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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3938

AN ORDINANCE relating to short plats and short subdivisions of land; repealing Ordinance No. 3161, as amended, and Chapter 22D.11 of the Bellevue City Code; adding a new chapter to the Bellevue City Code (Land Use Code) designated as Chapter 20.45B.

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

WHEREAS, the Short Plat and Short 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 Environmental Procedures ordinance; now therefore,

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

Section 1. Ordinances 3161, 3500 and 3784, as amended, and Chapter 22D.11 of the Bellevue City Code are each hereby repealed.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 20.45B to read as follows:

SHORT PLAT AND SHORT SUBDIVISION

Chapter 20.45B

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20.45B.010 Scope

This chapter establishes the procedure and criteria that the City will use in making a decision upon an application for a short subdivision or a boundary line adjustment.

20.45B.020 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, storm water drainage, ingress and egress, and public uses; to promote the coordinated development of vacant lands; to protect Sensitive Areas as designated in the Sensitive Area Overlay District and the Sensitive Area Notebook; and to require conveyance by accurate legal description.

20.45B.030 Definitions Specific to Short Plat and Short Subdivision Chapter

As used in this chapter, the following definitions apply:

- A. DEVELOPMENT STANDARDS. Currently effective Public Works and Utilities and Storm and 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

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zoning requirements for width and area.

- C. REVISION: 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.
- D. 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.

20.45B.040 Who May Apply

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

20.45B.050 General Requirements

- A. Every short subdivision shall comply with applicable provisions of RCW Chapter 58.17 and shall comply with all applicable goals, regulations and standards of Bellevue City Code Title 20 (Land Use Code); and adopted Public Works Development Standards. Short subdivisions shall also be in accord with the policies of Bellevue City Code Title 21 (Comprehensive Plan).
- B. A proposed Short Subdivision shall be considered under all applicable land use regulations and codes in effect at the time a fully completed application for preliminary short 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 short plat application" means an application which contains all information required to be submitted by these regulations.

20.45B.060 Review Stages

Subject to Section .070, the review and decision of the City on an application for a short subdivision shall consist of the following stages:

- A. Review and decision upon the Preliminary Short Plat (Section 20.45B.080 - .180); and
- B. Review and decision upon the engineering plans, if required; and
- C. Review and decision upon the Final Short Plat (Section 20.45B.190 - .250).

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20.45B.070 Merger

- A. The applicant may request that review and decision on the Preliminary Short Plat and the Final Short Plat be merged in one decision. The merged decision will be made following the procedures for the Preliminary Short Plat (Section 20.45B.080 - .180). The applicant shall submit all plans and information in the detail required for the Final Short Plat and shall comply with all other requirements and standards for a Final Short Plat.
- B. Unless the applicant requests otherwise, the City shall process a Preliminary Short 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.

20.45B.080 Preliminary Short Plat - Applicable Procedure

The City will process an application for a Preliminary Short Plat pursuant to Sections .100 to .180. The Director of Design and Development is the applicable Department Director.

20.45B.090 Exemptions

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

- A. Cemeteries and other burial plots while used for that purpose;
- B. Any division of land into lots or tracts each of which is at least 20 acres or larger;
- C. Divisions of land 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. 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 nature; or public right-of-way;
- F. Any division of land by formal subdivision as provided for in Chapter 20.45A.

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20.45B.100 Preliminary Short 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 Short 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.

20.45B.110 Preliminary Short Plat - Public Notice of Upcoming Decision

- A. Content: The applicable Department Director shall prepare notice of an upcoming decision on the application containing the following:
 - 1. The name of the applicant, and if applicable, the project name; and
 - 2. The street address of the subject property, and a description in non-legal terms sufficient to identify its location; and
 - 3. A vicinity map indicating the location of the subject property; and
 - 4. A brief description of the approval requested in the application; and
 - 5. The date on which the minimum public comment period ends; and
 - 6. A statement of the right of any person to participate in the decision as provided for in Section .120; and
 - 7. A statement that only those who participate in the decision as provided in Section .120 may appeal the decision of the applicable Department Director.
- B. Provision of Notice
 - 1. Time of Notice: The applicable Department Director shall provide notice of an upcoming decision on the application at least 17 calendar days prior to the decision.
 - 2. Means of Notice: The applicable Department Director shall provide notice of an upcoming decision on the application by:
 - a. Posting notice of an upcoming decision at each official posting place of the City (see Bellevue City Code 1.08); and

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- b. Requiring the applicant to erect public information signs in compliance with Bellevue City Code 2.14; and
- c. Publishing notice of the upcoming decision in a newspaper designated as the official newspaper by the City (see Bellevue City Code 1.08).

20.45B.120 Preliminary Short Plat - Public Comment Process Before Director's Decision

- A. Who may Participate: Any person may participate in the decision.
- B. How to Participate: A person may participate in the decision by submitting written comments on the application to the applicable Department Director prior to the date on which the decision is made.

20.45B.130 Preliminary Short Plat - Applicable Department Director's Decision

- A. General: On or after the date specified in Paragraph .110.A, the applicable Department Director shall either approve, approve with modifications or deny the application.
- B. Decision Criteria: The applicable Department Director may approve or approve with modifications if:
 1. The preliminary short 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; and
 2. The public interest is served by the short subdivision; and
 3. The preliminary short plat appropriately considers the physical characteristics of the proposed short subdivision site; and
 4. The proposal complies with all applicable provisions of the Land Use Code (Title 20), the Utility Codes (Title 24), and the City of Bellevue Development Standards; and
 5. The proposal is in accord with the Comprehensive Plan (Title 21); and
 6. Each lot in the proposal can reasonably be developed in conformance with current Land Use Code requirements without requiring a variance; and

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7. All necessary utilities, streets or access, drainage and improvements are planned to accommodate the potential use of the entire property.
- C. Written Decision of the Director:
1. Content: The applicable Department Director shall issue a written decision which contains the following:
 - a. A statement indicating that the application is approved, approved with modifications or denied; and
 - b. A statement of any conditions included as part of an approval; and
 - c. A statement of facts upon which the decision, including any conditions, was based and the conclusions derived from those facts; and
 - d. A statement of the right of any person who participated in the decision as provided for in Section .120 to appeal the decision of the applicable Department Director as provided for in Section .140.
 2. Distribution: The applicable Department Director shall mail the written decision to the applicant and each person who participates in the decision as provided for in Section .120.

20.45B.140 Preliminary Short Plat - Appeal

The decision of the applicable Department Director may be appealed by parties of record in accordance with the provisions of Section 20.35.600 et. seq. (Process VI).

20.45B.150 Preliminary Short Plat - Time Limitation

A Preliminary Short Plat automatically expires and is void if the applicant fails to file for approval of the Final Short Plat within one year of the effective date of the Preliminary Short Plat approval unless:

- A. The applicant has received an extension for the Preliminary Short Plat pursuant to Section 160; or
- B. The Preliminary Short Plat approval provides for a greater time period.

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20.45B.160 Preliminary Short Plat - Extension

- A. The Director of Design and Development may extend a Preliminary Short Plat not to exceed six months, if:
1. A written request for extension is filed at least 30 days before the expiration of the one year period; and
 2. Unforeseen circumstances or conditions necessitate the extension of the Preliminary Short Plat; and
 3. Termination of the Preliminary Short Plat would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and
 4. Conditions in the immediate vicinity of the subject property have not changed substantially since the Preliminary Short Plat was first granted; and
 5. An extension of the Preliminary Short 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 not to exceed six months may be granted if:
1. A written request for extension is filed at least 30 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.

20.45B.170 Preliminary Short 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 Short Plat and Short Subdivision Chapter and the approved Preliminary Short Plat.

20.45B.180 Preliminary Short Plat - Effect of Approval

- A. The approval of a preliminary short plat by the Department Director is approval of the general acceptability of the layout and its relation to adjoining properties. Engineering detail, if required

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remains subject to the approval of the Department of Public Works and Utilities and the Department of Storm and Surface Water Utility.

- B. After final approval of engineering drawings for public or private facilities within an approved Preliminary Short Plat, permits for the development of the Short 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 Short Plat, conformance with Public Works and Utilities and Storm and Surface Water Utilities Development Standards, the payment of all fees, and the submittal of assurance devices as may be required.
- C. The approved preliminary short subdivision including conditions shall be the basis for approval of the final short subdivision. However, if the preliminary short subdivisions 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 in effect at the time of vesting, the preliminary short subdivision approval and conditions may be reconsidered without complying with the procedures for preliminary short plat approval.

20.45B.190 Final Short Plat - General

The applicant must submit the Final Short Plat within one year of the effective date of the Preliminary Short Plat or the extension date if granted pursuant to Section .160.

20.45B.200 Final Short Plat - Applicable Procedure

The City will process an application for a Final Short Plat as provided in Sections .210 - .250. The Director of Design and Development is the applicable Department Director. Appeals from final short plat decisions shall be processed pursuant to Section 20.35.600 et. seq. (Process VI)

20.45B.210 Final Short 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 Short 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.

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20.45B.220 Final Short Plat - Decision Criteria

Subject to Section .240, the Director of Design and Development shall approve a Final Short Plat if it conforms to all conditions and requirements of the Preliminary Short Plat approval.

20.45B.230 Final Short Plat - Recording Required

Upon final short plat approval and expiration of appeal periods, the Department of Design and Development will forward an approved Short Plat to the King County Department of Records and Elections for recording. Signatures of approval from the appropriate, authorized administrators in the Department of Public Works and Utilities, Department of Storm and Surface Water Utility, 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.

20.45B.240 Final Short Plat - Revision

- 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 20.45A of this code, or a binding site plan is approved in accordance with Land Use Code requirements; 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

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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 preliminary short subdivision approval 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 Design and Development with the King County Department of Records and Elections and upon receipt of proof of recording.

20.45B.250 Final Short Plat - Assurance Device

The City may require a reasonable assurance device for public or private improvements in conformance with Section 20.40.490 to assure compliance with the Short Subdivision and Short Plat Chapter and the approved Final Short Plat. All required improvements must be completed within one year from the date of final short plat approval unless work is continuous beyond that point. The City will retain a maintenance device for one year beyond City acceptance of all required public improvements.

20.45B.260 Boundary Line Adjustment

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 Section 20.20.010 to become more nonconforming unless the adjustment equalizes more than one adjacent nonconforming lots.
- 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 and the Storm and Surface Water Utility Department.

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- D. The processing of boundary line adjustments shall be the same as for Final Short Plats as provided in the applicable provisions of Sections .210 - .230.
- E. All boundary line adjustments shall be recorded surveys consistent with RCW Chapter 58.09. All boundary lines being adjusted shall be surveyed, and newly established lot corners shall be staked.
- F. Appeals from administrative determinations for boundary line adjustments are applicable only to the applicant and shall be processed pursuant to Section 20.35.600 et. seq. (Process VI). The applicant may waive the appeal period through written authorization.

20.45B.270 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 Short Plat approval that no disturbance occur within the Protected Area or Protected Area setback unless otherwise permitted in Chapter 20.25H.

20.45B.280 Violations - Enforcement

A. Penalties

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 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.

B. 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

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short 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 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 Gidley
Richard Gidley, Deputy City Attorney

Attest:

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

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