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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3500

AN ORDINANCE relating to short platting and short subdivision; transferring authority to the Department or Director of Design and Development and amending Ordinance No. 3161 and Bellevue City Code 22D.11.030, 22D.11.060, 22D.11.070, 22D.11.080, 22D.11.090, 22D.11.110, 22D.11.120 and 22D.11.140.

WHEREAS, it is desirable to transfer authority to the Department or Director of Design and Development consistent with the provisions of Ordinance No. 3447; and

WHEREAS, this action is exempt from the State Environmental Policy Act and the City's Environmental Procedures Ordinance; now, therefore

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

Section 1. Section 2 (part) of Ordinance No. 3161 and Bellevue City Code 22D.11.030.B. are hereby amended to read as follows:

22D.11.030 Compliance with state and local laws.

. . . .

B. The Director of Design and Development 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 units 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.

Section 2. Section 2 (part) of Ordinance No. 3161 and Bellevue City Code 22.D.11.060 are hereby amended to read as follows:

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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 Department of Design and Development. 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 Department of Design and Development 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 Department of Design and Development shall refer the application to the Public Works and Utilities Department and other affected City departments or public agencies for their review and recommendations. Upon review, the Department of Design and Development 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 Department of Design and Development 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 Department of Design and Development 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.

Section 3. Section 2 (part) of Ordinance No. 3161 and Bellevue City Code 22D.11.070.B. are hereby amended to read as follows:

22D.11.070 Final short subdivision procedures.

. . . .

B. Application for a final short subdivision shall be made on forms approved by the Department of Design and Development. 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. Notarized 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 be done 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.

Section 4. Section 2 (part) of Ordinance No. 3161 and Bellevue City Code 22D.11.070.E. are hereby amended to read as follows:

22D.11.070 Final short subdivision procedures.

. . . .

E. Within thirty days of the acceptance of the final short subdivision application the Department of Design and Development 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 Utilities Department and the Department of Design and Development 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 Design and Development.

Section 5. Section 2 (part) of Ordinance No. 3161 and Bellevue City Code 22D.11.080.B.4. are hereby amended to read as follows:

22D.11.080 Revision of short subdivisions.

. . . .

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 Design and Development 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.

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Section 6. Section 2 (part) of Ordinance No. 3161 and Bellevue City Code 22D.11.080.B.5. are hereby amended to read as follows:

22D.11.080 Revision of short subdivisions.

. . . .

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 Design and Development with the King County Department of Records and Elections and proof of recording is received by the Department. 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.

Section 7. Section 2 (part) of Ordinance No. 3161 and Bellevue City Code 22D.11.090 are hereby amended to read as follows:

22D.11.090 Notice.

Upon receipt of an application for a short subdivision or revision the Department of Design and Development 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.

Section 8. Section 2 (part) of Ordinance No. 3161 and Bellevue City Code 22D.11.110 are hereby amended to read as follows:

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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 Design and Development, 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.

Section 9. Section 2 (part) of Ordinance No. 3161 and Bellevue City Code 22D.11.120 are hereby amended to read as follows:

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 Department of Design and Development 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.

Section 10. Section 2 (part) of Ordinance No. 3161 and Bellevue City Code 22D.11.140 are hereby amended to read as follows:

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 Director of Design and Development and shall be valid for two years from the date of receipt.

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Section 11. This ordinance shall take effect and be in force thirty days after final passage by the City Council.

PASSED by the City Council this 28th day of May, 1985, and signed in authentication of its passage this 28th day of May, 1985.

(SEAL)

Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley, Assistant City Attorney

Attest:

Marie K. O'Connell, City Clerk

Published June 1, 1985