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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3937

AN ORDINANCE relating to platting and subdivision of land; relating to definitions regarding subdivisions and short subdivisions, repealing Ordinances Nos. 3160, 3499 and 3783 as amended, and Chapter 22D.10 of the Bellevue City Code; adding a new chapter to the Bellevue City Code (Land Use Code) designated as Chapter 20.45A; amending Bellevue City Code (Land Use Code) 20.50.012, 20.50.016, 20.50.018, 20.50.020, 20.50.036, 20.50.040 and 20.50.046.

WHEREAS, the Platting and Subdivision Code should reflect current State law and current City of Bellevue development codes; and

WHEREAS, the Platting and Subdivision provisions should be incorporated into the Land Use Code; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and with the City's Environmental procedures ordinance; now, therefore,

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

Section 1. Ordinances 3160, 3499 and 3783 as amended, and Chapter 22D.10 of the Bellevue City Code are each hereby repealed.

Section 2. There is hereby added to the Bellevue City Code (Land Use Code) a new chapter 20.45A to read as follows:

PLATTING AND SUBDIVISION

CHAPTER 20.45A

Sections:

- .010 Scope
- .020 Applicability
- .030 Purpose
- .040 Definitions
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- .060 Who May Apply
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- .080 Merger
- .090 Preliminary Plat - Applicable Procedure
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20.45A.010 Scope

This Chapter establishes the procedure and criteria that the City will use in making a decision upon an application for a subdivision.

20.45A.020 Applicability

This Chapter applies to each application for a subdivision except as provided in Section .100.

20.45A.030 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, storm water drainage, 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; to protect Sensitive Areas as designated in the Sensitive Area Overlay

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District and the Sensitive Area Notebook; and to require uniform monumenting of land subdivisions and conveyance by accurate legal description.

20.45A.040 Definitions Specific to the Platting and Subdivision Chapter

As used in this chapter, the following definitions apply.

- A. DEVELOPMENT STANDARDS. Currently effective Public Works and Utilities and Storm & Surface Water Utilities Development Standards as approved by the City Council.
- B. 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.
- C. RIGHT-OF-WAY. A strip of land dedicated for public use for utilities, vehicular and/or pedestrian travel, access to adjoining properties, or other use involving maintenance by a public agency.
- D. SUBDIVIDER, DEVELOPER OR PLATTER. Any person, firm or corporation or authorized representative undertaking the subdividing or resubdividing of a lot, tract, block, or other parcel of land.

20.45A.050 General Requirements

- A. All subdivisions of land shall comply with all applicable goals, regulations and standards of Bellevue City Code Title 20 (Land Use Code); Bellevue City Code Chapter 22.02 (Environmental Procedures Code); Public Works Development Standards and the Revised Code of Washington Title 58 (Boundaries and Plats). Subdivisions shall also be in accord with the policies of Bellevue City Code Title 21 (Comprehensive Plan).
- B. A proposed subdivision shall be considered under all applicable land use regulations in effect at the time a fully completed application for preliminary plat approval is submitted; provided, however, such proposal may be conditioned or denied by the City under the State Environmental Policy Act. For purposes of this subsection, a "complete preliminary plat application" means an application which contains all information required to be submitted by these regulations.

20.45A.060 Who May Apply

The property owner or his/her authorized agent may apply for a Subdivision.

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20.45A.070 Review Stages

Subject to Section .080, the review and decision of the City on an application for a subdivision shall consist of the following stages:

- A. Review and decision upon the Preliminary Plat (Section 20.45A.090-.170), and
- B. Review and decision upon the engineering plans for plat improvements, and
- C. Review and decision upon the Final Plat (Section 20.45A.180-.270).

20.45A.080 Merger

- A. The applicant may request that review and decision on the Preliminary Plat and the Final Plat be merged in one decision. The merged decision will be made using Process I (Section 20.35.100 et. seq.) following the steps for the Preliminary Plat. The applicant shall submit all plans and information in the detail required for Engineering Plans and the Final Plat and shall comply with all other requirements and standards for a Final Plat.
- B. Unless the applicant requests otherwise, the City shall process a Preliminary Plat simultaneously with an application for a Reclassification, Variance, Planned Unit Development or other development approval to the extent that procedural requirements for those actions allow.

20.45A.090 Preliminary Plat - Applicable Procedure

The City will process an application for a Preliminary Plat using Process I (Section 20.35.100 et. seq.). All requirements of Process I apply unless otherwise stated in this chapter. The Director of Design and Development is the applicable Department Director.

20.45A.100 Exemption

The provisions of this Chapter do not apply to the following:

- A. Cemeteries and other burial plots while used for that purpose;
- B. Divisions of land into lots or tracts each of which is at least 20 acres. For purposes of computing the size of any lot under this Paragraph which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;

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- C. Divisions made by testamentary provisions, or the laws of descent;
- D. Divisions of land into lots or tracts classified for industrial or commercial use or for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed on the land when the City has approved a binding site plan in accordance with Land Use Code requirements;
- E. A division made for the purpose of alteration by adjusting boundary lines between platted or unplatted lots or both which does not create any additional lot, tract, parcel or site, in accordance with Section 20.45B.260;
- F. Any conveyance of land for use solely for the installation of electric power, telephone, water supply, sewer service, or other public utility facilities of a similar or related matter, or public right of way.
- G. Any division of land by short subdivision as provided for in Chapter 20.45B.

20.45A.110 Preliminary Plat - Special Notice Requirement

- A. General: The notice requirements of this section are in addition to the notice requirements of Section 20.35.130.
- B. Means of Notice: The Director of Design and Development shall provide notice of the public hearing by -----
 - 1. Mailing notice of the public hearing to appropriate city or town officials if the plat includes the use of any city or town utility or is adjacent to or within a mile of the boundaries of that city or town, and
 - 2. Mailing notice of the public hearing to appropriate county officials if the plat is adjacent to the Bellevue city boundary, and
 - 3. Mailing notice of the public hearing to the State Secretary of Transportation if the plat is adjacent to the right of way of a state highway or within two miles of the boundary of a state or municipal airport.

20.45A.120 Preliminary Plat - Submittal Requirements

- A. The Director of Design and Development shall specify the submittal requirements, including type, detail and number of copies, for a Preliminary Plat to be deemed complete and accepted for filing.

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- B. The Director of Design and Development may waive specific submittal requirements determined to be unnecessary for review of an application.

20.45A.130 Preliminary Plat - Decision Criteria The City may approve or approve with modifications a Preliminary Plat if --

- A. The preliminary plat makes appropriate provisions for, but not limited to, the public health, safety and general welfare; for open spaces, drainage ways, streets, sidewalks, alleys, other public ways, water supplies, sanitary waste, parks, playgrounds, sites for schools and schoolgrounds; and
- B. The public use and interest is served by the platting of the subdivision; and
- C. The preliminary plat appropriately considers the physical characteristics of the proposed subdivision site; and
- D. The proposal complies with all applicable provisions of the Land Use Code (Title 20), the Utility Codes (Title 24), the City of Bellevue Development Standards and RCW 58.17; and
- E. The proposal is in accord with the Comprehensive Plan (Title 21); and
- F. Each lot in the proposal can reasonably be developed in conformance with current Land Use Code requirements without requiring a variance; and
- G. All necessary utilities, streets or access, drainage and improvements are planned to accommodate the potential use of the entire property.

20.45A.140 Preliminary Plat - Time Limitation

A Preliminary Plat automatically expires and is void if the applicant fails to file for approval of the Final Plat within three years of the effective date of the Preliminary Plat approval unless--

- A. The applicant has received an extension for the Preliminary Plat pursuant to Section .150, or
- B. The Preliminary Plat approval provides for a greater time period.

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20.45A.150 Preliminary Plat - Extension

- A. The Director of Design and Development may extend a Preliminary Plat for up to one year, if--
1. A written request for extension is filed at least thirty days before the expiration of the three year period, and
 2. Unforeseen circumstances or conditions necessitate the extension of the Preliminary Plat, and
 3. Conditions in the immediate vicinity of the subject property have not changed substantially since the Preliminary Plat was first approved, and
 4. Termination of the Preliminary Plat would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay, and
 5. An extension of the Preliminary Plat will not cause substantial detriment to existing uses in the immediate vicinity of the subject property or to the community as a whole.
- B. The Director of Design and Development may grant no more than two extensions. A second extension may be granted for up to one year if --
1. A written request for extension is filed at least thirty days before the expiration of the first extension, and
 2. The criteria listed in Paragraph A of this section are met, and
 3. The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed.

20.45A.160 Preliminary Plat - Assurance Device

The City may require a reasonable assurance device in conformance with Section 20.40.490 to assure compliance with the provisions of the Platting and Subdivision Chapter and the approved Preliminary Plat.

20.45A.170 Preliminary Plat - Effect of Approval

- 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 and the Department of Storm and Surface Water Utilities.

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- B. After final approval of engineering drawings for public facilities within an approved preliminary plat, permits for the development of plat improvements 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 and Storm & Surface Water Utilities Development Standards, the payment of all fees, and the submittal of assurance devices as may be required.

20.45A.180 Final Plat - General

The applicant must submit the final Plat within three years of the effective date of the Preliminary Plat or the extension date if an extension was granted pursuant to Section .150.

20.45A.190 Final Plat - Applicable Procedure

The City will process an application for a Final Plat as provided in Sections .200 - .270. The Director of Design and Development is the applicable Department Director.

20.45A.200 Final Plat - Submittal Requirements

- A. The Director of Design and Development shall specify the submittal requirements, including type, detail and number of copies for a Final Plat to be deemed complete and accepted for filing.
- B. The Director of Design and Development may waive specific submittal requirements determined to be unnecessary for review of an application.

20.45A.210 Final Plat - City Council Review and Approval

- A. Report to Council: The Director of Design and Development shall submit a written report to the City Council evaluating compliance with the Preliminary Plat and with any conditions imposed on the Preliminary Plat
- B. City Council Action: The City Council shall consider the report at a public meeting and approve or deny the Final Plat. Modifications to Preliminary Plat approval will be processed as provided in Section 20.45A.250.

20.45A.220 Final Plat - Decision Criteria

Except as provided in Section .250, the City Council shall approve a Final Plat if it conforms to the Preliminary Plat and to all conditions imposed by the City Council in approving the Preliminary Plat.

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20.45A.230 Final Plat-Community Council Review

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 has jurisdiction, the Department of Design and Development shall transmit a copy of the final plat application to the Community Council for its 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 at which the City Council is to take final action on the final plat.

20.45A.240 Final Plat - Phased Development

Portions of an approved preliminary plat may be processed separately for recording in divisions provided that all divisions are 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 and the Storm and Surface Water Utility Director may require an assurance device be submitted for construction of improvements in subsequent divisions if such improvements are necessary for the continuity of transportation, utility, or other systems.

20.45A.250 Modification of Plat

- A. Modification to an approved preliminary plat may be granted if-
1. Circumstances render it impractical, unfeasible or detrimental to the public interest to accomplish a particular feature or element of work as a condition of preliminary plat approval, or
 2. If the subdivider proposes to add a particular feature or element which was not previously approved as part of the preliminary plat.
- B. The applicable Department Director shall review, make recommendations and approve or disapprove the request for modification following the authority set forth in subsection A and the procedures set forth in Section 20.35.175 et. seq. (Administrative Amendment).
- C. Exception. The following shall not constitute changes in the preliminary plat approval and thus do not require further review as provided for under subsection A and B above:
1. Engineering detail unless the proposed detail modifies or eliminates features specifically required as an element of the preliminary plat approval;

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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 five percent of the number of lots depicted on the preliminary plat.

20.45A.260 Final Plat - Recording Required

- A. 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.
- B. 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 with King County Department of Records and Elections within ninety days after the date of the approval.

20.45A.270 Final Plat - Assurance Device

The city may require an assurance device in conformance with Section 20.40.490 to assure compliance with the Subdivision and Platting Ordinance and the approved Final Plat. All required improvements must be completed within one year from the date of Final Plat approval unless work is continuous beyond that point. The City will retain a maintenance device for one year after City acceptance of all required improvements.

20.45A.280 Special Requirements for Sensitive and Protected Areas

- A. A lot which contains a Sensitive Area must be configured in a manner which, to the maximum extent possible, will allow a structure to be built on the least sensitive portion of the site in conformance with the Performance Standards of Section 20.25H.110.
- B. A lot which contains a Protected Area must be configured in a manner which will allow a designated building pad to be located outside of any Protected Area or Protected Area setback.
- C. The City shall require as a condition of preliminary plat approval that no disturbance occur within the Protected Area or Protected Area setback unless otherwise permitted in Chapter 20.25H.

20.45A.290 Violations-Enforcement

Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of RCW 58.17 or this chapter relating to the sale, offer

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for sale, lease, or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of RCW 58.17 or this chapter shall be deemed a separate and distinct offense. Any other violation of this Chapter is a civil violation as provided in Bellevue City Code 1.18.

20.45A.300 Injunctive Action

The City of Bellevue, through its authorized agents to the extent provided by State law, 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. Section 20.50.012 of the Bellevue City Code (Land Use Code) is amended by the addition of the following definition;

BOUNDARY LINE ADJUSTMENT. A division made for the purpose of alteration by adjusting boundary lines between platted or unplatted lots or both which does not create any additional lots, tracts, parcels, sites nor create existing lots which are more nonconforming.

Section 4. Section 20.50.016 of the Bellevue City Code (Land Use Code) is amended by the addition of the following definitions:

DEDICATION. 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 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 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.

DEPARTMENT OF DESIGN AND DEVELOPMENT. An administrative department of the City of Bellevue as described in Bellevue City Code Chapter 3.45.

DEPARTMENT OF PUBLIC WORKS AND UTILITIES. An administrative department of the City of Bellevue as described in Bellevue City Code Chapter 3.39, which may also be referred to as the "Public Works Department."

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DEPARTMENT OF STORM AND SURFACE WATER UTILITIES. An administrative department of the City of Bellevue, as described in Bellevue City Code Chapter 3.40.

DIVISION OF LAND: The separation of any parcel of land into two or more parcels.

Section 5. Section 20.50.018 of the Bellevue City Code (Land Use Code) is amended by the revision of the following definition;

EASEMENT. ((A right in the owner of one parcel of land by reason of such ownership to use the land of another for a special purpose.)) A grant or authorization by a property owner of the use of any designated portion of land by the public generally or by a corporation, or persons for specified purposes.

Section 6. Section 20.50.020 of the Bellevue City Code (Land Use Code) is amended by the addition of the following definition;

FINAL PLAT. The final drawing of the subdivision and any dedications prepared for filing for record with King County Department of Records and Elections and containing all elements and requirements set forth for final plats in Chapter 20.45A and as required by state law.

Section 7. Section 20.50.036 of the Bellevue City Code (Land Use Code) is amended by the addition of the following definition;

NONBUILDING 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 and which prohibits or precludes improvements for the purpose of human habitation or occupancy. Any lot so dedicated as a nonbuilding tract shall not be considered a lot for purposes of calculating the number of lots included in a short subdivision.

Section 8. Section 20.50.040 of the Bellevue City Code (Land Use Code) is amended by the addition of the following definition;

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, consistent with Chapter 20.45A and RCW 58.17.

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Section 9. Section 20.50.046 of the Bellevue City Code (Land Use Code) is amended by the revision of the following definitions;

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 of ownership, including all resubdivision of land.

SUBDIVISION, SHORT. 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.

Section 10. This ordinance shall take effect and be in force five days after final passage by the Council.

PASSED by the City Council this 18th day of July, 1988, and signed in authentication of its passage this 18th day of July, 1988.

(SEAL)

Nan Campbell
Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard G. Bidley
Richard Gidley, Deputy City Attorney

Attest:

Marie K. O'Connell
Marie K. O'Connell, City Clerk

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