AN ORDINANCE of the City Council of the City of Kent, Washington, amending section 12.04.025 of the Kent subdivision code entitled “Definitions” in order to revise the definition of tract in regard to future development tracts.

RECITALS

A. The Kent subdivision code, Chapter 12.04 of the Kent City Code, defines and uses Tracts to reserve land for specified uses including, but not limited to, future development, recreation, open space, sensitive areas, surface water retention, utility facilities, and access. Given the current definition of Tracts, an issue has arisen as to whether Tracts reserved for Future Development may be used for residential dwelling units in the future.

B. These code amendments are intended to clarify that Future Development Tracts could be used for residential dwelling units if reviewed and approved at a later date. These code amendments apply to all Tracts created after the effective date of this ordinance. These code amendments also apply to Tracts existing in the City of Kent on the effective date of this ordinance that were previously created under the City of Kent or King County subdivision processes. These code amendments apply to project

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permit applications that have not expired or been terminated involving Tracts.

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

D. A draft version of this ordinance was submitted to the Washington State Department of Community, Trade, and Economic Development for expedited review on December 8, 2009, and on December 30, 2009 the city was granted expedited review and told it had met the Growth Management Act notice requirements under RCW 36.70A.106.

E. The Land Use and Planning Board considered this update to the code at the December 14, 2009 workshop. The Board then held a public hearing on January 11, 2010. The Economic and Community Development Committee considered the issue and recommendation of the Board on February 8, 2010.

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

**ORDINANCE**

**SECTION 1.** - *Amendment.* Section 12.04.025 of the Kent City Code is amended as follows: 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:

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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 twenty (20) 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: (1) identifies and shows the areas and locations of all streets, improvements, utilities, open space, and any other matters specified in this chapter; (2) 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 (3) contains provisions which require any development to 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.

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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 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

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a character that is pedestrian-friendly and that provides a sense of location.

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 conveyance of land by its owner for any general and public uses, reserving to 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 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 which creates the hearing examiner, and who prepares a record, findings of fact, and conclusions on such applications.

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

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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 Ch. 2.57 KCC.

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.

T. *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.

U. *Lot frontage* shall mean the front of a lot which shall be that portion nearest a 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 city has the authority of determining which part of the lot fronting on a street shall become the lot frontage.

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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 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

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described as a fractional portion of a section as described in the Public Land Survey System.

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.

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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, 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 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.

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

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 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 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 facilities are not included in the number of lots created.
intended for public dedication, environmental protection, or stormwater 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 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. 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 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 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, provided that future development tracts may be used in the future as building sites for purposes of residential dwelling unit construction upon application, further review, and approval by the city.

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, 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.

**SECTION 2.** - *Savings.* The existing chapter 12.04.025 of the Kent City Code, which is repealed and replaced by 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. - Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

SECTION 5. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

Suzette Cooke, Mayor
SUZETTE COOKE, MAYOR

ATTEST:
Brenda Jacober, City Clerk
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:
TOM BRUBAKER, CITY ATTORNEY

PASSED: 16 day of February, 2010.
APPROVED: 16 day of February, 2010.
PUBLISHED: 20 day of February, 2010.
I hereby certify that this is a true copy of Ordinance No. 3944 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

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