

CITY OF BELLEVUE, WASHINGTON

Ordinance No. 2374

AN ORDINANCE relating to short plats and short subdivisions; adding a new title to the Bellevue City Code; amending Ordinance No. 1329 Section 1 (part) and Bellevue City Code Sections 22C.10.090F and 22C.10.090R and repealing Ordinance No. 1329 Section 1 (part) and Bellevue City Code Section 22C.10.180.

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

Section 1. There is hereby added to the Bellevue City Code Chapter 22C.11 to be entitled "Short Plats and Short Subdivisions" which may be cited as such and will be referred to herein as "this chapter."

22C.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 less lots, tracts, parcels, or sites for the purpose of sale or lease.

22C.11.020 Definitions. Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "shall" is always mandatory, the word "may" denotes a use of discretion in making a decision; the words "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Dedication is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself 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 short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the Director of Public Works and the filing thereof.

Division of Land. The separation of any parcel of land into two (2) or more parcels.

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. The term shall include tracts or parcels.

Lot Frontage. That portion of a lot directly abutting access to that lot, whether by public street or any other means.

Non-Building Tract is a fractional part of subdivided lands with dimensions less than necessary to meet the minimum zoning requirements for width and area governing the use district in which it is located, jointly owned by the fee owners of more than one lot which abuts the non-building tract and which is intended to provide ingress, egress, utility access, open space, drainage or other purpose necessary to the public welfare. A non-building tract shall not be considered a lot for purposes of calculating the number of lots included in a short subdivision.

Revision is the modification of a previously approved and recorded short subdivision which results in the alteration of interior lot lines but which does not result in the creation of more than the original number of legal building lots within the boundaries of the originally approved and recorded short subdivision within five years of the recording of the original short plat.

Short plat is the map or representation of a short subdivision.

Short subdivision is the division of land into four or less lots, tracts, parcels, sites or subdivisions for the purpose of sale or lease.

22C.11.030 Compliance with State, Local Laws. Every short subdivision shall comply with applicable provisions of Chapter 58.17 RCW, and shall conform to all applicable requirements of the Bellevue City Code, Bellevue Zoning Code and the Comprehensive Plan. The Director of Public Works shall not approve for recording any short subdivision which violates the above provisions or requirements.

22C.11.040 Standards and Goals. Short subdivisions shall comply with all applicable community and neighborhood considerations and site goals as set forth in the City of Bellevue Platting and Subdivision Ordinance, Chapter 22C.10 BCC.

22C.11.050 General Design Standards. The design of short plats and short subdivision plans shall conform with the requirements of any official control relating to land use adopted to implement the Bellevue Comprehensive Plan or any element thereof, or any other official plan; PROVIDED, that in the event of a discrepancy among standards and requirements, the responsible department may exercise professional judgment to determine which standard or requirement shall control.

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, non-building tracts may be required to be delineated or plat 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.

22C.11.060 Minimum Access Requirements. In short subdivisions, the following minimum access requirements shall be met:

1. Frontage, at least 30 feet wide, on a dedicated and improved public street, or
2. Frontage on a recorded ingress-egress and utility easement or non-building tract which is a minimum of twenty (20) feet wide.

22C.11.070 Short Subdivision Application - Content. Short subdivision applications shall be filed with the Permit Coordinator or Director of Public Works for review and approval. The processing of the application, necessary documents and information shall be as required by the Department of Public Works. A fee shall be charged the applicant for processing the short subdivision application and accompanying documents.

Applications for short subdivisions shall include, but not be limited to, the following information:

1. A drawing of the total parcel on forms provided by the Department of Public Works, to a convenient scale, showing the following:
 - A. Adjoining property lines within one hundred feet,
 - B. Dimensions of the total parcel sought to be short subdivided and of all proposed lots and non-building tracts,
 - C. Distances from proposed lot lines to existing buildings,
 - D. Existing and proposed streets, easements of record, utilities, railroads, bodies of water and existing improvements and buildings.
2. Legal description of each proposed lot.

3. Legal description of the total property sought to be subdivided which agrees with the Title Company description as required by 22C.11.080.

22C.11.080 Title Company Certification. All short subdivision applications shall be accompanied by a current Title Company certification of:

1. The legal description of the total parcel sought to be short subdivided; and
2. Those persons holding an ownership interest in said parcel; and
3. All divisions or tax segregations within the preceeding 5 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, except that if created prior to the immediately preceding 5 year period, a statement to that effect will suffice.

Should said certificate indicate that the parcel sought to be short subdivided had been included in or resulted from an earlier short subdivision within the immediately previous five (5) year period, evidence of an approved short plat must be produced by the applicant. For purposes of calculating the five year period, the date of approval of a short subdivision shall be the date the short plat thereof was filed with the King County Department of Records and Elections, and the date of approval shall constitute the beginning of the five year period prior to the end of which short subdivided property shall not be further short subdivided.

An application for the division of any parcel which was included in or resulted from a short subdivision occurring within the immediately previous five year period must be filed in accordance with Bellevue City Code Chapter 22C.10. (See 22C.11.160 and RCW 58.17.060)

22C.11.090 Review of Short Subdivision Application.

Applications shall be reviewed by both the Department of Public Works and the Planning Department and approved with or without conditions, disapproved or returned to applicant within thirty (30) days from date of filing thereof unless the applicant consents to an extension of such time period.

22C.11.100 Public Works Review.

The Department of Public Works shall, in its review of a proposed short subdivision, consider and base its approval, denial or approval with conditions upon the following:

- A. The recommendations or comments of the Planning Department; and
- B. The proposed short subdivision's conformance with this ordinance and other ordinances, standards and specifications adopted by the State of Washington and the City of Bellevue; and
- C. Its determination that the applicant has made adequate and proper provision for, but not limited to, the following matters:
 - 1. access to and from the properties
 - 2. accuracy of all legal descriptions
 - 3. ownership and maintenance of any non-building tract
 - 4. consistency of drawings with legal descriptions
 - 5. other matters reasonably and necessarily required by the location and proposed use of the short subdivision

22C.11.110 Planning Review.

The Planning Department shall review short subdivision applications to determine whether the applicant has made adequate and proper provision in compliance with zoning regulations for, but not limited to, the following matters:

- A. Lot area;
- B. Setbacks of existing buildings from proposed lot lines;
- C. Minimum lot dimensions;
- D. Access dimensions;
- E. Other matters reasonably required by the short subdivision location and proposed use.

The Planning Department shall also determine the proposed short subdivision's compliance with the goals and policies of the Comprehensive Plan.

22C.11.120 Approval by Public Works and Planning Departments.

Both Department of Public Works and Planning Department may, as a result of their review of a short subdivision application, impose conditions upon their approval of the proposed short subdivision in order to mitigate any adverse impacts indicated. Should an environ-

mental impact statement be required, the time necessary for preparation of the EIS shall not be computed as part of the above thirty (30) days.

22C.11.130 Performance Bond. The applicant shall deposit a performance bond, or other satisfactory security, with the Director of Public Works in an amount equal to the estimated cost of any road and street improvements required to be constructed pursuant to this ordinance and the estimated cost of inspection thereof by the Department of Public Works, as a guarantee that the applicant will, within one (1) year from date of recording of said short plat, fully comply with all required road or street improvements in a manner consistent with Bellevue grading, surfacing, drainage and access standards and specifications.

22C.11.140 Conditions must be fulfilled; Penalty. The conditions of approval of any short subdivision, if any, must be fulfilled within 12 months or the Department of Public Works may declare a forfeiture of any performance bond posted pursuant to Section 22C.11.130.

22C.11.150 Dedications. When a short subdivision involves a dedication of street right-of-way, the vacation of a right-of-way, easements for utilities, street or utility improvements, or the acquisition of lands for other public use, as determined by official maps or actions of the City Council, such subjects shall be resolved and completed prior to the approval and recording of the short subdivision.

Every short plat filed for record and containing a dedication must contain a certificate indicating dedication of all streets and other areas to the public, and individual or individuals, religious society or societies or to any corporation, public or private as shown on the short plat, and a waiver of all claims for damages against the City which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said streets or roads. Said certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands divided.

Every short plat filed for record and containing a dedication must be accompanied by a title report confirming that the title to the lands as described and shown on said short plat are in the name of the owners signing the certificate.

An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted by the City, any such waiver is effective. Such waiver may be required by the Director of Public Works as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the short plat. Any dedication, donation

or grant as shown on the face of the short plat shall be considered to all intents and purposes, as a quit claim deed to the said donee or grantee for its use for the purpose intended by the donor or grantor.

22C.11.160 Redivision of Short Subdivisions. Land in short subdivisions may not be further divided in any manner within a period of five (5) years without the filing of a final plat as set forth in Bellevue City Code Chapter 22C.10.

22C.11.170 Short Plat Revision and Vacation.

1. Revision. Any short subdivision may be revised at any time in accord with the following requirements:
 - A. All contiguous ownership interests within the originally recorded short subdivision must be a party to the revision application, or must express written agreement to the proposed short subdivision 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 short subdivision revision.
 - B. Any features contained in the original short subdivision which have been relied upon in subsequent land development or City planning decisions shall be incorporated in the short subdivision revision, unless such features are provided by other legal means at the time of short subdivision revision.
 - C. 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 filed for record by the Department of Public Works with the King County Department of Records and Elections and upon receipt of proof of filing by the Department of Public Works. The Department shall forward a copy of the proof of filing to the applicant bearing the date upon which said proof was received by the Department.
2. Vacations. Any short subdivision revision which alters interior boundaries or rights-of-way 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 filing is received by the Department of Public Works. Any vacation of a short plat under the provisions of this chapter shall not affect the running of the five-year period initiated upon the filing of the original short plat.

22C.11.180 Recording of Short Plats. The sale or lease of any property for any use which accomplishes a division of property of one ownership into four or less lots, tracts, parcels, or sites shall be filed with the Department of Public Works for review and evaluation as set forth in Section 22C.11.070.

All short plats of short subdivisions approved by the Director of Public Works and the Director of Planning shall be filed for record in the King County Department of Records and Elections by the Department of Public Works. No administrative approval of a short subdivision is deemed final until a short plat is so filed and proof of filing is received by the Department of Public Works. Upon receipt of said proof of filing, the Department of Public Works shall forward a copy of the same to the applicant bearing the date upon which it was received by said department.

Every short plat to be filed for record must contain a certificate provided by the owner which gives a full and correct description of the lands divided as they appear on the short plat, including a statement that the short subdivision has been made with the free consent and in accordance with the desires of the owner or owners.

22C.11.190 Appeals. Appeals from an administrative denial or approval of a short subdivision application shall be heard by the Board of Adjustment and processed as set forth in Bellevue City Code Chapter 22C.10.

22C.11.200 Permits. No permits shall be issued by any City department for construction, modification, or use of any property divided in violation of this chapter.

22C.11.210 Violation-Enforcement. The violation or failure to comply with any of the provisions of this chapter shall be and is hereby declared to be unlawful and is subject to enforcement provisions as set forth in Bellevue City Code Section 1.16.020. Each day or portion thereof upon which an unlawful act or omission occurs constitutes a separate violation.

Whenever any parcel of land is divided into four or less lots, tracts or subdivisions of land, and any person, firm or corporation or any agent thereof sells or transfers, or offers or advertises for sale or transfer, any such lot, tract or division without having such short subdivision filed for record in accordance with provisions of this chapter and RCW 58.17, the City Attorney may commence an action to restrain and enjoin further divisions or sales, or transfers, or offers for sale or transfer and compel compliance with all provisions of this chapter and RCW 58.17. The costs of such action shall be assessed against the person, firm, corporation or agent selling or transferring the property.

Section 2. Severability. If any provision, section or subsection of this ordinance or its application to any person or circumstance is declared unconstitutional or invalid, the remainder of this ordinance or the application thereof to other persons or circumstances shall not be affected.

Section 3. Ordinance No. 1329 Section 1 (part) and Bellevue City Code Sections 22C.10.090F and 22C.10.090R are each hereby amended to read as follows:

22C.10.090 Definitions.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "shall" is always mandatory, the word "may" denotes a use of discretion in making a decision; the words "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

...
F. "Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself 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.

...
R. "Subdivision" is the division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease and shall include all resubdivision of land.

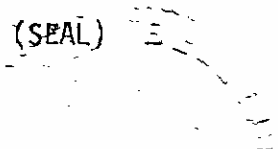
Section 4. Ordinance No. 1329 Section 1 (part) and Bellevue City Code Section 22C.10.180 are each hereby repealed.

2374
12/17/76

Section 5. This ordinance shall take effect and be in force 30 days after enactment by the City Council.

PASSED by the City Council this 20 day of December, 1976, and signed in authentication of its passage this 20 day of December 1976.

(SEAL)


M. F. Vanik
M. F. Vanik, Mayor

Approved as to form:

Laurence G. Nord, Jr.
Laurence G. Nord, Jr.

Attest:

Patricia K. Weber
Patricia K. Weber, City Clerk

Published December 28, 1976