CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3160

AN ORDINANCE relating to the platting and subdivision of land; repealing Ordinance No. 2471 as amended, and Chapter 22C.10 of the Bellevue City Code; substituting therefor a new chapter to the Bellevue City Code, designated as Chapter 22D.10.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 2471, as amended, and Chapter 22C.10 of the Bellevue City Code are each hereby repealed.

Section 2. There is hereby added to the Bellevue City Code a new chapter, 22D.10, to read as follows:

CITY OF BELLEVUE PLATTING AND SUBDIVISIONS CODE
CHAPTER 22D.10

Sections:

22D.10.010 Purpose
22D.10.020 Application of regulations.
22D.10.030 Definitions
22D.10.040 General requirements.
22D.10.050 General overview of procedures.
22D.10.060 Initiation of application for a preliminary plat.
22D.10.070 Acceptance for filing - Routing.
22D.10.080 Public hearing - Notice.
22D.10.090 Agency recommendations required.
22D.10.100 Hearing Examiner review and report.
22D.10.110 City Council review of preliminary plats.
22D.10.120 Community Council action.
22D.10.130 Time period.
22D.10.140 Approval - Effect - Duration.
22D.10.150 Contents of final plats.
22D.10.160 Additional requirements - Dedications.
22D.10.170 Presentation and processing of final plat.
22D.10.180 Community Council review - Final plats.
22D.10.190 Final plat - Filing.
22D.10.200 Guarantees and final plat fees.
22D.10.210 Modification of plat.
22D.10.220 Permits - Property illegally divided.
22D.10.230 Notice of amendments to platting and subdivision codes.
22D.10.240 Violation - Enforcement.

22D.10.010 Purpose.

This chapter is adopted in furtherance of the Comprehensive Plan of the City. It is hereby declared that the regulations contained in this chapter are necessary for the protection and preservation of the public health, safety and general welfare in accordance with the standards established by the State of Washington (RCW Chapter 58.17) and established by the City of Bellevue to prevent the overcrowding of land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and schoolgrounds and other public requirements; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies; to adequately provide for the housing and commercial needs of the community and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description.

22D.10.020 Application of Regulations.

A. The regulations contained in this chapter apply to the division of land into five or more lots, tracts, parcels, sites or divisions. Every map, plat, replat or plan hereafter made of any such division of land within the territorial limits of the City shall comply with the provisions of this chapter. No such map, plat, replat or plan shall be recorded or have any validity unless it shall have the approval of the City Council and such other approvals as required by this chapter.

B. Requests for boundry line adjustments, relocation of easements, and other changes affecting services to the property shall be processed in the manner prescribed in Chapter 22D.11 of this title.

C. The provisions of this chapter do not apply to:

(1) Cemeteries and other burial plots while used for that purpose.

(2) Divisions of land into lots or tracts where the smallest lot is twenty acres or larger;

(3) Divisions made by testamentary provisions, or the laws of descent;

(4) Any conveyance of land for use solely for the installation of electric power, telephone, water supply, sewer service, or other utility facilities of a similar or related nature, or public right of way;

(5) Binding Site Plans as provided for under BCC Chapter 20.20.775;

(6) Any division of land by short subdivision as otherwise provided for in BCC Chapter 22D.11.

22D.10.030 Definitions.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings.

COMPREHENSIVE PLAN. All development principles and standards, plans, maps, rules and regulations adopted by the City Council as objectives and goals for the Comprehensive Plan for the City (as defined in RCW Chapter 35A.63).

DEDICATION. The deliberate appropriation of land by its owner for general and public uses, reserving 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. A specific use, such as street or park, may be specified in the instrument of dedication.

DEPARTMENT OF PUBLIC WORKS AND UTILITIES. An administrative department of the City of Bellevue which may also be referred to as the "Public Works Department."

EASEMENT. A grant or authorization by a property owner of the use of any designated portion of land by the public, a corporation or persons for specified purposes.

FINAL PLAT. The final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth for final plats in this chapter and as required by state law.

HEARING EXAMINER. For the purposes of this chapter, the Hearing Examiner operating pursuant to the powers and duties set forth by Bellevue City Code shall be the Hearing Body.

LOT. A fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area.

PRELIMINARY PLAT. A neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants to be applicable to the subdivision, 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.

PUBLIC WORKS DIRECTOR. The City of Bellevue Public Works and Utilities Director, having that authority specified in state law or City ordinances, or his/her designated representative.

RIGHT-OF-WAY. A strip of land dedicated for public use for utility, vehicular and/or pedestrian travel, access to adjoining properties, or other use involving maintenance by a public agency.

STANDARDS. Currently effective Public Works and Utilities Development Standards as approved by the City Council.

SUBDIVIDER, DEVELOPER OR PLATTER. Any person, firm or corporation or authorized representative undertaking the subdividing or resubdividing of a lot, block, or other parcel of land.

SUBDIVISION. The division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer and includes all resubdivision of land except as provided under Chapter 22D.11 of this Title.

TRACT. A fractional part of subdivided lands having fixed boundaries, which is dedicated or reserved by appropriate covenant or plat restriction for purposes of ingress, egress, utility access, open space, drainage or other purpose necessary to the public welfare.

ZONING RESTRICTIONS. The restrictions contained in the Bellevue Land Use Code. (BCC Title 20)

22D.10.040 General requirements.

All subdivisions of land shall comply with all applicable goals, policies and standards of the Comprehensive Plan, (BCC Title 21), the Land Use Code (BCC Title 20), street and utility comprehensive plans, and Public Works Development Standards.

The partial development of a property through this subdivision process shall be planned to accommodate the potential use of the entire property. All necessary utilities, streets or access, drainage, and improvements required as a result of a plat approval shall be constructed by the Developer and shall be built in accordance with adopted Public Works Development Standards.

22D.10.050 General overview of procedures.

The general procedure for processing an application for a subdivision consists of seven steps as follows: (1) Review of the preliminary plat application by the City staff to determine whether or not the application is acceptable for filing; (2) Review of the proposed preliminary plat by the Environmental Coordinator in order to insure compliance with the State Environmental Policy Act and the Bellevue

Environmental Procedures Ordinance; (3) Submission of the proposed preliminary plat along with the comments or recommendations of interested departments or agencies to the hearing examiner for public hearing; (4) Submission of the preliminary plat and recommendation of the hearing examiner to the city council for approval or disapproval; (5) Review of the preliminary plat by any community council having jurisdiction in the area where the plat is located; (6) Review of the final plat by the City staff; (7) Review of the final plat by any community council having jurisdiction in the area where the plat is located; and (8) Approval of the final plat for recording as indicated by the signature of the mayor thereon.

22D.10.060 Initiation of application for a preliminary plat.

An application for approval of a preliminary plat shall be made to the Office of Permit Coordination upon forms furnished by the City. Applications shall be made by the owner or owners of the parcel or parcels of all property encompassed by the application or by a duly authorized agent or agents. The owner or owners of all parcels to be included must join in or be represented in the application.

The application shall be accompanied by the following information:

A. Fifteen (15) prints and one reproducible sepia of the proposed preliminary plat drawn to a scale of one inch equals 100 feet or larger. The preliminary plat drawing shall include the following specific information:

1. Proposed name of the plat.

2. Location by section, township, range, and/or by other legal description.

3. Name, address and phone number of developer.

4. Name, address and phone number of each property owner.

5. Name, address and phone number of registered land surveyor.

6. Scale of plat, date and north point.

7. Existing topography of the land indicated by contours of two foot intervals for slopes less than twenty percent and five foot intervals for greater slopes.

8. Location and extent of significant natural features on and immediately adjacent to the site. Such features shall include but are not limited to streams, wetlands, views, significant trees, and water bodies.

9. Land use zoning classification of the proposed plat and adjoining properties.

10. The land or lot divisions of adjoining properties for a distance of at least one hundred feet around the perimeter.

11. Location, widths, and names of existing or prior platted streets, railroad or utility rights-of-way or easements, parks or other public spaces, existing permanent structures to be retained within and adjacent to the proposed plat. Where the property had been previously subdivided, the original lots, blocks, streets, easements, etc., shall be shown in dotted lines in scale with the proposed plat.

12. Existing and proposed water, sewer, and drainage utilities on, under or over the land showing size, grades and location.

13. Layout of proposed streets, pedestrian walkways, and easements.

14. Layout, number and dimensions of proposed lots.

15. Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision.

16. Building setback lines.

17. The location and size of all ditches, culverts, catchbasins and other parts of the design for the control of surface water drainage.

18. Typical roadways sections.

19. Vicinity map indicating the proposed subdivision's relation to the area.

B. A copy of the current King County quarter section map for the appropriate area.

C. Two (2) lists of the names and addresses of all owners of real property, as shown by the records of the King County Assessor, located within 300 feet of any portion of the boundary of the proposed subdivision and any adjoining real properties owned by the owners of the lands proposed to be subdivided. The lists shall be provided on address labels.

D. Two (2) 8-1/2 inch by 11 inch film positives and paper positives of the preliminary plat map.

E. A complete environmental checklist pursuant to the Bellevue Environmental Procedures Ordinance (BCC 22.02).

F. A title company certificate for the lands to be subdivided issued within the past thirty days. The certificate shall as a minimum include the information listed in Section 22D.10.160(7).

G. Additional information as required at the discretion of the Public Works Director.

Upon submittal of the preliminary plat application, the applicant shall tender payment of required fees. Such fees shall be determined according to a standard fee schedule approved by the City Council. The purpose of such fees is to defray the City's cost in processing the application.

22D.10.070 Acceptance for Filing - Routing.

A. Upon presentation of a preliminary plat application, the Department of Public Works and Utilities shall transmit at least one copy of the plat for review and recommendation to each of the following:

1. Planning Department;

2. Agency furnishing sewage disposal and water supply;

3. Environmental Coordinator;

4. School District having jurisdiction over the area;

5. Any community municipal corporation having jurisdiction over the area;

6. Seattle-King County Department of Public Health if septic systems are proposed for sewage disposal;

7. Department of Parks and Recreation/Board of Park Commissioners; and

8. Such other official body, corporation or agency as may be directed by the Department of Public Works and Utilities.

B. A preliminary plat application shall not be deemed complete and shall not be accepted by the City for filing for purposes of computing time periods pursuant to Section 22D.10.130 of this Chapter until:

1. The Department of Public Works and Utilities determines that the applicant has paid all required fees and submitted all required documents and information to permit a full public hearing upon the merits of the application; provided that said determination shall not preclude subsequent requests for any further information or modifications deemed necessary; and

2. The written comments of the agency furnishing or reviewing sewage disposal and water supply have been received as required by Section 22D.10.090 of this chapter; and

3. The Environmental Coordinator has entered a threshold determination which has become final pursuant to BCC Chapter 22.02.

22D.10.080 Public Hearing - Notice.

A. Upon notification by the Department of Public Works and Utilities that the application has been accepted for filing and upon completion of an Environmental Impact Statement if required by the Environmental Coordinator, a date and time shall be set for a public hearing to be held to consider the proposed preliminary plat. Unless an applicant requests otherwise, a preliminary plat shall be processed simultaneously with other quasi-judicial or administrative actions to the extent that procedural requirements permit.

B. At least seventeen days prior to the hearing date, notice of the public hearing shall be given as follows:

1. Written notice of a public hearing by the Hearing Examiner shall be posted in three public places on or in the immediate vicinity of the land being subdivided and in the official City posting locations.

2. Notice shall be given of the public hearing in at least one newspaper of general circulation within the County and in a newspaper of general circulation in the area where the proposed subdivision is located.

3. Notice of the public hearing also shall be mailed to those owners of record provided under Section 22D.10.060C.

4. Notice of the public hearing shall be mailed to appropriate City or County officials if the proposed subdivision adjoins the boundaries of the City or County;

5. Notice of the public hearing shall be mailed to the State Department of Transportation if the proposed subdivision is located adjacent to the right-of-way of a state highway.

C. All notices shall state the nature of the pending application, the date, time and place of the hearing, and shall describe the property involved either by vicinity location sketch or by a written description other than a legal description.

22D.10.090 Agency recommendations required.

Accompanying the preliminary plat at the public hearing before the Hearing Examiner shall be letters containing the comments and recommendations of the following officers or agencies:

1. The Department of Public Works and Utilities and the Planning Department recommending approval of the plat as drawn, approval with changes, or disapproval.

2. Where the sewage disposal system proposed is a septic system, a letter from the Seattle-King County Department of Public Health regarding the adequacy of the proposed means of sewage disposal and water supply and approving the proposed systems.

The following additional documents, if received, shall also be submitted to the Hearing Examiner and become part of the record at the public hearing:

1. A letter from the Public Works Department or Special Utility District regarding its ability to supply water and sewer facilities to the plat.

2. A letter from the School District having jurisdiction regarding adequacy of school services.

3. A letter from the Bellevue Board of Park Commissioners regarding parks, recreation and open space.

22D.10.100 Hearing Examiner review and report.

A. The Hearing Examiner shall recommend to the City Council approval, disapproval, or approval with modifications, and/or conditions. Recommendations shall be in writing and shall include findings of fact and conclusions supporting the recommendations. Copies of the report and recommendations shall be sent to the Public Works and Planning Departments and transmitted to all parties of record.

B. The Hearing Examiner shall discharge those powers and duties set forth in this Code and, in addition, shall inquire into and make recommendations concerning the factors and conditions set forth under the provisions of RCW 58.17.110 and RCW 58.17.120.

C. After action by the Hearing Examiner on the preliminary plat, any interested person feeling the recommendations of the Hearing Examiner are based on errors of procedure or errors of fact or law may make a written request for reconsideration within ten (10) days of the filing of the Hearing Examiner's written recommendations by filing such reconsideration request with the Hearing Examiner. This request shall set forth the alleged errors and the Hearing Examiner may, after a review of the record, take such further action as deemed proper and may render revised recommendations.

D. The final report and recommendations of the Hearing Examiner shall be submitted to the City Council not later than fourteen days after the expiration of all reconsideration periods.

22D.10.110 <u>City Council review of preliminary plats.</u>

A. Upon receipt of the final report and recommendations of the Hearing Examiner on the preliminary plat, the date shall be set for the public meeting where the City Council shall review the recommendations of the Hearing Examiner.

B. The hearing by the Hearing Examiner as provided for by Section 22D.10.080 shall constitute the hearing by the Council. Council review of a preliminary plat shall be limited to review of the record before the Hearing Examiner unless the Council decides at the public meeting to schedule its own public hearing. Any interested party may submit an argument in writing either for or against the Hearing Examiner's recommendations, and/or findings of fact by filing the same with the City Clerk at least 3 working days before the public meeting of the Council and such shall become a part of the record before the Council. At its discretion, the Council may request information from any staff member or party for the purpose of clarification at the meeting.

C. If the Council believes there has been no substantial error or new information, the Council may either approve, approve with conditions, or disapprove the preliminary plat in accordance with the recommendations of the Hearing Examiner.

D. If, after considering the matter at a public meeting, the Council deems a substantial change in the Hearing Examiner's recommendations approving or disapproving any preliminary plat is necessary, the change of the recommendation shall not be made until the matter has been referred back to the Hearing Examiner with direction for further hearing or the Council has conducted a public hearing and thereupon adopted its own recommendations.

22D.10.120 Community council action - Preliminary plats.

The approval by the Council of a preliminary plat which is in an area over which a community council, organized pursuant to Chapter 35.14 of the Revised Code of Washington, has jurisdiction, shall not become effective unless such community council shall approve or fail to disapprove the preliminary plat within 60 days of the Council action.

22D.10.130 Time period.

Preliminary plats of any proposed subdivision and dedication shall be approved or disapproved by the City Council, or returned to the applicant for modification or correction within ninety days from the date of filing thereof unless the applicant consents to an extension of such time period. Provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent by the City or its agencies in preparing and circulating the environmental impact statement.

22D.10.140 Approval -- Effect -- Duration.

A. The approval of a preliminary plat by the City Council is approval of the general acceptability of the layout and its relation to adjoining properties. Engineering detail remains subject to the approval of the Department of Public Works and Utilities.

B. After final approval of engineering drawings for public facilities within an approved preliminary plat, permits for the development of the plat may be issued and work commenced. Such permits shall be contingent upon compliance with the conditions specified on the approval of the preliminary plat, conformance with Public Works and Utilities Development Standards, the payment of all fees, and the submittal of performance securities as may be required.

C. A final plat meeting all requirements of this chapter shall be submitted to the Department of Public Works and Utilities within three years from the date of preliminary plat approval. Requests for renewal of the preliminary plat shall be filed with the Department of Public Works and Utilities at least thirty days prior to the termination date of the preliminary plat. Renewal requests shall be submitted by the Department of Public Works and Utilities to the Hearing Examiner. The Hearing Examiner may grant an extension if it is shown that the applicant has attempted in good faith to submit the final plat within the initial three year period. Upon approval by the Hearing Examiner of the request for renewal, the preliminary plat shall be extended one year beyond the date the plat would otherwise have become void.

22D.10.150 Contents of final plat.

A final plat shall contain the following information:

1. Name of plat.

2. Location by Section, Township, Range and/or by other legal description.

3. The name and seal of the registered land surveyor responsible for preparation of the plat, and a certification on the plat by said surveyor to the effect that it is a true and correct representation of the land actually surveyed by him, that the existing monuments shown thereon exist as located and that all dimensional and geodetic details are correct.

4. The scale, shown numerically and graphically, meridian and north point. The scale of the final plat shall be determined by the Department of Public Works and Utilities in order that all distances, bearings and other data can be clearly shown.

5. The boundary line of the plat, based on an accurate traverse, with angular and linear dimensions.

6. Exact location, width, number or name of all streets, alleys, and walks within and adjoining the plat and all easements and dedications for rights-of-way provided for public services or utilities.

7. True courses and distances to the nearest established street lines or official monuments which shall accurately locate the plat.

8. Building setback lines if in excess of the minimum requirements of the Bellevue Land Use Code.

9. Municipal, Township, County or Section lines accurately tied to the lines of the plat by distances and courses.

10. Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.

11. All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet. Blocks in numbered additions to subdivisions bearing the same name may be numbered or lettered consecutively through the several additions.

12. Accurate locations of all monuments. One such monument shall be located at each street intersection, point of curvature, and at locations to complete a continuous line of sight, and

at such other locations as required by the provisions of RCW 58.17.240 and by the Department of Public Works and Utilities.

13. All plat meander lines or reference lines along bodies of water shall be established above, but not farther than twenty (20) feet from the high waterline of such water.

14. Accurate outlines and legal description of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication; and/or any area to be reserved by deed covenant for common uses of all property owners.

15. A full and correct legal description of the property platted.

16. Restrictions or conditions on the lots or tracts in the plat required by the Hearing Examiner or City Council.

17. All signatures on the final plat mylar shall be in reproducible black ink.

18. Additional pertinent information as required at the discretion of the Public Works or Planning Directors.

22D.10.160 Additional requirements -- Dedications.

In addition to any other requirements set forth in this chapter or by state law, each final plat shall:

1. Be accompanied by a typewritten copy of any protective deed covenants.

2. Contain a statement of approval from a licensed engineer acting on behalf of the City, as to the survey data, the layout of streets, alleys and other rights-of-way, bridges, sewage and water systems, and other structures.

3. Be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes, showing the original or reestablished corners, with the 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 accompnay this data. The allowable error of closure shall not exceed one foot in five thousand feet.

4. Contain a certification from the proper officer or officers in charge of tax collections that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.

5. Contain proper forms with space for signatures for the approval or acceptance of such other officials as are required by law to approve or accept the final plat.

6. Contain a certificate stating that the subdivision has been made with the free consent, and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage or maintenance of said street or other areas so dedicated. Such certificate shall be signed and acknowledged before a Notary Public by all parties having any interest in the lands subdivided.

   An offer of dedication may include a waiver of right of direct access to any street from any property. Such waiver may be required by the Department of Public Works and Utilities as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered as a quitclaim deed to the said donee or grantee for use for the purpose intended by the donation or grant.

   At the discretion of the Public Works Director conveyances of right-of-way may be required to be by statutory warranty deed. The acceptance of right of way by the City shall not obligate the City to improve or develop the lands in the right of way.

7. Be accompanied by a current (within 30 days) title company certification of:

   a. The legal description of the total parcel sought to be subdivided.

   b. Those individuals or corporations holding an ownership interest in said parcel.

c. Any lands to be dedicated shall be confirmed as being in the name of the owners signing the dedication certificate.

d. Any easements or restrictions affecting the property to be subdivided with a description of purpose and referenced by auditors file number and/or recording number.

If lands are to be dedicated or conveyed to the City as part of the subdivision, an A.L.T.A. title policy may be required.

22D.10.170 Presentation and processing of final plat.

A. The final plat for the subdivision shall initially be submitted to the Office of Permit Coordination and shall be a complete and accurate plat for official record. A reproducible tracing of the final plat and a print of the land surveyor's calculation work sheet shall be furnished to the Department of Public Works and Utilities. The plat shall be legibly drawn or reproduced according to standards set by the Director of Public Works.

B. Portions of an approved preliminary plat may be processed separately for recording in divisions provided that any division is approved within the prescribed time limits for the preliminary plat and provided that the division does not violate the intent of the preliminary plat. Prior to the approval of a division of a final plat the Public Works and Utilities Director may require a performance guarantee for construction improvements in subsequent divisions be submitted if such improvements are necessary for the continuity of transportation, utility, or other systems.

C. The Department of Public Works and Utilities shall check the calculations and detail of the final plat to determine whether it is accurate and correct.

D. If the Departments of Public Works and Utilities and Planning so find, they shall prepare a report stating that the final plat has been evaluated and checked, that all fees have been paid, and that the final plat conforms with all terms of the preliminary plat as finally approved. Any determination made by the Departments of Public Works and Planning concerning the acceptability of the final plat may be appealed to the City Council by filing an appeal in writing with the City Clerk at least three (3) working days prior to the public meeting the City Council is to take final action on a final plat. After considering any appeals and any comments or recommendations submitted by a Community Council as provided for in Section 22D.10.180, the City Council may consistently with RCW 58.17.170 approve the final plat as submitted, approve the final plat subject to changes being made,

remand the matter to the Hearing Examiner for further consideration, or deny the final plat application.

E. Judicial review of a decision approving or disapproving a plat may be sought as set forth in RCW 58.17.180.

22D.10.180 Community Council review - Final plats.

At least twenty-one days prior to the final action by the City Council on any final plat which is in an area over which a community council, organized pursuant to Chapter 35.14 of the Revised Code of Washington, has jurisdiction, the Department of Public Works and Utilities shall transmit a copy of the final plat application to the Community Council for their review. Any comments or recommendations by the Community Council as to whether the final plat meets the requirements of the preliminary plat approval shall be submitted in writing to the City Clerk prior to the public meeting the City Council is to take final action on the final plat.

22D.10.190 Final plat - Filing.

Upon Council approval of a final plat, the Mayor may execute the written approval of the City Council on the face of the plat, and the original of the final plat shall be returned to the subdivider for compliance with recording requirements. Final plats shall be approved, disapproved or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period.

Approval of the final plat for recording by the City Council shall be deemed to constitute acceptance of any dedication shown on the plat. Approval of the final plat shall be null and void if the plat is not recorded within ninety days after the date of approval.

22D.10.200 Guarantees and Final Plat Fees.

A. In lieu of the completion of the actual construction of any required improvements whether public or private prior to the approval of the final plat, the applicant shall submit a cash deposit, bond or other secure financial means by a method and in an amount fixed by the Director of Public Works and Utilities, guaranteeing the construction and completion of the roads, the setting of monuments, the construction and completion of the sidewalks, street lights and street name signs, installation of drainage facilities, and all other required work within one year from date of final approval of said plat.

The security shall may be released by motion of the City Council accepting the construction of the completed facilities, provided that a maintenance bond or other security approved by the Director

of Public Works and Utilities has been posted guaranteeing repair of deficiencies in the required facilities during the ensuing one year period.

B. Prior to the commencement of any services by the City related to the subject plat beyond those required for the approval of the preliminary plat, the applicant shall post a non-refundable cash deposit with the Department of Public Works and Utilities equal to two percent (one thousand dollars minimum) of the cost of constructing required facility improvements excluding water and sewer related items.

Prior to the recording of any final plat, the applicant shall deposit a fee equal to six percent (two percent non-reimbursable plus four percent) of the cost of constructing required facility improvements excluding water and sewer, less the amount of the previously submitted non-refundable fee. Such fees shall guarantee payment of costs of any and all work performed by the City in engineering review, surveying and mapping, inspection, public information, and other associated services related to the plat. Such fees may also be used to pay for the costs of any outside consultants retained by the City to perform such services. Any refundable portion of the deposit which remains after all fees have been charged shall be returned to the plattor at the end of the one year maintenance period.

22D.10.210 Modification of plat.

A. If circumstances render it impractical, unfeasible or detrimental to the public interest to accomplish a particular feature or element of work required as a condition of preliminary plat approval or voluntarily proposed by the developer and accepted in good faith without having been imposed by the City as a special condition of plat approval, or if the developer proposes to add a particular feature or element which was not previously approved as part of the preliminary plat, the applicant may file a request for modification of the original approval with the Department of Public Works and Utilities. Such request shall be accompanied by letters and data determined to be necessary by the Department of Public Works and Utilities and the applicant shall pay a fee for processing the request determined according to a schedule approved by the City Council. Upon the giving of notice in the manner required by Section 22D.10.080B of this Chapter, a public hearing shall be conducted before the Hearing Examiner. The Hearing Examiner and the City Council shall review, make recommendations and approve or disapprove the request for modification following the procedures set forth in Sections 22D.10.100 and 22D.10.110 of this Chapter.

B. The following shall not constitute changes in the preliminary plat approval and thus do not require further review as provided for under Section 22D.10.210A.

1. Engineering detail unless specifically required as an element of the preliminary plat approval.

2. Minor changes in lot lines or lot dimensions.

3. A decrease in the number of lots to be created or an increase of no more than 5% of the number of lots depicted on the preliminary plat.

22D.10.220 Permits - Property illegally divided.

A. No permits shall be issued by any City department for construction, modification, or use of any property divided in violation of this chapter or state law without prior approval of the Hearing Examiner, which approval shall only be given following a public hearing at which the applicant shall demonstrate to the Hearing Examiner that:

1. The applicant purchased the property as an innocent purchaser for value without actual notice that the property was divided in violation of law; or

2. The public interest will not be adversely affected by granting of the permit.

B. A determination of the public interest by the Hearing Examiner under this section shall be based on substantially the same criteria considered upon a preliminary plat application under this chapter.

C. A purchaser or transferee of property sold or transferred in violation of this chapter or state law shall have those rights, obligations and remedies set forth in RCW 58.17.210.

22D.10.230 Notice of Amendments to Platting and Subdivision Codes.

Notwithstanding other ordinance adoption notification procedures, individuals or organizations may request advance notice of any pending legislation to modify BCC Chapter 22D.10. Any such requests shall be made in writing to the Public Works Director and shall be valid for two years from the date of receipt.

22D.10.240 Violations - Enforcement.

Any person, firm, corporation, or association or any agent of any person, firm, corporation or association who divides land into lots, tracts, or parcels of land and sells or transfers, or offers or advertises for sale or transfer, any such lot, tract or parcel without having a final plat, short plat, boundry line adjustment, or binding site plan filed for record, or who otherwise violates or fails to comply with any of the provisions of BCC Chapters 22D.10 and 22D.11, or any amendment thereto, shall be guilty of a gross misdemeanor punishable by a fine of not more than $500, and each such sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land shall be deemed a separate and distinct offense; provided, however, an offer or agreement to sell, lease, or otherwise transfer a lot, tract or parcel of land following preliminary plat approval shall not be deemed in violation of this chapter if performance of the offer or agreement is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel under this chapter. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to the seller shall be permitted until the final plat is recorded.

The City of Bellevue, through its authorized agents, may commence an action to restrain and enjoin violations of this chapter, or of any term or condition of plat approval prescribed by the City, and compel compliance with the provisions of this chapter, or with such terms or conditions, as provided by RCW 58.17.200 and 58.17.320. The costs of such action may be taxed against the violator.

Section 3. This ordinance shall be published by posting it in the three official posting places of the City, and shall take effect and be in force five days after the date of posting.

PASSED by the City Council this 20th day of Sept., 1982, and signed in authentication of its passage this 20th day of September 1982.

(SEAL)

Roy A. Ferguson, Mayor

Approved as to form:

Linda M. Youngs, City Attorney

Richard L. Kirkby, ~~Assistant~~ City Attorney

Attest:

Marie K. O'Connell, Acting City Clerk

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