

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3161

AN ORDINANCE relating to the short platting and short subdivision of land; repealing Ordinance No. 2723 and Chapter 22C.11 of the Bellevue City Code, and adding a new chapter 22D.11 to the Bellevue City Code.

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

Section 1. Ordinance No. 2723 and Chapter 22C.11 of the Bellevue City Code are each hereby repealed.

Section 2. There is hereby added to the Bellevue City Code a new chapter, 22D.11, to read as follows:

SHORT PLATS AND SHORT SUBDIVISIONS
CHAPTER 22D.11

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22D.11.010 Purpose.

Pursuant to RCW 58.17.060 it is the intent of this chapter to permit administrative processing and approval of a division of land into four or fewer lots, tracts, parcels, or sites; to promote the public health, safety, and general welfare; to further the goals and objectives of the Comprehensive Plan; to facilitate adequate provisions for water, sewer, ingress and egress, and public uses; to promote the coordinated development of vacant lands; and to require conveyance by accurate legal description.

22D.11.020 Definitions.

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

- A. "Boundary line adjustment" is a division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel or site.
- B. "Dedication" is the deliberate appropriation of land by an owner for general or public uses, reserving no other rights than such as are compatible with the full exercise and enjoyment of the 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 short plat showing the dedication thereon; and the acceptance by the public of any public dedications shall be evidenced by the administrative approval by the City of such plat for filing and the filing thereof.
- C. "Division of land" means the separation of any parcel of land into two (2) or more parcels.
- D. "Lot" is a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area.
- E. "Nonbuilding tract" is 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 and which prohibits or precludes improvements for the purpose of human habitation or occupancy. Any tract so designated as a nonbuilding tract shall not be considered a lot for purposes of calculating the number of lots included in a short subdivision.
- F. "Revision" is the modification of a previously approved and recorded short plat which results in the addition of new lots, tracts, parcels, or sites but which does not result in the creation of more than four legal building lots within the boundaries of the originally approved and recorded short plat.
- G. "Short plat" is the map or representation of a short subdivision.
- H. "Short subdivision" is the division or redivision of land, including a unit of land resulting from a previous subdivision, short subdivision, or revision into four or less

lots, tracts except nonbuilding tracts, parcels, sites, or divisions, for the purpose of sale or lease or transfer of ownership.

22D.11.030 Compliance with State and Local Laws.

- A. Every short subdivision shall comply with applicable provisions of RCW Chapters 58.09, 58.17, and shall conform to all applicable requirements of the Bellevue City Code, and ordinances, resolutions, rules and regulations of the City; provided that, the provisions of this chapter shall not apply to;
1. Cemeteries and other burial plots while used for that purpose;
 2. Divisions of land made by testamentary provisions or the laws of descent;
 3. Any division of land within which the smallest parcel is twenty acres or larger;
 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 formal subdivision as provided for in Chapter 22D.10.
- B. The Director of the Public Works and Utilities Department or his/her designee shall have authority to defer requirements of this chapter upon application by the owners of a parcel of land who propose to construct or convert buildings thereon for condominium purposes in phases and who, solely for purposes of financing, desire to temporarily divide ownership of the parcel. Any such deferral shall be conditional upon the execution by said owners of a recorded agreement binding them and their successors to transfer title and interest to any and all temporary divisions of said parcel to the owners of specific condominium unit or buildings and/or an association of such owners, and to no other person or entity, unless done so in conformance with an approved and recorded plat or short plat upon said parcel.

22D.11.040 Standards and Goals.

Short subdivisions shall comply with all applicable goals, policies and standards set forth in the Comprehensive Plan, the Land Use Code (Title 20), adopted Public Works Development Standards, and adopted comprehensive street and utility plans.

22D.11.050 General Design Standards.

- A. The design, shape, size and orientation of the short subdivision shall be appropriate to the use for which the divisions of land are intended and to the character of the area in which they are located. In the interest of the public welfare, nonbuilding tracts may be required to be delineated or restrictions required to be included on the short plat. Such delineation or restriction may be required in order to secure necessary sanitation, utilities, access, and water supply, and in order to protect against hazards associated with steep slopes, slide-prone slopes, poor drainage and flooding or other unique conditions or features which may warrant protection of the public interest. Easements or rights-of-way shall be provided where necessary for streets, utilities, access, drainage and buffer strips or protective easements.
- B. The owner or owners of a nonbuilding tract may seek to have that restriction removed by submitting an application for short subdivision or short subdivision revision under this chapter, or for a final subdivision under Chapter 22D.10, as may be applicable.

22D.11.060 Preliminary Short Subdivision Procedures.

Any person seeking approval of a short plat may submit applications for preliminary short plat approval to the office of Permit Coordination. The purpose of a preliminary short subdivision is to permit the applicant to receive conceptual approval and required conditions of the short subdivision proposal before the applicant has made any substantial financial commitment.

- A. Application for a preliminary short subdivision shall be on forms prescribed by the Public Works and Utilities Department. Information required includes the following:
1. Name, address, and phone number of the applicant and property owner(s).

2. A drawing of the total parcel to be short subdivided to a convenient scale as determined by the Public Works Department showing adjoining property lines and buildings on or within 50 feet of the property, dimensions of the total parcel sought to be short subdivided, dimensions of all proposed lots and tracts, distances from proposed lot lines to existing structures, all existing and proposed rights-of-way, easements and significant natural features such as streams, wetlands, views, significant trees and water bodies on and immediately adjacent to the site.
 3. Address and legal description of the total property sought to be short subdivided.
 4. Proposed source of water supply.
 5. The proposed method of sewage disposal, and if septic tanks are to be used, certification for each building lot from a qualified sewage disposal system designer.
 6. When only a portion of adjoining land having the same ownership interest is to be short subdivided, a generalized plan for the entire ownership shall be required to indicate that the road pattern and general arrangement of the short subdivision can be coordinated with the entire tract when fully developed.
 7. Such other information as may be reasonably necessary to expeditiously evaluate the merits of the proposal.
- B. Upon receipt of a complete application for a preliminary short subdivision, the Public Works and Utilities Department shall refer the application to the Planning and other affected City departments or public agencies for their review and recommendations. Upon review, the Public Works and Utilities Department shall return the preliminary short subdivision to the applicant either approved with or without conditions, disapproved stating the reasons for disapproval, or returned for corrections or additional information.
- C. Any application for a preliminary and/or final short plat returned to the applicant by the Public Works and Utilities Department for corrections or additional information shall be returned within ninety days. If not returned within the ninety day time period, and upon notice being sent by the Public Works and Utilities Department to the applicant any time after the end of the ninety day period, the application shall be considered null and void.

- D. The owners of the property under consideration shall permit free access to the land being subdivided to all agencies considering the short subdivision for the period of time extending from the preliminary short subdivision application to the final short subdivision or required improvement acceptance.
- E. If the preliminary short subdivision is approved the applicant shall have one year from the date of administrative approval or from the date of the final decision in the appeals process to submit a final short subdivision meeting all application requirements to the Office of Permit Coordination. Upon application within the time period and upon good cause shown the Department may grant an additional six month extension.
- F. The approved preliminary short subdivision including conditions shall be the basis for approval of the final short subdivision. However, if the preliminary short subdivision's approval is based upon incorrect or misleading information supplied by the applicant or if conditions were inadvertently omitted or mistakenly imposed which conflict with the provisions of any state or local laws, ordinances, resolutions, rules or regulations, the preliminary short subdivision approval and conditions may be reconsidered.

22D.11.070 Final Short Subdivision Procedures.

After a preliminary short subdivision has been approved, application for final short subdivision may be made. At the applicant's option, applications for preliminary and final short subdivisions may be consolidated provided that all information required under both procedures is included with the application.

- A. All short plats shall be recorded surveys consistent with Chapter 58.09 RCW. All lot corners shall be staked correctly on the ground. In all short subdivisions at least two off site existing or newly set monuments shall be referenced in the survey. Both monuments shall be intervisible. At least one of the referenced monuments shall be within 350 feet of the short subdivision property. If a new monument must be set it should be located whenever possible at the intersection of a lot line or boundary extension with a public right-of-way centerline.
- B. Application for a final short subdivision shall be made on forms approved by the Public Works and Utilities Department. Such forms shall be mylar drafting film eighteen by twenty-four inches in size with a two inch border on the left edge and one half inch borders on the other edges. Information required shall include:

1. Notorized signatures of all owners of the property to be subdivided. All signatures shall be in reproducible black ink;
 2. Legal description of the entire parcel to be short subdivided and sufficient information to accurately locate each lot, tract, and easement to be created;
 3. Surveyor's Certificate consistent with RCW 58.09.080 and all certificates and other information required by Chapter 58.09 RCW, the "Survey Recording Act;"
 4. A drawing of the short subdivision showing all lots, tracts, parcels, private or public roadways, and easements, existing and to be created, lot sizes, existing structures and their setbacks from lot lines, and existing natural features such as bodies of water and floodplains. All boundary lines shall be referenced with proper bearings and distances. Survey work sheets shall be submitted for assistance in the review process;
 5. Certificate of any public or private dedications. The certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands divided. Any dedication, donation or grant as shown on the face of the short plat shall be considered, as a quit claim deed to the donee or grantee for use for the purpose intended by the donor or grantor, to become effective immediately or as otherwise stated in the certificate;
 6. Indication on the plat of the use and purpose of each tract;
 7. Other information as deemed necessary to clarify or complete the application.
- C. All final short subdivision applications shall be accompanied by a title company certification issued within the past thirty days including:
1. The legal description of the total parcel sought to be short subdivided;
 2. Those individuals or corporations holding any ownership interest in said parcel;
 3. All divisions or tax segregations within the preceding five-year period of the parcel sought to be short subdivided;

4. The date on which the parcel sought to be short subdivided was created as a separate parcel;
5. Any lands to be dedicated shall be confirmed as being in the name of the owners signing the dedication certificate;
6. Any easements or restrictions affecting the property to be short subdivided with a description of purpose and referenced by auditors file number and/or recording number.

Should the certificate indicate the parcel sought to be short subdivided had been included in or resulted from an earlier short subdivision within the immediately previous five-year period, evidence of an approved short plat must be produced by the applicant.

- D. An assigned savings account or other secure financial method as approved by the Director of Public Works shall be submitted in the amount of 150 percent of the estimated cost of any improvements required as a condition of the short subdivision or as provided for in the Public Works and Utilities Development Standards which remain to be completed at the time of final short subdivision application as a guarantee that within one year from the recording of the short plat the required improvements will be completed. Upon satisfactory completion of all required improvements the security may be released by the Director of the Department of Public Works and Utilities.
- E. Within thirty days of the acceptance of the final short subdivision application the Public Works and Utilities Department will either forward an approved short plat to the King County Department of Records and Elections for recording or return the application to the applicant for further information. Signatures of approval from the appropriate, authorized administrators in the Public Works and Planning Departments shall constitute approval by the City for recording of the short plat. No administrative approval of a short subdivision is deemed final until a short plat is recorded and proof of recording is received by the Department of Public Works and Utilities.

22D.11.080 Revision of Short Subdivisions.

- A. Land within a short subdivision, the short plat of which has been approved within five years immediately preceding, may not be further subdivided in any manner unless a final subdivision thereof has been approved and filed for record in

accordance with Chapter 22D.10 of this code, or a binding site plan is approved in accordance with BCC Section 20.20.775; provided, however, when the original short subdivision contains less than four lots, it may be revised to create additional lots if no more than four lots are created within the boundary lines of the original short plat during the original five year period. For the purposes of calculating the five year period, the date of approval of a short subdivision shall be the date the short plat was recorded with the King County Department of Records and Elections.

- B. Short subdivisions may be revised in accordance with the following requirements:
1. All affected ownership interests within the originally recorded short subdivision must be a party to the revision application, or must express written agreement to the proposed revision, including written agreement to accept ownership of any property, or to transfer or convey ownership of any property, which may be necessary as a result of the revision.
 2. Any features contained in the original short subdivision which have been relied upon in subsequent land development or land use planning decisions and which are still applicable at the time of application shall be incorporated in the short subdivision revision, unless such features are provided by other legal means at the time of short subdivision revision.
 3. Procedures and requirements established by this chapter for short subdivisions shall be applicable to revision requests. Revisions shall comply with applicable conditions and provisions of the original plat or short plat and shall not adversely affect access, easements, or any land use requirements as provided for in the laws of the City.
 4. Approval of any revision shall be filed and recorded as a supplemental declaration of short subdivision which shall contain the adjusted legal description and shall be effective upon being recorded by the Department of Public Works and Utilities with the King County Department of Records and Elections and upon receipt of proof of recording. The Department shall forward a copy of the proof of recording to the applicant bearing the date upon which the proof was received by the department.

5. Any short subdivision revision shall constitute a vacation of the original short plat, effective at the time the short subdivision revision is filed for record by the Department of Public Works with the King County Department of Records and Elections and proof of recording is received by the Department of Public Works. A vacation of a short plat under the provisions of this section shall not affect the running of the five-year period initiated upon the filing of the original short plat.

22D.11.090 Notice.

Upon receipt of an application for a short subdivision or revision the Public Works Department shall provide notice of the application indicating that a decision by the City to either approve, deny or approve the short subdivision or revision with conditions is forthcoming. Notice shall be given in the following manner.

- A. Notice shall be given in at least one (1) publication in a newspaper of general circulation within the City.
- B. Notice shall be posted in three public places on or in the vicinity of the land being short platted or revised and in the official City posting locations.
- C. Notice shall be given to a Community Council, organized pursuant to Chapter 35.14 of the Revised Code of Washington, when the proposed short subdivision lies within the boundaries of that Council.
- D. All notices shall state the nature of the pending application and shall describe the property involved. Notice need not include a legal description.

22D.11.100 Boundary Line Adjustments

Pursuant to RCW 58.17.040, boundary line adjustments are exempt from requirements of this chapter except as provided for in this Section.

- A. All lots modified by this boundary line adjustment procedure shall not be approved for recording if such adjustment would allow a nonconforming dimension as specified in the Land Use Code Section 20.20.010 to become more nonconforming except where such noncompliance has been previously approved by the prescribed procedure or in the case of minimum lot area calculations where such lots were originally approved under and would still meet lot averaging provisions for the subdivision as provided for in the Land Use Code Section 20.20.017.

- B. No lot line adjustment may be approved when such action would violate an applicable requirement or condition of a previous land use action, subdivision, or short plat approval.
- C. All lots modified by the boundary line adjustment procedure shall have legal access meeting the Standards of the Public Works Department.
- D. The processing of boundary line adjustments shall be the same as for final short plats as provided in the applicable provisions of Sections 22D.11.70 (B), (C) and (E).
- E. All boundary line adjustments shall be recorded surveys consistent with Chapter 58.09 RCW. All boundary lines being adjusted shall be surveyed and newly established lot corners shall be staked.
- F. Appeals from administrative determinations made pursuant to this section shall be processed in the manner as provided for in Section 22D.11.120.

22D.11.110 Fees.

The fee schedule for the processing of preliminary and final short subdivisions, revisions, and boundary line adjustments shall be established by the Director of Public Works and Utilities, and may be revised on an annual basis to reflect more accurately actual costs. All such fee schedules shall be subject to approval by the City Council.

22D.11.120 Appeals.

Appeals from administrative determinations made under authority of this chapter denying or approving preliminary or final short subdivisions, revision applications, or boundary line adjustments shall be heard by the Hearing Examiner pursuant to Section 20.40.250 of the Land Use Code. Appeals shall be filed in writing with the Public Works and Utilities Department within twenty (20) days of the issuance of the determination appealed from. Procedures upon appeals shall be the same as for appeals of administrative determinations under the Land Use Code as set forth in Sections 20.30.075 through 20.30.095.

22D.11.130 Permits.

No permits shall be issued by any city department for construction, modification, or use of any property divided in violation of this chapter except as may be necessary under emergency circumstances for the alleviation of a situation endangering the public health or safety.

22D.11.140 Notice of Amendments to Short Plat and Short
Subdivision Codes.

Notwithstanding other ordinance adoption notification procedures, individuals or organizations may request advance notice of any pending legislation to modify BCC Chapter 22D.11. 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.11.150 Violation - 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, boundary 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.

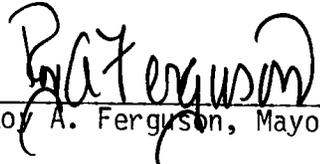
The City of Bellevue, through its authorized agents, may commence an action to restrain and enjoin violations of this chapter, or of any term or condition of plat approval prescribed by the City, and compel compliance with the provisions of this chapter, or with such terms or conditions, as provided 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 September 1982,
and signed in authentication of its passage this 20th day
of September 1982.

(SEAL)



Roy A. Ferguson, Mayor

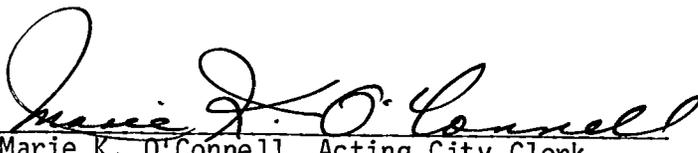
Approved as to form:

Linda M. Youngs, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:



Marie K. O'Connell, Acting City Clerk

Published September 25, 1982