supplies, sanitary wastes, and other public utilities and services, as deemed necessary;
6. Make adequate provision for the connectivity of streets, alleys, pedestrian accessways and other public ways.

12.04.640 Determination of completeness.
Within twenty-eight (28) calendar days after receiving a subdivision preliminary plat application, the planning department shall mail or personally provide to the applicant a written determination of completeness which states either that the application is complete or incomplete. If incomplete, the letter shall identify what information is required to make the application complete. The letter shall also identify, to the extent known by the city, other agencies with jurisdiction over the subdivision application. If the city determines that an application is not complete, the applicant shall have up to ninety (90) calendar days to...
submit the necessary information to the city. If the applicant either refuses in writing to submit additional information or does not submit the required information within the ninety (90)-calendar-day period, the application shall lapse because of a lack of information necessary to complete the review. Within fourteen (14) calendar days after an applicant has submitted the requested additional information, the city shall again make the completeness determination and shall notify the applicant in the same manner.

If the subdivision application is determined to be complete, the planning department shall accept the application and note the date of acceptance.

The time period for review of the proposed subdivision begins following the determination of a complete application and acceptance of the application by the city. If the city does not provide a written determination to the applicant that the application is incomplete, the application shall be deemed complete at the end of the twenty-eight (28) day completeness review period.

12.04.645 Vesting.

A proposed division of land shall be considered under the requirements of this chapter and the zoning and other land use regulations in effect on the land at the time that a subdivision preliminary plat application, as defined in this chapter, has been determined to be complete and has been accepted by the city of Kent, pursuant to KCC 12.04.640.

12.04.650 Notice of Application.

A notice of application shall be issued for subdivision applications within fourteen (14) calendar days after the city has made a determination of completeness, and at least fifteen (15) calendar days prior to the public hearing. The tentative date of the public hearing shall be listed on the notice of application and the notice of application shall be mailed, published and posted on the same day, in the following manner:

1. The city shall publish the notice of application in a newspaper of general circulation within the city.
2. The city shall post the notice of application on the public notice board(s) placed on the property and shall also post the notice of application at Kent City Hall and in the register for public review at the planning department office.

3. The city shall mail or send the notice of application to all agencies with jurisdiction, city departments, and to any person who requests such notice in writing.

4. One notice of application shall be done for all permit applications related to the same project at the time of the earliest complete project permit application.

**12.04.655 Referral of subdivision preliminary plat.**

Upon determination of completeness of an application for a subdivision, the planning department shall distribute copies of the plat and the application materials for review and comment to all city departments with jurisdiction over the subdivision application and to any other department or agency deemed necessary. The application materials shall be transmitted at least fifteen (15) calendar days prior to the public hearing.

**12.04.660 Notification of agencies.**

A. The city shall mail a notice of application to all agencies with jurisdiction over the subdivision application. Such notice shall include the tentative date, time and location of the public hearing and a description of the property to be platted. A copy of the plat and the application materials shall be provided to agencies as deemed necessary or if requested by the agency.

B. Notice of application for a preliminary plat of a proposed subdivision adjacent to or within one (1) mile of the city 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.

C. Notice of application for a preliminary plat of a proposed subdivision located adjacent to the right of way of a state highway or within two (2) miles of the boundary of a state or municipal airport shall be given to the Secretary of Transportation. The Secretary shall respond to the city within
fifteen (15) days of such notice as to the effect that the proposed subdivision will have on the state highway or the state or municipal airport. Such notice shall include the hour and location of the hearing, a legal description of the property to be platted and a location map.

12.04.665 Public notice.
A. The applicant shall place at least one public notice board on the property to be subdivided. The public notice board must be placed on the property as directed by the planning department, and no later than fourteen (14) days after a determination of completeness. If the property to be subdivided is located adjacent to more than one public street or has more than one potential access route, one public notice board shall be placed on the property adjacent to each public street or potential access route.
B. The notice of the public hearing shall be mailed, published and posted on the same day, not less than ten (10) days prior to the hearing date.
C. The city shall post the notice of public hearing on the public notice board(s) on the property.
D. The city shall publish the notice of public hearing in a newspaper of general circulation within the city and in a newspaper of general circulation within the county.
E. The city shall mail a notice of public hearing to the applicant, any person who submits written comments on an application and all owners of real property as shown by the records of the county assessor's office within three hundred (300) feet of any portion of the boundary of the proposed subdivision. If the owner of the real property proposed to be subdivided also owns another parcel or parcels of real property, which lie adjacent to the real property proposed to be subdivided, notice shall be mailed to all owners of real property located within three hundred (300) feet of such adjacently owned parcels.

12.04.670 Public comment.
A. Affected agencies and the public shall have a fourteen (14) calendar day period to comment on a notice of application. An agency is presumed to
have no comments if comments are not received within the specified time period. The planning director may grant an extension of time only if the application involves unusual circumstances. Any extension shall not be granted for a period longer than three (3) additional calendar days. The public may make written response to the proposed subdivision application within the comment period:

B. The fourteen (14) day public comment period begins on the date the notice of application is mailed, posted and published. The planning department must receive all public comments by 4:30 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible. The hearing examiner shall not take action on a subdivision application until after the comment period has passed.

12.04.675 Agency recommendations:
At the time of the preliminary subdivision plat application, written recommendations for approval or disapproval must be submitted from the health agencies responsible for approval of the proposed means of sewage disposal and/or water supply regarding the general adequacy of the proposed means of sewage disposal and/or water supply. The applicant is responsible for submitting the appropriate application forms to the Seattle-King County health department and for paying the health department review fee.

12.04.680 Public hearing:
A. The hearing examiner shall hold an open record public hearing on any subdivision preliminary plat within one hundred (100) calendar days of the planning department’s determination of a complete application and acceptance of the application in compliance with KCC 12.01.100.
B. A record of the public hearing shall be kept by the city and shall be open to public inspection.

12.04.685 Approval criteria:
A. A proposed subdivision and dedication shall not be approved unless the city finds that:
1. Appropriate provisions have been made for:
   a. The public health, safety, and general welfare of the community;
   b. Protection of environmentally sensitive lands and habitat;
   c. Open spaces;
   d. Community parks and recreation;
   e. Neighborhood tot-lots and recreation areas;
   f. Schools and school grounds;
   g. Drainageways;
   h. Stormwater detention;
   i. Connectivity of sidewalks, pedestrian pathways, traffic-calming features and devices, and other planning features that assure safe walking conditions within and between subdivisions and neighborhoods for residents and students who walk to and from schools, parks, transit stops, and other neighborhood services;
   j. Connectivity of streets or roads, alleys, pedestrian accessways, and other public ways within and between subdivisions and neighborhoods;
   k. Transit stops;
   l. Potable water supplies;
   m. Sanitary wastes;
   n. Building lots and roadway access configured to support the construction of homes with diminished garage doors such that no less than fifty (50) percent of the new lots will support construction of and access to a garage in the rear portion of the lot accessed via a common driveway between lots; or a side access garage; or a garage accessed via a rear alley; or a garage set back no less than ten (10) feet from the front facade of the home; or other design strategies which similarly diminish the prominence of the garage and are approved by the planning manager. Lots and roadways shall be configured such that at least two (2) of these options are supported in each new development;
   o. Landscape buffering along all frontage streets of the subdivision that do not provide the new lots with direct vehicular access;
   p. Other public utilities and services, as deemed necessary; and
2. The city has considered all other relevant facts; and
3. The public use and interest will be served by the platting of such subdivision and dedication; and
4. The city has considered the physical characteristics of a proposed subdivision site and may deny a proposed plat because of flood, inundation, or wetland conditions, slope, or soil stability and/or capabilities. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

B. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or the imposition of impact fees may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees shall be allowed that constitutes an unconstitutional taking of private property. The city shall not require a release from damages to be procured from other property owners as a condition of approval for any subdivision.

12.04.690 Decision on preliminary plat:
A. The hearing examiner may approve, approve with modifications and conditions, or deny the application for a subdivision.
B. The final decision of the hearing examiner shall be rendered within ten (10) working days following the conclusion of all testimony and hearings; unless a longer period is mutually agreed to on the record by the applicant and the hearing examiner.
C. The city shall provide a written notice of decision by the hearing examiner. The notice of decision shall be provided to the parties of record and to any person who requested notice of the decision prior to the decision and shall include findings and conclusions, based on the record and approval criteria, to support the decision.
D. A party of record may make a written request for reconsideration of the decision by the hearing examiner within five (5) working days of the date the decision is rendered, pursuant to the requirements of KCC.
A request for reconsideration temporarily suspends the appeal deadline. Reconsideration requests shall be answered in writing by the hearing examiner within five (5) working days of the request. If a request for reconsideration is denied, the appeal deadline of the hearing examiner’s decision shall recommence for the remaining number of days. If a request for reconsideration is accepted, the hearing examiner’s decision is not final until after a decision on reconsideration is issued.

City council closed record appeal:
The decision of the hearing examiner shall be final, unless an appeal is made by a party of record to the city council within fourteen (14) calendar days following the issuance of the notice of decision and in accordance with the requirements of KCC 12.01.195. The appeal shall be heard by the city council in a closed record appeal hearing. No new evidence may be presented. The decision of the city council shall represent final action of the city and is appealable only to superior court.

Appeal to superior court:
The decision of the city council is final, unless appealed to the superior court. Such an appeal must be filed with the superior court within twenty-one (21) calendar days from the date the decision was issued.

Subdivision preliminary plat expiration:
A. Subdivision preliminary plat approval shall lapse five (5) years from the date of approval unless a final plat based on the preliminary plat, or any phase thereof, is submitted within five (5) years from the date of subdivision preliminary plat approval. One (1) one (1) year extension shall be granted to an applicant who files a written request with the planning department at least thirty (30) calendar days before the expiration of the five (5) year period, if the applicant can show that he has attempted in good faith to submit the final plat within the five (5) year period.

B. Additional time extensions beyond the one (1) year period may be granted by the planning director if the applicant can show unusual circumstances or situations which make it impossible to file the final plat within the six (6) year period. The applicant must file a written request
with the planning department for this additional time extension. The request must be filed at least thirty (30) calendar days prior to the subdivision preliminary plat expiration date. The request must include documentation as to the need for the additional time. Additional time extensions shall not be granted in greater than one (1) year increments.

C. In the case of a phased subdivision, final plat approval by the city council of any phase of the subdivision preliminary plat will constitute an automatic one (1) year extension for the filing of the next phase of the subdivision.

12.04.710 Property annexed to city with preliminary plat approval from King County.

A. In instances where property annexed to the city has received subdivision preliminary plat approval from King County prior to annexation, the planning department, department of public works, fire department and building department shall review the plat. City plan check review and inspections shall be subject to fees, which are on file in the city clerk’s office.

B. The density, lot size and dimensions, and the provisions made for open space, drainageways, streets, alleys, public ways, water, sanitary wastes, parks, playgrounds, sites for schools and school grounds, and those conditions of approval imposed by King County need not comply with the requirements of KCC Title 15, Zoning or the Kent construction standards. These plats are to be developed in accordance with county standards in effect at the time of vesting of the preliminary plat in the county.

C. The preliminary plat shall comply with the King County regulations pertaining to expiration of the preliminary plat that were in effect on the date the application vested. The date of approval will be that date on which King County approved the preliminary plat.

D. The procedures for subdivision final plats shall be those county procedures and regulations in effect at the time of vesting of the preliminary plat application in the county.
12.04.715 Installation of improvements or bonding in lieu of improvements

A. The following tangible improvements may be required before a subdivision final plat is submitted:
   1. Grading and paving of streets and alleys;
   2. Installation of curbs, gutters, sidewalks, traffic calming features and devices, monuments, sanitary and storm sewers, street lights, water mains, street name signs, street trees and planting strip landscaping, together with all appurtenances thereto.

All improvements are to be made pursuant to specifications and standards of this code, approved by the public works department and in accordance with standards of the city.

B. The engineering department shall be responsible for the supervision, inspection and acceptance of all subdivision improvements and shall charge the subdivider a fee that has been assessed in accordance with Ordinance No. 3490 as enacted or as subsequently amended.

C. 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.

D. 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 approved by the city has been posted for deferred improvements. 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 the amount of such bond shall be conclusive. 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 engineering department. If no time is established, then the time period shall not be longer than one (1) year after approval of the final plat by the city council. The bond shall be held by the engineering department's bond and permit specialist. The developer may substitute a certified cashier's check or assignment of funds in lieu of a performance bond. Such check or assignment shall be made payable to the city of Kent and shall be in the same amount as the bond it is substituting.

E. 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 chapter, 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. The requirement of the posting of any performance bond or other security shall be binding on the applicant, his heirs, successors and assigns.

F. The engineering department shall notify the planning department verifying that the developer has completed the required installations and/or bonding in accordance with the provisions of this chapter and the specifications and standards of the departments. The planning department shall notify the developer advising him to proceed with preparation of a final plat when the required improvements have been installed and approved or adequate security has been posted as provided in subsection (D) of this section.

12.04.720 Filing the subdivision final plat.

A. An application for a subdivision final plat shall be filed with the planning department on the forms provided and in the number of copies prescribed by the planning department. The final plat shall be prepared by a land surveyor registered in accordance with the requirements of Chapter 18.43 RCW, and shall conform to the preliminary plat. Application fees are on file in the city clerk's office and the planning department.
B. The final subdivision plat submitted for filing shall be two (2) reproducible maps drawn to a scale of not less than one (1) inch representing one hundred (100) feet unless otherwise approved by the department of engineering and on sheets eighteen (18) by twenty-two (22) inches. The original drawing shall be in black ink on mylar or photographic mylar, and shall:

1. Include the date, title, name and location of the subdivision, graphic scale and true north point;
2. Show the location of all existing fences and structures in relation to lot lines within or abutting the subdivision;
3. Show the location of utilities, streets and easements within or abutting subdivision;
4. 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;
5. 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;
6. Include dimensions to the nearest one-hundredth of a foot and angles and bearings in degrees, minutes and seconds;
7. Include Lambert coordinates to the nearest five (5) seconds, or as required by more stringent state regulations, if provided by the department of public works for permanent control monuments on the final plat as determined by the city engineering department’s land surveyor;
8. 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;
9. Be mathematically correct;
10. Be accompanied by an approved printed computer plot closure on all lots, streets, alleys and boundaries;
11. Contain a metes and bounds legal description on the face of the final plat mylar which reflects all ties to subdivision lines, donation claim lines and/or recorded plat lines. The plat shall be accompanied by a current plat certificate with the identical metes and bounds legal description of the land to be subdivided on both the title report and final mylar;

12. Be accompanied by a complete survey of the section 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 reestablished 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 ten thousand (10,000) feet or as required by more stringent state regulations;

13. List all conditions of approval for the subdivision on the face of the plat;

14. Conform to the approved preliminary plat;

15. Be signed by the owner of the property on the face of each final plat mylar;

16. Include a notarized certificate of the owner, contract purchaser, grantor of a deed of trust, or other holder of beneficial title to the property being subdivided indicating that the subdivision is made with free consent and in accordance with their desires, and if the subdivision is subject to deeding of property, the notarized certificate shall be signed by all parties having any ownership interest in the lands subdivided. For purposes of this section, "ownership interest" shall include legal and equitable property interests, including, but not limited to, present, future, contingent or whole fee interests, together with a beneficiary's interest pursuant to a trust and contract interest pursuant to a specifically enforceable contract for the purchase of the real property.
6. In addition to other requirements as specified in this section, 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 properly 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 KCC 12.04.715(D), deferred improvements;
5. The subdivider shall furnish the city a current plat certificate or title report from a title insurance company, produced no more than forty-five (45) calendar days prior to final plat application, that documents the ownership and title of all interested parties in the plat, subdivision, or dedication and that lists all liens and encumbrances. The legal description in the title report shall be identical to the metes and bounds legal description on the face of the plat. The city reserves the right to require updates of the certificate or title report at any time 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 RCW 58.08.030 and 58.08.040 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 of approval by the city of Kent finance director that there are no delinquent special assessments and that all special assessments certified to the finance director 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 property manager;
10. Certification of approval to be signed by the King County assessor;
11. Certification of approval to be signed by the King County recorder;
12. Copies of any restrictive covenants as may be used in the subdivision.

D. All subdivision final plats shall be surveyed by a land surveyor licensed in the state. All exterior corner and/or angle points shall be set with re-bar and cap. The type of street monuments used shall be in accordance with city of Kent standards and shall be installed per those same standards. The licensed land surveyor's certification must appear on the final mylar. Certificates of approval by the mayor, planning director, city engineer, property manager, finance director, the King County assessor and the King County recorder must be provided on the final mylar.

E. If any utility companies and/or utility districts have existing easements within the proposed plat, the plattor or its assigns shall have these easements removed or shall have their rights subordinated to the city of Kent.

F. The final plat shall be submitted to the planning department for review by the city as to compliance with all terms of the preliminary approval of the proposed subdivision or dedication; terms of bonding or the completion of all improvements; and completeness and accuracy of survey data and platting requirements. 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 as is deemed necessary.

G. After the final plat application has been determined to be complete and all of the plat conditions have been met, the plat will be officially accepted and the planning department shall set a date for a public meeting for the city council to consider the final plat.

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H. 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, the property manager, and the finance director. The final plat shall be filed with the King County auditor by the city.

I. A copy of the recorded plat shall be filed with the planning department and one set of the original mylar shall be filed with the department of public works.

**12.04.725 Decision on subdivision final plat.**
The city council shall approve, disapprove or return the final plat to the applicant for modification and/or correction within thirty (30) days of the date of the city’s determination of completeness and acceptance of the final plat application, unless the applicant consents to an extension of such time period.

**12.04.730 Subdivision final plat expiration.**
If a final plat has not been submitted for recording within six (6) months after approval by the city council, the plat shall expire and be null and void. To revitalize the expired plat, the plat shall be resubmitted as a preliminary plat. One (1) extension of no longer than six (6) months may be granted by the city council.

**12.04.735 Procedure for alteration of a subdivision.**

A. If an applicant wishes to alter a subdivision or any portion thereof, except as provided in KCC 12.04.740, that person shall submit an application to the planning department requesting the alteration. The application shall contain the signatures of all persons having an ownership interest in lots, tracts, parcels, sites or divisions within the subdivision or in that portion of the subdivision to be altered.

B. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant...
covenants to accomplish the purpose of the alteration of the subdivision or portion thereof;

C. If the alteration is requested to a subdivision prior to final plat approval, a minor alteration may be approved with consent of the planning director and the public works director. A major plat alteration shall require consent of the hearing examiner, after public notice and a public hearing is held. The planning department shall provide notice of the application for a major plat alteration to all owners of property within the subdivision, and as was required by the subdivision application. The planning director shall have the authority to determine whether the proposed alteration constitutes a minor or major alteration.

D. If the alteration is requested to a subdivision after final plat approval, but prior to filing the final plat with King County, a plat alteration may be approved with consent of the city council. Upon receipt of an application for alteration, the planning department shall provide notice of the application to all owners of property within the subdivision, and as was required by the subdivision plat application. The notice shall establish a date for a public meeting.

E. If the alteration is requested to a subdivision after filing the final plat with King County, a minor plat alteration may be approved with consent of the city council. If the planning director determines that the proposed alteration is a major alteration, then the planning director may require replatting pursuant to this chapter. Upon receipt of an application for alteration, the planning department shall provide notice of the application to all owners of property within the subdivision, and as was required by the subdivision plat application. The notice shall establish a date for a public meeting.

F. The city shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the
alteration. If any land within the alteration contains a dedication to the
general use of persons residing within the subdivision, such land may be
altered and divided equitably between adjacent properties.
G. After approval of the alteration, the city shall order the applicant to
produce a revised drawing of the approved alteration of the subdivision.
The final plat shall accurately reflect the approved alteration and shall be
filed with the county auditor to become the lawful plat of the property;
after receiving final plat approval.
H. This section shall not be construed as applying to the alteration or
replatting of any plat of state granted tide or shore lands.

12.04.740 Procedure for vacation of a subdivision:
A. Whenever an applicant wishes to vacate a subdivision or any portion
thereof, that person shall file an application for vacation with the planning
department. The application shall set forth the reasons for vacation and
shall contain signatures of all parties having an ownership interest in that
portion of the subdivision subject to vacation.
B. If the subdivision is subject to restrictive covenants which were filed at
the time of the approval of the subdivision, and the application for vacation
would result in the violation of a covenant, the application shall contain an
agreement signed by all parties subject to the covenants providing that
the parties agree to terminate or alter the relevant covenants to
accomplish the purpose of the vacation of the subdivision or portion
thereof.
C. When the vacation application is specifically for a city street or road, the
procedures for street vacation in Ch. 6.09 KCC shall be utilized for the
street vacation. When the application is for the vacation of the plat
together with the streets or roads, the procedure for vacation in this
section shall be used but vacations of streets may not be made that are
prohibited under state law.
D. The planning department shall give notice to all owners of property
within the subdivision, and within three hundred (300) feet of subdivision
boundaries and to all applicable agencies. The hearing examiner shall
conduct a public hearing if the requested vacation does not involve a public dedication. The city council shall conduct a public hearing on the application for a vacation if the request involves a public dedication. The application for vacation of the subdivision may be approved or denied after the city has determined the public use and interest to be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the city council sets forth findings that the public use would not be served in retaining title to those lands:

E. Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the city council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the city council. When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

F. This section shall not be construed as applying to the vacation of any plat of state-granted tide or shore lands.

12.04.745 Standards for the subdivision of land and any dedications:

A. It is the purpose of this subsection 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. 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 land adversely affected by flooding, bad drainage, steep slopes, or 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 Chapter 86.16 RCW, that portion of the subdivision shall have the written approval of the State Department of Ecology before the city council shall hear the final plat. Every reasonable effort shall be made to preserve existing trees. Every effort shall be made to preserve existing streams, bodies of water, marshes, and bogs. 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. The piping or tunneling of water shall be discouraged and allowed only when going under streets. Every effort shall be made to keep all streams and bodies of water clear of debris and pollutants.

B. Where residential subdivisions are to be developed adjacent to business, commercial, or industrial land-use districts, buffer strips may be provided. No plan for the replatting, subdivision, or dedication of any areas shall be approved by the city council unless the streets shown therein are connected by a surfaced road or street according to city specifications to an existing street or highway. The location of all streets shall conform to any adopted plans for streets in the city. The proposed street system shall extend existing streets at the same or greater width, unless otherwise approved by the engineering department. All proposed street names shall be approved by the city. Streets intersecting with existing or proposed public highways, major or secondary arterials shall be held to a minimum.

C. The alignment of all streets shall be reviewed and approved by the public works department. The following standards shall apply:
otherwise approved by the public works department in consultation with the planning services office and the fire prevention division:

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

2. Residential cul-de-sacs shall not exceed a length of five hundred (500) feet.

3. No street grades shall exceed fifteen (15) percent. A grading permit shall be required as per the International Building Code, the International Residential Code, or other applicable building codes, as adopted and amended in Ch. 14.01 KCC, prior to any grading.

4. 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. 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 and on other streets it shall be not less than one hundred (100) feet.

6. All changes in grade shall be connected by vertical curves of a minimum length of two hundred (200) feet unless specified otherwise by the public works department.

7. All streets shall be platted at full width. All street improvements shall be of full-width improvement. Full-width improvement shall consist of the following:
   a. All streets, roads, and alleys shall be graded to their full width and the pavement and sidewalks shall be constructed to standard cross-sections.
   b. All street and alley surfaces shall be of asphalt concrete according to city specifications.
   c. All streets may have permanent concrete curbs and gutters according to city specifications.

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d. All streets shall have storm drains consisting of the proper size pipe and catch basins or open ditch which is to be determined at the time of the public hearing for the preliminary plat. Whenever open ditch is allowed, no closed drains may be installed except across an authorized driveway.
e. All primary/major arterials, secondary arterials and collector streets shall have sidewalks, with a minimum of five (5) feet width on at least one (1) side.
f. All streets shall have street lighting located and installed in accordance with the standards of the public works department as follows:

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Maximum Lighting Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Street</td>
<td>18 feet</td>
</tr>
<tr>
<td>Cul-de-sac</td>
<td>18 feet</td>
</tr>
</tbody>
</table>

Street light heights and spacing shall consider the canopy and root system dimensions of adjacent full-grown trees.

g. 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 turnarounds. Dedication of a full-width boundary street may be required in certain instances to facilitate future development.
h. Planting strips are required in residential subdivisions and shall:

i. Be not less than five (5) feet in width;

ii. Be located between curbs and sidewalks, except on cul-de-sac streets;

iii. Contain street trees appropriate to the city construction standards, as applied by the public works department, in consultation with the planning services office and fire prevention division;

iv. Be the maintenance responsibility of the abutting property owners, or homeowners' association. Maintenance includes watering, removal of fallen leaves, fallen branches, and fruit debris. Maintenance does not include such things as fertilizing, trimming, root control, removal of dead or dying trees, or insect and disease control.
i. Street widths vary according to function and traffic generated. The following minimum widths for the types of streets, as defined in the comprehensive plan, must be adhered to if full pavement is required:

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Design Right-of-Way Width (feet)</th>
<th>Pavement Width (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Arterial</td>
<td>100</td>
<td>80</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>78</td>
<td>58</td>
</tr>
<tr>
<td>Residential Arterial</td>
<td>56</td>
<td>36</td>
</tr>
<tr>
<td>Residential</td>
<td>53</td>
<td>36</td>
</tr>
<tr>
<td>Collector</td>
<td>49</td>
<td>28</td>
</tr>
<tr>
<td>Residential Street</td>
<td>45</td>
<td>28</td>
</tr>
<tr>
<td>Cul-de-Sac</td>
<td>45</td>
<td>28</td>
</tr>
</tbody>
</table>

Where full pavement is not required, the right-of-way widths shall remain the same for the type of street defined in the comprehensive plan. The improvement may consist of two (2) eleven (11) foot driving lanes and two (2) eight (8) foot shoulders and two (2) six (6) foot drainage sections and two (2) five (5) foot potential sidewalk sections.

j. If a subdivision is located in the area of an officially designed trail, provisions may be made for reservation of the right-of-way or for easements to the city for trail purposes.

8. Traffic calming improvements are required, and are specified according to street classification (see subsection (7)(i) of this section), site conditions, or other conditions as determined by the public works department, in consultation with the planning services office and fire prevention division.

a. Residential streets with entrances connected to arterial or collector streets shall provide curb bulb outs at each plat entrance, or shall provide curbs constructed at the return radius standard for residential class streets found in the city construction standards. Other traffic calming options may be determined more appropriate to site conditions by the public works department.
b. Mid-block chokers are required on blocks greater than five hundred (500) feet in length, unless otherwise determined by the public works department.

c. Other traffic-calming designs and improvements may be determined appropriate as remedial options by the public works department, in consultation with the planning services office and fire prevention division. These options include, but are not limited to:

i. Traffic circles;

ii. Chokers;

iii. Chicanes; and

iv. Speed humps.

9. Nonpublic streets. Ownership of private streets not open to public circulation shall remain with a homeowners' association and shall be their responsibility to maintain. Such nonpublic streets may serve not more than nine (9) lots. These streets shall have asphaltic or concrete surface. The minimum paving width for all limited residential access streets shall be twenty (20) feet. A five (5) foot wide sidewalk shall be provided on one (1) side of the street, as a minimum. However, a sidewalk is not required on limited residential access streets serving four (4) or less dwellings.

D. A minimum ten (10) foot wide perimeter strip of type-II landscaping and associated fencing shall be provided along the subdivision perimeter where it is adjacent to a public or private roadway that does not provide direct vehicular access to individual lots. The landscaping strip shall include an automatic irrigation system sufficient to ensure survival of the planted materials. Fencing constructed of wood, iron, masonry, or other suitable materials approved by the planning manager shall be located between the landscaping strip and the subdivision lots and shall be constructed of consistent materials and configuration along the length of the street frontage. The fence and landscape strip shall be located in a separate tract and shall be depicted on the final plat. Maintenance of the landscape strip
shall be the responsibility of a homeowners’ association or other entity approved by the city.

12.04.750 Installation of utilities:

A. 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.

B. 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.

C. 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.

D. 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.

12.04.755 Public use and service areas:

Due consideration shall be given by the subdivider to the allocation on adequately sized areas for public service usage. Easements may be required for the maintenance and operation of utilities as specified by the engineering department. Due regard shall be shown for all natural features such as large trees, watercourses, historical spots and similar community assets which, if preserved, will add attractiveness and value to the property.

12.04.760 Blocks:
Blocks shall not be less than three hundred (300) feet nor more than one thousand five hundred (1,500) feet in length. Where circumstances warrant, the hearing examiner may require one (1) or more public crosswalks 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 crosswalks shall be paved for their entire width and length with a permanent surface and shall be adequately lighted. 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 hearing examiner may approve a single tier.

12.04.765 Lots:
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. 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. Corner lots may be required to be platted with additional width to allow for the additional side yard requirements. Lots which are bordered by two (2) more or less parallel streets shall be permitted access to only one (1) of those streets. All lot corners at intersections of dedicated public rights of way shall have minimum radii of fifteen (15) feet.

12.04.770 Other improvements:
A. Monuments. 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. All other lot corners shall be marked with suitable metal or wood markers.

B. Street signs. The subdivider shall reimburse the city on the cost of the public street name signs and installation necessary in the subdivision. The subdivider at his cost shall install street name signs on all private streets in the subdivision.
C. **Hillside subdivisions.** A hillside subdivision is 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. 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. The following standards shall apply to hillside subdivisions in addition to the regulations of KCC 12.04.745 through 12.04.770(A) and (B) which shall apply unless specifically excepted:

1. Information concerning the soils, geology, drainage patterns, and vegetation shall be presented in order to determine if the subdivision can be safely developed.
2. 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.
3. Streets may have a grade exceeding fifteen (15) percent and street widths may be less than those required in KCC 12.04.745(C)(6) and (C)(7)(a) if it is found that traffic generated will be less than in a nonhillside subdivision.
4. Lots may be required to be larger than minimum lot sizes required by KCC Title 15, Zoning. Generally, lots in steeper areas of the subdivision should be larger than those in less steep areas of the subdivision.
5. Any clearing or grading shall be accompanied by erosion control measures as deemed necessary by the engineering department.

**12.04.775 Zero-lot line subdivisions.**
A. Zero-lot line subdivisions shall be subject to the development standards outlined in KCC Title 15. These standards include minimum lot size, width, depth, etc.
B. The regulations of KCC 12.04.745 through 12.04.770 shall apply unless specifically excepted. In addition, the following standards shall apply to zero-lot line subdivision:

1. Streets, curbs and sidewalks.
a. Public streets. In certain areas, due to existing or planned circulation systems, it may be necessary for the city to require public rights-of-way to be provided within the development. When the provision of such rights-of-way is necessary, the right-of-way width, paving width, and other standards shall be the same as would otherwise be required. The perimeter buffering requirement shall be applied along these rights-of-way.

b. Nonpublic streets. Ownership of private streets not open to public circulation shall remain with a homeowners' association and shall be their responsibility to maintain. These streets shall have asphaltic or concrete surface, and concrete or asphalt curbing shall be provided along both sides of all streets except where curb cuts are necessary for driveways. The minimum paving width for all collector streets within the zero-lot-line development shall be twenty-four (24) feet. The minimum paving width for all residential access streets shall be twenty (20) feet. A five (5)-foot-wide sidewalk shall be provided on one (1) side of the street, as a minimum. However, a sidewalk is not required on limited-access streets serving two (2) or less dwellings. In addition, guest parking shall be provided at a rate of 0.5 guest parking spaces per dwelling unit beyond the normal parking provided at the dwelling.

2. Installation of utilities. All utilities designed to serve the development shall be placed underground. Any utilities located in a 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 public works department. Such installation shall be completed and approved prior to the application of any surface material. Easements may be required for the maintenance and operation of utilities as specified by the engineering department.

a. Sanitary sewers. Sanitary sewers shall be provided at no cost to the city and designed in accordance with city standards.
b. **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. All mobile home parts must comply with city drainage ordinances.

c. **Water system.** The water distribution system including the location of fire hydrants shall be designed and installed in accordance with city standards as defined by the engineering and fire department ordinances and requirements.

d. **Electrical hook-ups.** All electrical hookups shall comply with the National Electrical Code. Permits shall be obtained from the State Electrical Inspection Division.

### 12.04.778 Clustering in urban separators:

A. All subdivisions in the SR-1 zoning district shall be required to be clustered pursuant to this section when the property is located within or contains an urban separator as designated on the City of Kent Comprehensive Land-Use Plan Map.

B. Cluster subdivisions shall be subject to the development standards outlined in KCC Title 15. These standards include minimum lot size, width, yards, setbacks, parking, landscaping, signage, etc.

C. The provisions of KCC 12.04.745 through 12.04.770, as well as other applicable provisions of this chapter, shall apply unless specifically excepted. In addition, the following standards shall apply to clustered subdivisions:

1. **Location.** The cluster residential development option shall be required in the SR-1 zoning district within urban separator areas.

2. **Permitted uses.** The cluster residential development option shall include only single-family residential uses.

3. **Minimum area.** No minimum area is established for a cluster residential development.
4. **Permitted density.** The maximum number of dwelling units permitted in a cluster development shall be no greater than the number of dwelling units allowed for the parcel as a whole for the zoning district in which it is located.

5. **Lot size.** In the interest of encouraging flexibility in site design and the preservation of open space, the minimum lot size of individual building lots within a cluster subdivision is two thousand five hundred (2,500) square feet. New lots created by any subdivision action shall be clustered in groups not exceeding eight (8) units. There may be more than one (1) cluster per project. Separation between cluster groups shall be a minimum of one hundred twenty (120) feet.

6. **Lot width.** The minimum lot width for individual building lots in a cluster subdivision shall be thirty (30) feet.

7. **Other development standards.** Development standards other than lot size and lot width shall be the same as are required within the zoning district in which the cluster residential development is located.

8. **Common open space.** The common open space in a cluster subdivision shall be a minimum of fifty (50) percent of the nonconstrained area of the parcel. The nonconstrained area of the parcel includes all areas of the parcel, minus critical areas, as defined in RCW 36.70.030(5) as currently and hereinafter amended, and buffers. The remainder of the nonconstrained area of the parcel shall be the buildable area of the parcel. The common open space tracts created by clustering shall be located and configured in the manner that best connects and increases protective buffers for environmentally sensitive areas, connects and protects area wildlife habitat, creates connectivity between the open space provided by the clustering and other adjacent open spaces, as well as existing or planned public parks and trails, and maintains scenic vistas. Critical areas and buffers shall not be used in determining lot size and common open space requirements in a cluster subdivision. All natural features (such as streams and their buffers, significant stands of trees and rock
outcropping), as well as sensitive areas (such as steep slopes and wetlands and their buffers) shall be preserved.

Future development of the common open space shall be prohibited. Except as specified on recorded documents creating the common open space, all common open space resulting from lot clustering shall not be altered or disturbed in a manner that degrades adjacent environmentally sensitive areas, rural areas, agricultural areas, or resource lands; impairs scenic vistas and the connectivity between the open space provided by the clustered development and adjacent open spaces; degrades wildlife habitat; and impairs the recreational benefits enjoyed by the residents of the development. Such common open spaces may be retained under ownership by the owner or subdivider, conveyed to residents of the development, conveyed to a homeowners’ association for the benefit of the residents of the development, conveyed to the city with the city’s consent and approval or to another party upon approval of the city of Kent.

12.04.779 Clustering in residential zones outside urban separators:
A. When located wholly outside an urban separator, cluster subdivisions are allowed in SR-1, SR-3, SR-4.5, SR-6, and SR-8 zoning districts subject to the regulations below.

B. The purpose of this cluster development option is as follows: to permit greater flexibility in design and discourage development sprawl; to facilitate the economical and efficient provision of public services; to provide a more efficient use of land in harmony with its natural characteristics; to preserve more usable open space, agricultural land, tree cover, recreation areas, and scenic vistas; and to expand the opportunity for the development of affordable housing without increasing the development’s overall density. Development standards and review criteria are intended to ensure that lots are consistent with the desired character of the zone, allowing lots to vary in size and shape, while still adhering to the planned density of the zone.

C. Cluster subdivisions shall be subject to the development standards outlined in KCC Title 15, unless otherwise modified by this chapter. These
standards include, but are not limited to, minimum lot size, width, yards, setbacks, parking, landscaping, and signage.

D. The provisions of KCC 12.04.745 through 12.04.770, as well as other applicable portions of this chapter, shall apply unless specifically excepted. In addition, the following standards shall apply to clustered subdivisions:

1. Location. The cluster residential development may be allowed in SR-1, SR-3, SR-4.5, SR-6, and SR-8 zoning districts outside of urban separators.

2. Permitted uses. The cluster residential development option shall include only single-family residential uses, as defined in KCC 15.02.115.

3. Minimum area. No minimum area is established for a cluster residential development.

4. Permitted density. The maximum number of dwelling units permitted in a cluster development shall be no greater than the number of dwelling units allowed for the parcel as a whole for the zoning district in which it is located.

5. Lot size. In the interest of encouraging flexibility in site design and the preservation of open space, the minimum lot size of individual building lots within a cluster subdivision in single family residential zoning districts may be reduced by twenty-five (25) percent of the minimum lot size for the underlying zoning district.

6. Lot width. The minimum lot width for individual building lots in a cluster subdivision shall be thirty (30) feet. The hearing examiner may allow a shared driveway easement to be included in the minimum lot width of irregular lots, provided the total driveway width is no greater than twelve (12) feet.

7. Other development standards. Development standards other than lot size and lot width shall be the same as are required within the zoning district in which the cluster residential development is located. Design review is required for cluster development projects using the review criteria in KCC 15.09.045(C), Multifamily design review.

8. Additional approval criteria for cluster development projects.
a. The proposed cluster development project shall have a beneficial effect upon the community and users of the development that would not normally be achieved by traditional lot-by-lot development, and it shall not be detrimental to existing or potential surrounding land uses as defined by the comprehensive plan.

b. The proposed cluster development project shall be compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes, but is not limited to, apparent size, scale, mass, and architectural design.

c. Unusual and sensitive environmental features of the site shall be preserved, maintained, and incorporated into the design to benefit the development and the community.

d. The proposed cluster development project shall provide open areas by using techniques such as separation of building groups, use of well-designed open space, common or shared space, and landscaping. Open space shall be integrated within the cluster development project rather than be an isolated element of the project.

e. The proposed cluster development project shall promote variety and innovation in site and building design and shall include architectural and site features that promote community interaction and accessibility, such as porches, de-emphasized garages, shared driveways, sidewalks/walkways, and adjacent common areas. Buildings shall be related by common materials and roof styles, but contrast shall be provided throughout the site by the use of varied materials, architectural detailing, building scale, and orientation.

f. Building design shall be based on a unified design concept, particularly when construction is in phases.

9. Common open space.

a. The common open space in cluster subdivisions shall be a minimum of twenty-five (25) percent of the entire parcel, whether or not the parcel is constrained by critical areas or buffers.
b. Parking areas, public rights-of-way, maneuvering areas, roads, storage areas, driveways, and yards within individual lots shall not be included in common open space.

c. The common open space tracts created by clustering shall be located and configured in the manner that best connects and increases protective buffers for environmentally sensitive areas, connects and protects area wildlife habitat, creates connectivity between the open space provided by the clustering and other adjacent open spaces, as well as existing or planned public parks and trails, and maintains scenic vistas.

d. All natural features (such as streams and their buffers, significant stands of trees, and rock outcropping) as well as sensitive areas (such as steep slopes and wetlands and their buffers) shall be preserved.

e. Future development of the common open space shall be prohibited. Except as specified on recorded documents creating the common open space, all common open space resulting from lot clustering shall not be altered or disturbed in a manner that degrades adjacent environmentally sensitive areas, rural areas, agricultural areas, or resource lands; impairs scenic vistas and the connectivity between the open space provided by the clustered development and adjacent open spaces; degrades wildlife habitat; and impairs the recreational benefits enjoyed by the residents of the development.

f. Ownership of such common open spaces may be retained under ownership by the owner or subdivider, conveyed to residents of the development, conveyed to a homeowners' association for the benefit of the residents of the development, conveyed to the city with the city's consent and approval, or conveyed to another party upon approval of the city of Kent.

**12.04.780 Parks and open space requirements:**

Repealed by Ord. No. 3830, § 12, 3-6-07.

**12.04.785 Design standards for industrial and commercial plats:**
A. The division of land for industrial and commercial purposes shall conform to the requirements and minimum standards of residential design except as provided in this section.

B. The street widths shall be as follows:

<table>
<thead>
<tr>
<th></th>
<th>Right-of-way width in feet</th>
<th>Pavement width in feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Arterial</td>
<td>90</td>
<td>60</td>
</tr>
<tr>
<td>Industrial Collector</td>
<td>80</td>
<td>44</td>
</tr>
<tr>
<td>Industrial Access</td>
<td>60</td>
<td>36</td>
</tr>
<tr>
<td>Commercial Streets</td>
<td>60</td>
<td>36</td>
</tr>
<tr>
<td>Alleys</td>
<td>20</td>
<td>—</td>
</tr>
</tbody>
</table>

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

C. All industrial arterial (ninety (90) foot right-of-way), industrial collectors (eighty (80) foot right-of-way), and commercial streets (sixty (60) foot right-of-way) shall have sidewalks a minimum of five (5) feet in width, on both sides. All industrial and commercial access streets which are also through streets shall have sidewalks a minimum of five (5) feet in width, on one (1) side.

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

E. 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.

F. Blocks shall not be less than six hundred (600) feet or more than two thousand (2,000) feet in length. 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 land-use hearing examiner may approve a lesser width. Blocks should not be greater than one thousand (1,000) feet in width.

6. 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:

1. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines.

2. Corner lots may be required to be platted wider than interior lots as determined by the planning department.

Article III IV. Binding Site Plans

Sec. 12.04.800 Purpose. Consistent with RCW 58.17.035, the purpose of this article is (a) to create an alternative process segregating property zoned industrial or commercial for the purpose of sale or lease without the necessity of completing the procedures for platting; and (b) to allow for the division of multifamily residential zoned land for condominium purposes without the necessity of completing the procedures for platting. A binding site plan process merely creates or alters existing lot lines and does not authorize construction, improvements, or changes to the property or the uses thereon.

Sec. 12.04.805. Binding site plan committee.

A. A binding site plan shall be considered by the city's binding site plan committee. The planning services office shall distribute copies of the application for binding site plan approval to each member of the committee and to other appropriate agencies for review and comment, and provide public notice if required by KCC 12.01.140.
B. A meeting attended by the applicant or his representative and the binding site plan committee members shall be held within thirty (30) or forty (40) days of the determination of completeness of the application or receipt of requested additional information, consistent with the timelines established in Ch. 12.01 KCC. The meeting shall be open to the public. Notice of the public meeting shall be circulated consistent with the requirements of KCC 12.01.145. An additional meeting may be called if no decision is reached at the first meeting. The second meeting shall be held no later than seven (7) calendar days after the first meeting or on a date mutually agreed upon by the applicant and the committee.

C. Three (3) of the five (5) members of the binding site plan committee must be present in order for the committee to take any action.

D. The binding site plan committee may approve, approve with conditions or modifications, or deny the application. The committee shall not impose any conditions which are inconsistent with prior land use approvals of the development covered by this application. The decision of the committee shall be made at the committee meeting.

E. As a condition of approval of the binding site plan, the binding site plan committee shall have the right and authority to require the deeding of rights-of-way or easements for street and/or utility purposes, when determined necessary as a result of the binding site plan development. Any deeding shall precede the recordation of the binding site plan unless otherwise specified through a development agreement.

Sec. 12.04.810 Appeal. The decision of the binding site plan committee shall be final, unless an appeal by any aggrieved party is made to the hearing examiner within fourteen (14) calendar days after the committee's decision. The appeal shall be in writing to the hearing examiner.
examiner and filed with the planning services office. Any appeal shall be consistent with KCC 12.01.190, Open record appeal.

Sec. 12.04.815. Applicability for commercial and industrial sites.
A. The subject site shall consist of one (1) or more legally created lots; and
B. The property must be zoned commercial and/or industrial.

Sec. 12.04.820. Application requirements for commercial and industrial sites. All of the following information shall be included in any application for binding site plan approval for commercial and industrial lots:
A. At a minimum, the binding site plan application shall include the following information:
   1. A map or plan showing the location and size of all new proposed lots;
   2. Proposed and existing structures including floor areas and setbacks;
   3. Location of existing and proposed public rights-of-way, private and public streets and easements;
   4. Location of all existing and proposed open spaces including any required landscaped areas, parking areas and all major manmade or natural features (i.e., streams, creeks, drainage courses, railroad tracks, utility lines, etc.);
   5. Layout of an internal vehicular and pedestrian circulation system, including proposed or existing ingress and egress points;
   6. Location of existing and proposed fire hydrants to serve the site;
   7. Description, location, and size of existing and proposed utilities, storm drainage facilities, and roads/streets to serve each lot;
8. Expected location of new buildings and driveways;
9. Letter-Certificate of water and/or sewer availability, if not served by the city of Kent;
10. Parking calculations to demonstrate that the requirements of Ch. 15.05 KCC 15.05 have been met;
11. The following code data: zoning district; total lot area; total building area; percent of site coverage; total parking and vehicle maneuvering areas;
12. Plans, analysis and calculations verifying building code compliance of all existing structures, to include, but not limited to, identification of all types of construction and occupancy classifications, allowable area calculations, wall and wall opening protection, and provisions for exiting and accessibility for the disabled;
13. Proposed cross-access and maintenance agreements for parking, circulation, utility, and landscaping improvements, if shared;
14. The site plan shall also include the name of proposed development; the legal description of the property for which the binding site plan is sought, the date on which the plans were prepared; the graphic scale and north point of the plans; and
15. The title, "Binding Site Plan" shall be at the top of the plan in large print.

B. A recent-current title report produced no more than forty-five (45) calendar days prior to submittal covering all property shown within the boundaries of the binding site plan shall be submitted with the application.

C. A plan showing the layout and size of all existing and proposed utilities to serve each lot.

D. A phasing plan and time schedule, if the site is intended to be developed in phases.
E. A complete environmental checklist, if required by Ch. 11.03 KCC 11.03.

F. Copies of all easements, covenants, and other encumbrances restricting the use of the site.

Sec. 12.04.825. Approval criteria for commercial and industrial sites.

A. Criteria. An application for a binding site plan on commercial or industrial lands may be approved if the following criteria are satisfied:

1. Adequate provisions have been made for stormwater detention, domestic water supply, sanitary sewer, stormwater facilities and conveyance systems; private and/or public streets; pedestrian access; vehicle access and maneuvering; public and private utilities; and other public ways;

2. Each lot shall provide access to a public road, street, and make provisions for connectivity of alleys, pedestrian access ways, and other public ways;

3. The binding site plan complies with, or makes adequate provisions to comply with, applicable provisions of the building code, fire code, public works design and construction standards, and zoning standards;

4. Potential environmental impacts, together with any practical means of mitigating adverse impacts, have been considered such that the proposal will not have an adverse effect upon the environment;

5. Approving the binding site plan will serve the public use and interest and adequate provisions have been made for the public health, safety, and general welfare.

B. Shared improvements. As a condition of approval, the city may authorize or require the sharing of open space, parking, access, setbacks, landscaping, and other improvements among contiguous properties.
Conditions of use, maintenance, and restrictions on redevelopment of shared open space, parking, access, and other improvements shall be identified on the binding site plan and enforced by covenants, easements, or other similar mechanisms. Such agreements or restrictions shall be recorded with the King County auditor's office and run with the land. Such agreements shall be approved as to form by the city attorney prior to filing the final binding site plan. The binding site plan shall contain the conditions to which the binding site plan is subject, including any applicable irrevocable dedications of property. The binding site plan shall contain a provision requiring that any development of the site shall be in conformity with the approved site plan and any applicable development regulations subject to the vesting requirements of this chapter.

C. Phasing of development. Unless otherwise provided for in a development agreement, development permit applications shall be submitted for all structures and improvements shown on the binding site plan within three (3) years of approval. The planning manager may administratively extend this period by one (1) additional year if requested by the applicant. Permit applications submitted within that period shall be subject to the vesting requirements of this chapter. If the applicant chooses to develop the property in a phased development, the applicant must execute a development agreement with the city pursuant to RCW 36.70B.170. This agreement shall govern, at a minimum, the use and development of the property subject to the binding site plan, including: (1) vesting applicable to subsequent permits; (2) the manner in which each phase of the development will proceed to ensure that the roads, streets, and utilities necessary to serve each phase of the development are constructed prior to the development of each phase; and (3) expiration of the agreement and all provisions therein.

Sec. 12.04.830. Final binding site plan for commercial and industrial sites. Filing of the final binding site plan for commercial and
industrial sites shall conform to the requirements set forth in KCC 12.04.210, Filing the final short plat.

Sec. 12.04.835. Improvements for commercial and industrial sites. Prior to the issuance of a building permit for construction within a binding site plan for commercial and industrial sites, all improvements required to adequately serve that portion of the plan for which the permit will be issued shall be installed. Improvements may include, but are not limited to, road–street construction; water, sewer, and storm utilities; parking; building improvements to meet code; and landscaping. Public improvements may be bonded for, in accord with the process in KCC 12.04.205(D), with approval of the public works director.

Sec. 12.04.840. Modifications for commercial and industrial sites.
A. If an applicant wishes to alter a binding site plan for commercial and industrial sites or any portion thereof, that person shall submit an application to the planning services office requesting the alteration. The application shall contain the signatures of all persons having an ownership interest in lots, tracts, parcels, sites, or divisions within the binding site plan or in that portion of the binding site plan to be altered. The planning manager shall have the authority to determine whether a proposed alteration is minor or major.

B. If the binding site plan is subject to restrictive covenants which were filed at the time of the approval of the binding site plan, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the binding site plan or portion thereof.
C. If the alteration is requested to a binding site plan prior to recording of the binding site plan with King County, a minor alteration may be approved with consent of the planning manager and the public works director. A major alteration shall require consent of the binding site plan committee, after public notice and a public meeting is held. The planning services office shall provide notice of the application for a major alteration to all owners of property within the binding site plan, parties of record, and as was required by the original application.

D. If the alteration is requested to a binding site plan after recording of the binding site plan with King County and it is determined to be a minor alteration, it may be approved with the consent of the binding site plan committee, after public notice and a public meeting is held. The planning services office shall provide notice of the application for a minor alteration to all owners of property within the binding site plan, all parties of record, and as was required for the original application. If the alteration is requested to a binding site plan after recording of the binding site plan with King County and it is determined to be a major alteration, then the planning manager shall require the binding site plan be vacated per KCC 12.04.230 and 12.04.845 and a new application for a binding site plan may be submitted.

E. The binding site plan committee shall determine the public use and interest in the proposed alteration and may approve, approve with conditions or modifications, or deny the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration.

F. After approval of the alteration, the binding site plan committee shall order the applicant to produce a revised drawing of the approved alteration of the binding site plan, which after signature of the chair of the
binding site plan committee, shall be filed with the King County auditor’s office to become the lawful binding site plan of the property.

**Sec. 12.04.845. Vacation for commercial and industrial sites.** A binding site plan may be vacated as a whole only. Vacating a binding site plan releases all conditions and obligations on the parcel associated with such plan. A binding site plan may be vacated by submitting a letter to the planning manager indicating an intention to vacate the binding site plan. The letter shall include signatures of all ownership interests within the binding site plan and shall become binding upon its acceptance by the planning manager.

**Sec. 12.04.850. Vesting for commercial and industrial sites.** A binding site plan application shall be considered under the zoning and other land use control ordinances in effect on the land at the time of submission of the fully complete binding site plan application. Any vacant or redeveloped lot within an approved binding site plan shall comply with the standards in place at such time as a subsequent project permit application is filed on that property unless otherwise provided for in a development agreement.

**Sec. 12.04.855. Applicability for condominium sites.** Multifamily residential condominium developments are eligible for binding site plan approval, when the purpose of such approval is to divide the property so that a portion of the parcel or tract can be subjected to either Chapter 64.32 RCW or Chapter 64.34 RCW. A binding site plan can only be approved either when the development has already been constructed or when the approval has been obtained and a building permit for an entire development or a portion of a development is issued.

**Sec. 12.04.860. Application requirements for condominium sites.**
A. An application for a binding site plan for condominium sites may not be submitted until a building permit has been approved.

B. The binding site plan application shall conform to the following requirements and shall:

1. Be on reproducible material and shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet (unless otherwise approved by the planning services office) on sheets eighteen (18) inches by twenty-two-four (242) inches.

2. Contain the name of the proposed development; the legal description of the property for which binding site plan approval is sought; the date on which the plans were prepared; the graphic scale and north point of the plans.

3. Show the following:
   a. The layout of the site including the location of all existing and proposed structures and their distance from property lines; the location of all existing and proposed utilities, streets, and easements within or abutting subject property; the location of all existing and proposed private-pedestrian walkways; and existing and proposed open space area.
   b. Any areas proposed to be dedicated or reserved for public purposes, and areas to be reserved for private open space and landscaping and areas reserved for the common use of the occupants of the proposed development.
   c. All major manmade or natural features, i.e., streams, creeks, drainage ditches, storm water facilities, railroad tracks, etc.
   d. Building dimensions, height and number of stories, distance between buildings, location and size of parking areas and number of stalls.
   e. Following zoning code data:
      i(1) Zoning district;
      #(2) Total lot area (square feet);
iii(3) Total building area (square feet);  
iv(4) Percent of site coverage;  
v(5) Number of units proposed;  
v(6) Total number of parking stalls (include handicapped);  
vii(7) Total parking and maneuvering area (square feet);  
viii(8) Required landscaping (square feet);  
ix(9) Percent of lot in open space;  
x(10) Type of construction;  
xii(11) Sprinklered-nonsprinklered;  
xii(12) Occupancy classification.

4. Contain the name of the proposed development and the title, “Binding Site Plan” shall be at the top of the plan, in large print, together with the statement required pursuant to RCW 58.17.040 (7)(e), prominently displayed on the face of the site plan map.

5. Contain the statement: “The use and development of the property must be in accordance with the plan as represented herein or as hereafter amended, according to the provisions of the binding site plan regulations of the city and any division of the land subject to this plan shall not take place until the development or the portion thereof to be divided is subject to Chapter 64.32 or 64.34 RCW.”

6. Contain the statement: “The roads and utilities shown on this plan need not be constructed and/or installed at the time that the property subject to this plan is divided. Any building permit required to develop any portion of the property shall not be issued until the roads-streets and utilities necessary to serve that portion of this property have been constructed and installed or until arrangements acceptable to the city have been made to ensure that the construction and installation of such roads-streets and utilities will be accomplished.”
7. Set forth or reference any conditions, limitations, and requirements for the use and development of the land as required pursuant to the approvals set forth in KCC 12.04.855.

C. The application shall be accompanied by a current title report produced no more than forty-five (45) calendar days prior to submittal.

Sec. 12.04.865. Approval criteria for condominium sites. Approval of a binding site plan shall take place only after the following are met:

4A. Adequate provisions have been made for open space, domestic water supply, sanitary sewer, storm water facilities and conveyance systems, private and/or public streets, pedestrian access, vehicle access and maneuvering, public and private utilities, and other public needs according to the design and construction standards of the public works department; alleys, streets, other public ways, water supplies, open space, and sanitary wastes, for the entire property covered by the binding site plan;

2B. Comply with all building code requirements;

3C. Comply with all zoning code requirements and development standards; and

4D. Have suitable physical characteristics.

A proposed binding site plan may be denied because of flood, inundation, or swamp conditions, critical areas, or construction of protective improvements may be required as a condition of approval.

Sec. 12.04.870. Enforcement. Any violation of the conditions of approval, limitations on development or the requirements of development imposed as part of a binding site plan approval shall be subject to the
enforcement proceedings and penalties established for violation of Chapter 58.17 RCW and for violations of the subdivision code Chapter 12.04 KCC.

Sec. 12.04.875. Final binding site plan for condominium sites. The final binding site plan map which is submitted for filing shall conform to all requirements of the preliminary binding site plan, plus the following:

1A. It must be a reproducible map plotted on mylar or photographic mylar drawn to a scale of not less than one (1) inch equals one hundred (100) feet; on stabilized drafting film or on linen tracing cloth. Graphic scale and north point must be on the map;

2B. Size eighteen (18) inches by twenty-two-four (242) inches;

3C. Legal description of the total parcel shall be shown on the final binding site plan; all legal descriptions shall be metes and bounds descriptions reflecting within the descriptions ties to all subdivision lines, donation claim lines and/or recording plat lines;

4D. Property subject of the binding site plan shall be surveyed by a land surveyor licensed in the state of Washington. All exterior corners and streets shall be monumented. Surveyor’s certificate must appear on the final binding site plan;

5. All conditions, limitations, and requirements for the use and development of the land as required pursuant to the approvals set forth in KCC 12.04.855 or the approval of the binding site plan committee shall be appropriately set forth or referenced. Building permit number, if applicable, shall be shown on mylar;

5E. Certificate of approval by the chairman of the binding site plan committee shall be provided on the final binding site plan; and

7E. The face of the final binding site plan linen must be signed by all owners of the property.
Sec. 12.04.877. Filing the binding site plan for condominiums. The binding site plan must be signed by the chairman of the binding site plan committee. An approved binding site plan shall be filed for record in the office of the King County auditor and shall not be deemed approved until so filed. Copies of the approved binding site plans shall be filed with the planning services office, city clerk’s office, and department of public works.

Sec. 12.04.880 Expiration period for condominium sites. If the binding site plan is not filed within six (6) months of the date of approval, the binding site plan shall become null and void. Upon written request of the applicant, the planning services office may grant one (1) extension of not more than six (6) months. Such request must be received by the planning services office prior to the six (6) month expiration date.

Sec. 12.04.885. Modifications for condominium sites.
A. An approved binding site plan may be amended by filing a request for such an amendment with the planning services office. The planning services office shall determine what information shall be submitted with a request for an amendment, based on the type of modification being requested. Any amendment to an approved binding site plan must be reviewed by the binding site plan committee, unless the committee sets forth other guidelines for approval of minor modifications.

B. If approved by the binding site plan committee, the amendment shall be set forth in writing and filed in accordance with the Kent City Code, except that it shall be and recorded only if the binding site plan committee directs it to be recorded with King County.

Article IV. Lot Line Adjustments

Sec. 12.04.900. Purpose of lot line adjustments. The purpose of a lot line adjustment is to allow for the adjustment of common property lines or boundaries between adjacent lots, tracts, or parcels in order to
rectify a disputed property line location, free the boundary from any differences or discrepancies or accommodate 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 code requirements.

**Sec. 12.04.905. Scope.** A lot line adjustment shall allow property owners to alter, eliminate or relocate lot lines to correct setback encroachments, improve access, correlate property lines with survey or map lines or to create better lot design while conforming to all applicable code requirements pertaining to lot design, building location, and development standards. A lot line adjustment shall not allow the creation of any additional lots, parcels or tract. All lines being adjusted must be between lots that have been legally created under the regulations of the subdivision ordinances in effect at the time of the lots’ creation.

**Sec. 12.04.910. Preliminary consultation with staff.** Any person who desires to change the location of a lot line on land in the city should consult with the planning services department at an early date on an informal basis in order to become familiar with the requirements of this chapter. The public works department, fire department and building services division and development services division should also be consulted at this time for advice and assistance in understanding the impact of relocating the lot line in relation to structures and easements and any applicable engineering requirements of this chapter.

**Sec. 12.04.915. Application procedures.** Lot line adjustment applications shall be submitted on the forms supplied and in the number of copies prescribed by the planning services, and shall include the following:
1A. A legible map, drawn to an appropriate decimal scale on a minimum eight-and-one-half (8-1/2) inch by eleven (11) inch sheet of paper showing all of the information required by the application form;

2B. The signature of all parties having any ownership interest in the lands affected by the lot line adjustment, indicating that the lot line adjustment is made with free consent and in accordance with their desires. For purposes of this section, “ownership interest” shall include legal and equitable property interests, including, but not limited to, present, future, contingent or whole fee interests, together with a beneficiary’s interest pursuant to a trust and contract interest pursuant to a specifically enforceable contract for the purchase of the real property;

3C. A current title report produced no more than forty-five (45) calendar days prior to lot line adjustment application; or other documentation as approved by the planning director, which documents ownership, title and encumbrances;

4D. A copy of the existing legal description for both all parcels; and

5E. A metes-and-bounds legal descriptions of the proposed new lots, if other than a platted lot.

Sec. 12.04.920. Principles of acceptability. Lot line adjustments shall be consistent with the following principles of acceptability:

1A. Adjust lot lines to eliminate a common lot line between parcels in the same ownership, to relocate a lot line to rectify a property line dispute, correct property line or setback encroachments, or correlate with more accurate survey data; and to allow a minor transfer of land between adjacent parcels;

2B. Create better lot design, or improve access;
3C. Conform to applicable zoning, subdivision and other code
requirements pertaining to lot design, building location, and development
standards;

4D. Avoid creation of Shall not create an additional lot, parcel or tract;

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

6F. If a lot line adjustment is used to facilitate the development of the
remaining property by segregating an existing house, that parcel shall be
subject to the same design and construction standards as the
development.

12.04.925 Determination of completeness.
Within five (5) calendar days of receipt of a lot line adjustment application,
the planning department shall review all of the materials submitted and
determine whether the application is complete or incomplete. If
incomplete, the planning department shall send the applicant a letter
identifying what information is required to make the application complete.
If the city determines that an application is not complete, the applicant
shall have up to ninety (90) calendar days to submit the necessary
information to the city. If the applicant either refuses in writing to submit
additional information or does not submit the required information within
the ninety (90) calendar day period, the application shall lapse because of
a lack of information necessary to complete the review. Within five (5)
calendar days after an applicant has submitted the requested additional
information, the city shall again make the completeness determination and
shall notify the applicant in the same manner. If the lot line adjustment
application is determined to be complete, the planning department shall
accept the application and note the date of acceptance. The time period for
review of the lot line adjustment begins following the determination of a
complete application and acceptance of the application by the city.

(Ord. No. 3511, § 3, 5-16-00)
Sec. 12.04.930. Vesting. A proposed relocation of a lot boundary line shall be considered under the requirements of this chapter and the zoning and other land use regulations in effect on the land at the time that an application for a lot line adjustment as defined in this chapter, has been determined to be complete and has been accepted by the city of Kent, pursuant to KCC 12.04.925.

Sec. 12.04.935. Referral of application.  
A. Within five-seven (57) calendar days of accepting a complete application, the planning department services shall distribute copies of the lot line adjustment map and the application materials for review and comment to city departments with jurisdiction over the lot line adjustment application. The distribution notice shall state the dates of the comment period and deadline for submission of comments to the planning services.

B. A copy of the lot line adjustment map and the application materials shall be provided to affected agencies as deemed necessary or if requested by the agency.

C. City departments and affected agencies shall submit comments on the proposed lot line adjustment to the planning services department within ten (10) calendar days of distribution. The department or agency is presumed to have no comments if comments are not received within the specified time period.

Sec. 12.04.940. Approval criteria.  
A. A proposed lot line adjustment shall not be approved unless the city finds that:

1. Appropriate provisions have been made for:
   a. Setbacks from existing buildings to proposed new property lines;
   b. Existing and proposed utilities and utility easements;
c. Existing and proposed access to the parcels, adjacent streets, and access easements;

d. Lot dimension and area conforming to city code requirements;

e. Location of onsite parking, landscaping and other significant site features affected by the proposed new property lines;

f. The public health, safety, and general welfare of the community; and

g. Protection of environmentally sensitive lands—critical areas and habitat as required by Chapter 11.06 KCC.

2. The city has considered all other relevant facts;

3. The public use and interest will be served by the adjustment of such property lines; and

4. The lot line adjustment is consistent with the principles of acceptability per KCC 12.04.920.; and

5. New legal descriptions are consistent with the minimum standard requirements specified in WAC 332-130-040.

Sec. 12.04.945. Decision on lot line adjustments.

A. The Planning department services will review and approve the proposed lot line adjustment after receiving a complete application and providing an opportunity for comment from other city departments and affected agencies. The planning director—manager may approve, approve with modifications, or deny the application for a lot line adjustment. If approved, all copies of the lot line adjustment map shall be stamped “approved” and signed and dated by the planning director—manager. 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 property management—public works department.

B. If modifications are deemed necessary by the planning director—manager, they may be added to the original lot line adjustment.
map or a revised map may be required. The applicant will be notified of the requirements for 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. If denied, the lot line adjustment shall be marked “denied” and the applicant shall be notified in writing of the decision, stating the reasons.

Sec. 12.04.950. Appeal of decision on lot line adjustments. The decision of the planning director-manager shall be final, unless an appeal is made by the aggrieved party of record to the hearing examiner within fourteen (14) calendar days after the written decision. The appeal shall be in writing and shall be processed pursuant to Ch. 2.32 and 12.01KCC. The decision of the hearing examiner shall represent final action of the city and is appealable only to superior court.

Sec. 12.04.955. Appeal to superior court. The decision of the hearing examiner is final, unless appealed to the superior court. Such an appeal must be filed with the superior court within twenty-one (21) calendar days from the date the decision was issued.

Sec. 12.04.960. Recording lot line adjustments. A lot line adjustment does not become effective until it and the appropriate deeds are recorded with the King County assessor’s office. The city shall submit the approved map and new legal descriptions to King County for recording. The city shall return a copy of the recorded documents to the applicant. The recording of a lot line adjustment does not constitute a transfer of title. If the title to an area of land is changing ownership, separate deeds to this effect must be recorded with the King County assessor’s office.

SECTION 2. - Savings. The existing chapter 12.04 of the Kent City Code, which is amended this ordinance, shall remain in full force and effect until the effective date of this ordinance.
SECTION 3. - Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 4. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

I hereby certify that this is a true copy of Ordinance No. 3906 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK