



## Legislation Details (With Text)

**File #:** 2004-0117      **Version:** 3

**Type:** Ordinance      **Status:** Passed

**File created:** 3/8/2004      **In control:** Growth Management and Unincorporated Areas Committee

**On agenda:** 9/27/2004      **Final action:** 9/27/2004

**Enactment date:** 9/29/2004      **Enactment #:** 15031

**Title:** AN ORDINANCE relating to administration and subdivisions and short subdivisions; amending Ordinance 13694, Section 42, and K.C.C. 19A.08.070, Ordinance 13694, Section 59, and K.C.C. 19A.12.050 and Ordinance 13694, Section 8, and K.C.C. 19A.04.060 and adding a new section to K.C.C. chapter 19A.08.

**Sponsors:** Dow Constantine, Carolyn Edmonds, Larry Phillips

**Indexes:** Comprehensive Plan

**Code sections:** 19A.04.060 -, 19A.08 -, 19A.08.070 -, 19A.12.050 -

**Attachments:** 1. 15031.pdf, 2. 2004-0114--0118 Notice of Enactment.doc, 3. 2004-0117 hearing notice.doc, 4. 2004-0117 Transmittal Letter.doc

Date	Ver.	Action By	Action	Result
9/27/2004	2	Metropolitan King County Council	Passed as Amended	Pass
9/20/2004	2	Metropolitan King County Council	Hearing Held	
9/20/2004	2	Metropolitan King County Council	Deferred	
7/20/2004	1	Growth Management and Unincorporated Areas Committee	Recommended Do Pass Substitute	Pass
7/13/2004	1	Growth Management and Unincorporated Areas Committee	Deferred	
6/22/2004	1	Growth Management and Unincorporated Areas Committee	Deferred	
6/15/2004	1	Growth Management and Unincorporated Areas Committee	Deferred	
3/8/2004	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to administration and subdivisions and short subdivisions; amending Ordinance 13694, Section 42, and K.C.C. 19A.08.070, Ordinance 13694, Section 59, and K.C.C. 19A.12.050 and Ordinance 13694, Section 8, and K.C.C. 19A.04.060 and adding a new section to K.C.C. chapter 19A.08.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. There is hereby added to K.C.C. 19A.08 a new section to read as

follows:

**Limitations in closed basins.** In a closed basin, as defined by chapters 173-507, 173-503, 173-509, 173-510 and 173-515 WAC, an application for further segregation may not be submitted within five years after recording, if the application relies on a public water system created to provide domestic water that uses an exempt well under RCW 90.44.050 or proposes an additional exempt well and the proposed segregation will result in the creation of more than six lots within the boundaries of the original subdivision or short subdivision.

SECTION 2. Ordinance 13694, Section 42, and K.C.C. 19A.08.070 are each hereby amended to read as follows:

**Determining and maintaining legal status of a lot.**

A. A property owner may request that the department determine whether a lot was legally segregated. The property owner shall demonstrate to the satisfaction of the department that, a lot was created, in compliance with applicable state and local land segregation statutes or codes in effect at the time the lot was created, including, but not limited to, demonstrating that the lot was created:

1. Prior to June 9, 1937, and ~~((the lot))~~ has been:

a. ~~((P))~~ provided with approved sewage disposal or water systems or roads ~~((, or))~~; and

b. ~~(1)~~ ~~((C))~~ conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase prior to October 1, 1972; or

~~((C))~~ ~~(2)~~ ~~((R))~~ recognized prior to October 1, 1972, as a separate tax lot by the county assessor;

2. Through a review and approval process recognized by the county for the creation of four lots or less from June 9, 1937, to October 1, 1972, or the subdivision process on or after June 9, 1937;

3. Through the short subdivision process on or after October 1, 1972; or

4. Through the following alternative means allowed by the state statute or county code:

a. ~~((F))~~ for the raising of agricultural crops or livestock, in parcels greater than ten acres, between September 3, 1948, and August 11, 1969;

- b. ~~((F))~~ for cemeteries or other burial plots, while used for that purpose, on or after August 11, 1969;
- c. ~~((A))~~ at a size five acres or greater, recorded between August 11, 1969, and October 1, 1972, and did not contain a dedication;
- d. ~~((A))~~ at a size twenty acres or greater, recognized prior to ~~((the effective date of this title))~~ January 1, 2000, provided, however, for remnant lots not less than seventeen acres and no more than one per quarter section;
- e. ~~((U))~~ upon a court order entered between August 11, 1969, to July 1, ~~((1947))~~ 1974;
- f. ~~((T))~~ through testamentary provisions or the laws of descent after August 10, 1969;
- g. ~~((T))~~ through an assessor's plat made in accordance with RCW 58.18.010 after August 10, 1969;
- h. ~~((A))~~ as a result of deeding land to a public body after April 3, 1977, and that is consistent with King County zoning code, access and board of health requirements so as to qualify as a building site pursuant to K.C.C. 19A.04.050; or
- i. ~~((B))~~ by a partial fulfillment deed pursuant to a real estate contract recorded prior to October 1, 1972, and no more than four lots were created per the deed.

B. In requesting a determination, the property owner shall submit evidence, deemed acceptable to the department, such as:

1. Recorded subdivisions or division of land into four lots or less;
2. King County documents indicating approval of a short subdivision;
3. Recorded deeds or contracts describing the lot or lots either individually or as part of a conjunctive legal description (e.g. Lot 1 and Lot 2); or
4. Historic tax records or other similar evidence, describing the lot as an individual parcel. The department shall give great weight to the existence of historic tax records or tax parcels in making its determination.

C. Once the department has determined that the lot was legally created, the department shall continue

to acknowledge the lot as such, unless the property owner re((-)aggregates or merges the lot with another lot or lots in order to:

1. Create a parcel of land that would qualify as a building site, or
2. Implement a deed restriction or condition a covenant or court decision.

D. The department's determination shall not be construed as a guarantee that the lot constitutes a building site as defined in K.C.C. 19A.04.050.

E. Re((-)aggregation of lots after January 1, 2000, shall only be the result of a deliberate action by a property owner expressly requesting a permanent merger of two or more lots.

SECTION 3. Ordinance 13694, Section 59, and K.C.C. 19A.12.050 are each hereby amended to read as follows:

**Limitations for short subdivisions.**

A. Inside the Urban Growth Area, a maximum of nine lots may be created by a single application. Outside the Urban Growth Area, a maximum of four lots may be created by a single application.

B. An application for further segregation may not be submitted within five years after recording, except through the filing of a subdivision application or unless the short plat contains fewer than nine lots inside the Urban Growth ((a))Area or fewer than four lots outside the Urban Growth Area, in which case an alteration application may be submitted to create a cumulative total of up to nine lots inside the Urban Growth Area or up to four lots outside of the Urban Growth Area within the original short plat boundary.

C. A maximum of ((eighteen)) nine lots inside the Urban Growth Area or eight lots outside the Urban Growth area may be created from two or more contiguous parcels with any common ownership interest.

SECTION 4. Ordinance 13694, Section 8, and K.C.C. 19A.04.060 are each hereby amended to read as follows:

**Building site.** Building site: ((a parcel)) an area of land, consisting of one or more lots or portions ((thereof)) of lots, that is:

A. ((e))Capable of being developed under current federal, state, and local statutes, including((:)) zoning and use provisions, dimensional standards, minimum lot area, minimum lot area for construction, minimum lot width, shoreline master program

provisions, ((sensitive)) critical area provisions((;)) and health and safety provisions; or

B. Currently legally developed.