

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2471

AN ORDINANCE relating to the platting and subdivision of land; repealing Ordinance No. 1329 as amended, and Chapter 22C.10 of the Bellevue City Code; substituting therefor a new chapter to the Bellevue City Code, designated as Chapter 22C.10, and repealing Chapter 22C.12 of the Bellevue City Code.

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

Section 1. Ordinance No. 1329 as amended, and Chapter 22C.10 of the Bellevue City Code are each hereby repealed.

Section 2. There is hereby added to the Bellevue City Code a new chapter, 22C.10, to read as follows:

Chapter 22C.10

Platting and Subdivisions

Sections:

- 22C.10.010 Purpose.
- 22C.10.020 Application of Regulations.
- 22C.10.030 Definitions.
- 22C.10.040 General requirements.
- 22C.10.050 Community goals.
- 22C.10.060 Neighborhood goals.
- 22C.10.070 Site requirements.
- 22C.10.080 General design standards.
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22C.10.010 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 lessen traffic congestion in the streets and thoroughfares, to promote the coordinated development of unbuild areas, to conserve natural beauty and other natural resources, and to facilitate the adequate provision of transportation, water, sewerage, drainage, parks and recreation areas, sites for schools and other public uses and requirements.

22C.10.020 Application of Regulations.

- A. The regulations contained in this chapter shall apply to the division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or building development, whether immediate or future. Every map, plat, replat or plan hereafter made of any such division of land within the territorial limits of the City shall comply with the provisions of this chapter. No such map, plat, replat or plan shall be recorded or have any validity unless it shall have the approval of the City Council and such other approvals as required by this chapter.
- B. Requests for adjustments of lot lines between properties, relocation of easements, and other changes affecting the size, shape or services available to the property without affecting a division of land shall be processed in the manner prescribed for a short plat under Chapter 22C.11 of this Title.
- C. The provisions of this chapter shall not apply to:
 - (1) Cemeteries and other burial plots while used for that purpose.

- (2) Divisions of land into lots or tracts where the smallest lot is twenty acres or more and not containing a dedication of a public right-of-way.
- (3) Divisions made by testamentary provisions, the laws of descent or upon court order.

22C.10.030 Definitions.

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

ALLEY. A strip of land dedicated to public use to provide service access to adjoining properties.

BLOCK. A tract of land bounded by streets, railroad right-of-way, waterways, parks, or other well-defined and fixed boundaries.

COMPREHENSIVE PLAN. All development principles and standards, plans, maps, rules and regulations adopted by the City Council as objectives and goals for the Comprehensive Plan for the City (as defined in RCW Chapter 35A.63) which are in effect at the time of submission of a preliminary plat.

CUL-DE-SAC. A street having one end intersecting another street and the other end permanently terminated by a vehicular turnaround.

DEDICATION. The deliberate appropriation of land by its owner for general and 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. A specific use, such as Street or Park, may be specified in the instrument of dedication.

DEPARTMENT OF PUBLIC WORKS AND UTILITIES. An administrative department of the City of Bellevue which may also be referred to as the "Public Works Department" or the "Department of Streets and Public Works."

EASEMENT. A grant or authorization by a property owner of the use of any designated portion of land by the public, a corporation or persons for specified purposes.

FINAL PLAT. The map or plan of a plat, subdivision and dedication prepared for filing for record and containing those elements and requirements as set forth for final plats in this chapter and as required by state law.

HEARING BODY. For the purposes of this chapter, the hearing

examiner operating pursuant to the powers and duties set forth by Chapter 3.56 of the Bellevue City Code shall be the Hearing Body.

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. The term shall include tracts or parcels.

PEDESTRIAN WALKWAY. A right-of-way, easement or facility dedicated to public use and used or designed for pedestrian circulation purposes.

PRELIMINARY PLAT. A neat and approximate drawing of a proposed land division and/or development scheme of five or more lots which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

RIGHT-OF-WAY. A strip of land dedicated for public use for utility, vehicular and/or pedestrian travel, access to adjoining properties or other use involving maintenance by a public agency.

ROADWAY. The portion of a street or alley right-of-way that is improved for vehicular traffic or use including shoulders on streets without curbs.

STREET. A public right-of-way which provides access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, road, court and any other thoroughfare except an alley.

STREET DEVELOPED. A right-of-way developed to the minimum standards established by the City of Bellevue.

STREET UNDEVELOPED. A right-of-way not developed to the minimum standards established by the City of Bellevue.

SUBDIVIDER, DEVELOPER OR PLATTER. Any person, firm or corporation or authorized representative undertaking the subdividing or resubdividing of a lot, block, or other parcel of land.

SUBDIVISION. The division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer and shall include all resubdivision of land.

ZONING RESTRICTIONS. The restrictions contained in the Bellevue Zoning Code or Land Use Code.

22C.10.040 General requirements.

New plats, replats or other subdivision of land shall conform to

the general purposes and policies of the Comprehensive Plan, and shall conform to the district regulations of the Bellevue Zoning Code or Land Use Code, the requirements of this chapter, and other applicable ordinances.

Use of lots in existing, recorded plats shall be subject to the requirements of the Bellevue Zoning Code or Land Use Code and other applicable ordinances.

22C.10.050 Community goals.

All plats, subdivisions and developments shall be coordinated with City goals and projects, and with the goals and projects of other related political jurisdictions.

All proposals shall recognize such community considerations as arterial streets, freeways, boulevards, major utilities, drainage and water storage areas and land use districts in their design.

22C.10.060 Neighborhood goals.

All plats, subdivisions and developments shall recognize neighborhood goals and existing projects and developments in their design.

All proposals shall recognize neighborhood considerations such as streets, utilities, underground wiring, parks, pathways, greenbelts, schools and special features such as streams, bridle trails, lake frontage, transition to other land use districts and slide prone or other unstable areas.

22C.10.070 Site requirements.

- A. The proposed plat, subdivision or partial development of a property shall be planned to accommodate the potential use of the entire property.
- B. All necessary utilities, streets or access, and drainage shall be provided for. To the maximum extent possible, vehicle access to the various use classes of properties should be through property of the same usage, e.g., access to business property should not be through property zoned other than for business use.
- C. All necessary cuts and fills shall be adequately maintained with ground cover, rockery, retaining walls or other erosion control devices.
- D. Natural features such as the topography, trees, streams, views, ponds and water storage areas and other natural

assets shall be preserved and kept in a natural state to the maximum extent possible.

22C.10.080 General design standards.

A. Alleys. Alleys may be required to provide secondary access where deemed necessary by the Hearing Body or the City Council.

B. Blocks.

- (1) Length. In general, blocks shall be as long as is reasonably possible consistent with the topography and the needs for convenient access, circulation, control and safety of street traffic, and type of land use proposed, but ordinarily, block lengths shall not exceed thirteen hundred twenty feet or be less than four hundred forty feet.
- (2) Width. Except for multiple-frontage parcels, the width of blocks shall ordinarily be sufficient to allow for two tiers of lots of depths consistent with the type of land use proposed and zoning district involved.
- (3) Super. For large parcels with access provided by a series of cul-de-sac or loop streets entering from the periphery and for large parcels platted into half acre and larger lots, the criteria in the above sections may be disregarded in favor of considerations on an individual basis.
- (4) Pedestrian walkways. A pedestrian crosswalk right-of-way not less than ten feet wide shall be provided approximately at the midpoint of any block exceeding nine hundred feet in length, or in any block of lesser length where such a pedestrian walkway is deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation lines, and other community facilities.

C. EASEMENTS.

- (1) Public utilities. A minimum 5 foot easement for public utilities shall be provided on each side of all front and rear lot lines and 2 1/2 feet on each side lot line. Insofar as possible, the easements shall be continuous and aligned from block to block within the subdivision and with adjoining subdivisions. Easements for existing or future utility lines which do not lie along rear or side lot

lines shall be of a width specified by the serving utility.

- (2) Unusual facilities. Easements for unusual facilities, such as high-voltage transmission lines, irrigation canals, and pondage areas, shall be of such widths as are adequate for the purpose, including any necessary maintenance roads.
- (3) Watercourses. Where a subdivision is traversed by a watercourse, drainage way, wasteway, channel or stream, there shall be provided a storm water easement or drainage right-of-way along any drainage way of a width determined by the Department of Public Works and Utilities to be adequate for drainage purposes.
- (4) Slopes and fills. Where the grading of streets requires slope and/or fill areas greater than typical right-of-way widths, slope and fill easements shall be required.

D. LOTS.

- (1) Design. Lot width, area, size and shape shall conform to the appropriate provisions of the Bellevue Zoning Code or Land Use Code.

E. STREETS.

- (1) Alignments. Streets shorter than five hundred feet shall be given special study for both vertical and horizontal alignment.

Minimum sight distances shall be provided on both vertical and horizontal curves of:

- (a) Three hundred feet on major arterial streets;
- (b) Two hundred fifty feet on secondary arterial streets;
- (c) One hundred fifty feet on collector arterial streets;
- (d) One hundred ten feet on local access streets.

The above distances are minimums based on a terrain classification of "hilly" (cross slope of greater than fifteen percent). In flatter areas greater sight distances may be required.

- (2) Intersections. Street intersections shall be as nearly at right angles as is practicable. When the most feasible plan entails an intersection angle that deviates more than fifteen degrees from a right angle, curves of suitable radius and lengths shall be provided.
- (3) Jogs at intersections. Street jogs with centerline offsets of less than one hundred fifty feet for local access streets and two hundred feet for collector arterials shall be avoided unless no practical alternatives are available.
- (4) Grades. Streets shall conform closely to the natural contour of the land, except where a different grade has been established by City authorities. Grades should not be less than 0.50 percent on any street and not more than six percent for major streets or twelve percent for minor streets and in no case more than 20% on any public or private street. Changes in grades shall be connected by vertical curves.
- (5) Relation to adjoining street systems. The layout of streets shall provide for the continuation of principal streets existing in adjoining subdivisions or of their proper projection when adjoining property is not subdivided. The layout shall also provide for future projection of streets into areas which presently are not subdivided.
- (6) Cul-de-sac. Streets designed to have one end permanently closed shall be provided at the closed end with a turnaround, having a minimum right-of-way radius of fifty-five feet.
- (7) Dead-End. Streets temporarily dead-ended shall provide a temporary turnaround facility as approved by the Department of Public Works and Utilities.
- (8) Intersection alignments. Connecting street centerlines deflecting from each other at any one point more than ten degrees shall be connected by a curve of at least one hundred ten feet radius for minor streets and one hundred fifty feet for collector streets, and at least three hundred feet radius for major streets. A tangent at least one hundred feet long shall be introduced between curves on arterial streets.
- (9) Width. Street right-of-way widths should be within the following ranges:

General: Major arterial streets--80-100 feet
Secondary arterial streets--70-90 feet
Collector arterial streets--60-70 feet
Local access streets--50-60 feet

All streets shall be improved to the minimum construction standards of the Department of Public Works and Utilities. A street lying along the boundary of a subdivision may be dedicated one-half width when the adjoining property is unsubdivided; and, whenever there exists a dedicated half-street of an adjoining plat, the other half shall be dedicated on the proposed plat to make the street complete.

- (10) Name. Streets that are obviously in alignment with others already existing and numbered or named shall bear the numbers or names of the existing streets. New streets shall not bear names that duplicate or phonetically approximate the names of existing streets. A street with a general north-south alignment shall be designated "avenue"; one with a general east-west alignment shall be designated "street". The designation "way" shall be reserved for long, continuous streets with major thoroughfare characteristics. The designation "boulevard" shall be reserved for long, continuous streets characterized by a broad right-of-way and tree and turf embellishment. New streets shall comply with the naming and numbering standards established for the classification of streets being built or improved pursuant to Chapter 14.02 of the Bellevue City Code.

22C.10.090 Area design standards.

- A. Subdivision adjoining different use districts. Where residential plats or subdivisions adjoin a use district other than residential, the lots abutting such district shall, where possible, orient their rear lot lines to the district boundary.

Where a business, commercial or manufacturing plat or subdivision adjoins a district authorizing residential uses, the lots abutting such boundaries shall orient their rear lot lines to that boundary, and no access shall be permitted through such adjoining district.

- B. Street design and orientation.

In general, circulation streets shall follow the four-block

grid system as shown on the comprehensive street plan map. Streets within the four-block boundaries shall follow contours, where practical, to reduce earthmoving to a minimum and to provide avenues for surface drainage as required by the Department of Public Works and Utilities. Access streets may be cul-de-sac or loop or through to plat boundaries to provide for extension into undeveloped tracts. Each plat or subdivision within the area of a four-block grid shall be approved by the Hearing Body only if the remaining undeveloped tracts can be developed independently or in connection with the current plat. The streets and private lanes of all plats must connect with existing public streets. A private lane should serve as access to not more than four lots and the lane shall be an easement open for all utility services.

All plats or subdivisions employing a cul-de-sac or dead-end private lane shall provide easements between lots for utilities and surface drainage as required by the Department of Public Works and Utilities. Plats or subdivision abutting a major arterial shown on the City's comprehensive street plan shall orient the rear or side of their lots to the arterial and provide internal access streets. Points of intersection of the internal access streets and the major arterial as shown on the street plan map, shall be determined by the Hearing Body but should not be closer together than four blocks.

- C. Sidewalks. Five to eight foot concrete sidewalks shall be provided on both sides of all streets; provided, that the Hearing Body or City Council may waive part or all of this requirement where unusual physical conditions beyond the control of the developer make full compliance unfeasible or would cause unreasonably severe economic hardships.

22C.10.100 Improvement standards.

- A. Roadways. All streets and alleys shall be improved by grading and constructing roadways consisting of paving base, and leveling courses, and other improvements in accordance with the construction standards of the Department of Public Works and Utilities, except that streets lying along the boundary of a subdivision and adjacent to undeveloped property that is expected to be developed, shall be improved by the subdivider to a minimum of 20 feet of paved surface, curb and five foot sidewalk, and in accordance with standards established by the Department of Public Works and Utilities.

- B. Curbs and Sidewalks. All streets shall be improved at each edge of the paved roadway with curbs and with sidewalks at appropriate setbacks from the curb line, both to be constructed of Portland cement concrete and in conformance with design and construction standards of the Department of Public Works and Utilities unless special conditions warrant the waiver of these requirements by the Hearing Body or City Council.
- C. Street lighting. Street lights shall be required on all public streets in accordance with the lighting standards of the Department of Public Works and Utilities.
- D. Underground utilities. All public or private utility distribution or collection systems (including power, telephone and T.V. cable) shall be underground and shall be installed in accordance with standards established by the Department of Public Works and Utilities.
- E. Storm sewers. Surface drainage from streets and other areas shall be disposed of through an adequate system of gutters, storm sewers, detention ponds, pipes or swales and said system shall comply with standards of the Department of Public Works and Utilities, Storm and Surface Water Division.
- F. Sanitary sewers. If a public sanitary sewer is available for connection within one thousand feet of the subdivision, the subdivision shall be provided with a complete sanitary sewer system serving each lot designed for human occupancy. Design of the sewer system shall be in accordance with City of Bellevue standard specifications for utilities and applicable state law. In residential plats of thirty thousand square feet minimum lot size or less and located more than one thousand feet from a public sanitary sewer, a sanitary sewer system shall be designed and constructed within the public right-of-way to provide for future connection to the public sanitary sewer system.
- G. Potable water system. The plat or subdivision shall be provided with a potable water distribution system, serving each lot designed for human occupancy and shall be provided with fire hydrants in accordance with Chapter 23.44 of the Bellevue City Code and the following standards:
- (1) Hydrants serving schools, commercial properties and other high value areas shall be supplied water through mains no smaller than eight inches in diameter; larger size mains may be required, depending upon the size construction, layout and occupancy of the buildings.

Twenty-five hundred g.p.m. or greater shall be provided in these areas, depending upon the above-named factors.

(2) Hydrants shall be located on the corners, spaced at intervals of no greater than six hundred sixty feet in residential areas, supplied by water mains no smaller than eight inches in diameter and larger where an adequate grid system does not exist as determined by the Department of Public Works and Utilities.

(3) Hydrant locations and removals shall be approved by the Fire Marshal of the City.

(4) Hydrants shall be visible from two hundred feet to approaching fire-fighting apparatus.

(5) Two water supply maps indicating main size, hydrant locations, storage facilities, valves, pressure reducing stations, normally closed valves, pressure gradients, sources of supply and pump installations shall be supplied to the Fire Marshal of the City.

- H. Capacity for future developments. The capacities and dimensions of water, sewerage, drainage, and street facilities shall be adequate to provide for the future needs of other undeveloped properties in the general vicinity. This may require extension of services around the perimeter of the property, or through the property, or to the boundaries of the property.
- I. Street name signs. Street signs and any other signs deemed necessary shall correspond in design and material to standards adopted for the City and shall be installed at each intersection for convenient identification of streets or other regulation of traffic. However, the developer, platter or subdivider may elect to reimburse the Department of Public Works and Utilities for installation of such signs.
- J. Public Walkways. Public walkways connecting cul-de-sac streets or cutting through long blocks shall be surfaced with concrete six feet in width from street to street. The minimum sideyard adjoining a public walk shall be fifteen feet. Fences or hedges along such walk shall observe the height restrictions for fences on street frontage in the Zoning Code or Land Use Code.
- K. Private Sidewalks. Private sidewalks for the use of the public shall be a minimum of eight feet in width and shall be paved with concrete, and curbed when adjacent to an automobile circulation area to define their location.
- L. Standard specifications. Physical developments and improvements required by this chapter shall be designed and installed in accordance with applicable construction standards of the City.

Construction shall be subject to the approval of the Department of Public Works and Utilities.

22C.10.110 Initiation of application for a preliminary plat.

An application for approval of a preliminary plat shall be made to the Department of Public Works and Utilities upon forms furnished by the City. Applications shall be made by the owner or owners of the parcel or parcels intended to be developed as a unit or by a duly authorized agent or agents. The owner or owners of all parcels to be included must join in or be represented in the application.

Accompanying the application shall be fifteen (15) prints of the proposed preliminary plat drawn to a scale of one inch equals one hundred feet, together with a reproducible or sepia of said preliminary plat, a small scale vicinity map, a copy of the current King County quarter section map, and a completed environmental checklist pursuant to the Bellevue Environmental Procedures Ordinance.

Upon submittal of the preliminary plat application, the applicant shall tender payment of required fees to the Department of Public Works and Utilities. Such fees shall be determined according to a standard fee schedule approved by the City Council. The purpose of such fees is to partially defray the City's cost in processing the application.

22C.10.120 General overview of procedures.

The general procedures for processing an application for a subdivision consist of seven steps as follows: (1) review of the preliminary plat application by the City staff to determine whether or not the application is acceptable for filing; (2) review of the proposed preliminary plat by the Environmental Coordinator in order to insure compliance with the State Environmental Policy Act and the Bellevue Environmental Procedures Ordinance; (3) submission of the proposed preliminary plat along with the comments or recommendations of interested departments or agencies to the Hearing Body for public hearing; (4) submission of the preliminary plat and recommendation of the Hearing Body to the City Council for approval or disapproval; (5) review of preliminary plat by any community council having jurisdiction in the area where the plat is located; (6) review of the final plat by the City staff or Hearing Body on appeal; and (7) approval of the final plat for recording as indicated by the signature of the Mayor thereon.

All time periods stated in this chapter for the processing of plat applications by City officers, departments or agencies shall

be construed as directory.

22C.10.130 Content of preliminary plats.

The preliminary plat drawings shall contain the following specific information:

1. Proposed name of the plat or subdivision.
2. Location by section, township, range, and/or by other legal description.
3. Name, address and phone number of developer.
4. Name, address and phone number of property owner.
5. Name, address and phone number of registered land surveyor.
6. Scale of plat, date and north point.
7. Existing topography of the land indicated by contours at five foot intervals or less.
8. Land use zoning classification of the proposed plat and adjoining properties.
9. The land or lot divisions of adjoining properties for a distance of at least one hundred feet around the perimeter.
10. Location, widths, and names of existing or prior platted streets, railroad or utility right-of-way or easements, parks or other public spaces, existing permanent structures to be retained within and adjacent to the proposed plat. In a replat the original lots, blocks, streets, easements, etc., shall be shown in dotted lines in scale with the proposed plat.
11. Existing and proposed water and sewer drainage utilities on, under or over the land showing size, grades and location.
12. Layout of proposed streets, pedestrian walkways, walks, easements, and their names and widths.
13. Layout, number and dimensions of proposed lots.
14. Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision.

15. Building setback lines, showing dimensions, if setback is in excess of minimum legal requirements.
16. The location and size of all ditches, culverts, catch basins and other parts of the design for the control of surface water drainage.
17. A typical roadway section right-of-way to right-of-way.

22C.10.140 Acceptance for filing -- Routing.

If the Department of Public Works and Utilities determines that the applicant has submitted all required documents and data to permit a preliminary plat review by the City staff, the application shall be accepted for filing and the Department of Public Works and Utilities shall transmit at least one copy of the plat for review and recommendation to each of the following: (1) Planning Department; (2) City department or division of utilities or special utilities district; (3) Board of Park Commissioners; (4) Environmental Coordinator; (5) school district having jurisdiction over the area; (6) Seattle-King County Department of Public Health; (7) any community municipal corporation having jurisdiction over the area; and (8) such other official body, corporation or agency as may be directed by the Department of Public Works and Utilities and/or the Planning Department.

22C.10.150 Public hearing -- Notice.

Where the plat is an integral part of a Planned Unit Development (PUD) or Planned Residential Unit Development (PRUD), the preliminary plat shall be considered with the proposed final development plan, following applicable procedures of the Zoning Code or Land Use Code. In all other cases, upon notification by the Environmental Coordinator of completion of either an Environmental Impact Statement or a threshold determination which would not require preparation of an Environmental Impact Statement, the Director of the Planning Department shall set a date and time for a public hearing to be held by the Hearing Body to consider the proposed preliminary plat.

At least 10 days prior to the hearing date notice of filing of the preliminary plat and of the hearing shall be made as follows:

1. By publication in a newspaper of general circulation within the City.
2. By posting in official public posting places and in at least three places on or adjacent to the land proposed to be platted.

3. By mail to the appropriate city or town authorities if the proposed subdivision is located adjacent to or within one mile of the boundaries of said city or town, or contemplates the use of any utilities operated by said city or town.
4. By mail to appropriate county officials if the proposed subdivision adjoins the boundaries of the City of Bellevue.
5. By mail to the State Department of Highways if the proposed subdivision is located adjacent to the right-of-way of a state highway.

Any notice required by this chapter shall include the hour and location of hearing, a legal description of the location of the proposed subdivision and either a vicinity location sketch or a location description in nonlegal language.

22C.10.160 Agency recommendations required.

Accompanying the preliminary plat at the public hearing before the Hearing Body shall be letters containing the comments and recommendations of the following officers or agencies:

1. The Department of Public Works and Utilities stating that all required fees have been paid, stating the storm drainage impact of the proposed plat and recommending approval of the plat as drawn or with changes as marked on a copy thereof, or disapproval.
2. A letter from the Seattle-King County Department of Public Health regarding the adequacy of the proposed means of sewage disposal and water supply and approving the proposed systems. Where the sewage disposal system proposed is a septic tank system, the Department of Public Health may reserve the right to approve or reject the specific septic system proposed for each lot at the time of application for a building permit.
3. A letter from the City division or department of utilities or special utility district regarding its ability to supply water and sewer facilities to the plat.
4. A letter from the school district having jurisdiction regarding adequacy of school services.
5. A letter from the Bellevue Board of Park Commissioners regarding parks, recreation and open space.

22C.10.170 Hearing Body review and report.

- A. The Hearing Body shall recommend to the City Council approval, disapproval, or approval with modifications, and/or conditions. Recommendations shall be in writing and shall include findings of fact and conclusions supporting the recommendations. Copies of the report and recommendations shall be filed with the Planning Department and transmitted to all parties of record.
- B. The Hearing Body shall discharge those powers and duties set forth in this Code and, in addition, shall inquire into and make recommendations concerning the factors and conditions set forth under the provisions of RCW 58.17.110 and RCW 58.17.120.
- C. After action by the Hearing Body on the preliminary plat, any interested person feeling the recommendations of the Hearing Body are based on errors of procedure or errors of fact may make a written request for reconsideration by such Hearing Body within ten (10) days of the filing of the Hearing Body's written recommendations with the Planning Department. This request shall set forth the alleged errors and the Hearing Body may, after a review of the record, take such further action as deemed proper and may render revised recommendations.
- D. The final report and recommendations of the Hearing Body shall be submitted to the City Council not later than fourteen days after rendition by the Hearing Body.

22C.10.180 City Council review of preliminary plats.

Upon receipt of the final report and recommendations of the Hearing Body on the preliminary plat the date shall be set for the public meeting where the City Council shall review the recommendations of the Hearing Body.

The hearing by the Hearing Body as provided for by Section 22C.10.170 shall constitute the hearing by the Council. Council review of a preliminary plat shall be limited to review of the record before the Hearing Body unless the Council decides at the public meeting to schedule its own public hearing. Any interested party may submit an argument in writing either for or against the Hearing Body's recommendations, and/or findings of fact by filing the same with the City Clerk at least 5 working days before the public meeting of the Council and such shall become a part of the record before the Council. At its discretion, the Council may request information from any staff member or party for the purpose of clarification at the meeting.

If the Council believes that there has been a substantial error or that there is new information which was not available at the time of Hearing Body review and which may make a material difference in the recommendation before the Council, it may remand for a further hearing before the Hearing Body.

If the Council believes there has been no substantial error or new information the Council may approve the preliminary plat or deny the preliminary plat in accordance with the recommendations of the Hearing Body.

If, after considering the matter at a public meeting, the Council deems a substantial change in the Hearing Body's recommendations approving or disapproving any preliminary plat is necessary, the change of the recommendation shall not be made until the Council shall conduct a public hearing and thereupon adopt its own recommendations and approve or disapprove the preliminary plat.

22C.10.190 Community council action.

The approval by the Council of a preliminary plat which is in an area over which a community council, organized pursuant to Chapter 35.14 of the Revised Code of Washington, has jurisdiction, shall not become effective unless such community council shall approve or fail to disapprove within 60 days of the Council action.

22C.10.200 Time period.

Preliminary plats of any proposed subdivision and dedication shall be approved or disapproved by the City Council, or returned to the applicant for modification or correction within ninety days from the date of filing thereof unless the applicant consents to an extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent by the City or its agencies in preparing and circulating the environmental impact statement.

22C.10.210 Approval -- Effect -- Duration.

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 shall remain subject to the approval of the Department of Public Works and Utilities.

After final approval of engineering drawings for public facilities with an approved preliminary plat a Development Permit may be issued and work commenced. The Development Permit shall

be contingent upon compliance with the conditions specified on the approval of the preliminary plat, an approved Clearing and Grading Permit, approved water, sanitary sewer and storm drainage system, compliance with all engineering and survey requirements, other regulations as may apply, and the payment of all fees and bonding as may be required.

Approval of the preliminary plat shall be effective for one year. If the final plat has not been approved by the City within this time, the preliminary plat must be again submitted to the Hearing Body for review and approval as a new proposal; provided, a single renewal of a preliminary plat approval may be requested by the property owner or its agent. Requests for renewal of the preliminary plat shall be filed prior to the termination date of the preliminary plat with the Director of the Department of Public Works and Utilities. Renewal requests shall be presented at regular meetings of the Hearing Body. Standards applicable to Hearing Body review of preliminary plats shall be utilized in its review of renewal requests. Upon review, the Hearing Body may grant or deny the request and recommend it to the City Council, or, at its option, upon presentation of evidence of changed conditions in the area, require a public hearing to be held in accordance with preliminary plat procedures.

Following a hearing body approval and recommendation to the City Council, the Council may adopt a resolution reaffirming their prior approval of the preliminary plat. Upon such approval, the life of the preliminary plat shall be extended one calendar year beyond the date of Council approval.

22C.10.220 Presentation and processing of final plat.

The final plat for the subdivision shall initially be submitted to the Department of Public Works and Utilities and shall be a complete and accurate plat for official record. A reproducible tracing of the final plat and a print of the land surveyor's calculation work sheet shall be furnished to the Department of Public Works and Utilities. The plat shall be legibly drawn or reproduced according to standards set by the Director of Public Works on cloth mylar or similar material, 18" x 22" with a 1/2" ruled margin or border. Also, a current Title Company certification (plat certificate) confirming that the title of lands as described and shown on the plat is in the name of the owner(s) signing the certificate of the plat, shall accompany the final plat when it is submitted to the Department of Public Works and Utilities for processing.

The Department of Public Works and Utilities shall check the calculations and detail of the final plat to determine whether it is accurate and correct. The developer of the plat shall pay a

fee to the Department of Public Works and Utilities for the checking of his plat. Such fee shall be determined according to a standard fee schedule approved by the City Council.

If the Department of Public Works and Utilities so finds, it shall prepare a report stating that the final plat has been evaluated and checked, that all fees have been paid, and that the final plat is in conformance in all respects with the preliminary plat as finally approved. Any determination made by the Department of Public Works concerning the acceptability of the final plat may be appealed to the Hearing Body within 10 days thereof.

22C.10.230 Bond.

In lieu of the completion of the actual construction of any required improvements whether on public or private streets prior to the approval of the final plat, the applicant shall deposit a surety bond or other secure financial method and cash deposit in amounts fixed by the Director of Public Works and Utilities, guaranteeing the construction and completion of the roads, the setting of monuments, the construction and completion of the sidewalks, street lights and street name signs, installation of drainage facilities and utilities, and all other work proposed by the platlor within one (1) year from date of final approval of said plat, and guaranteeing the payment of certain additional charges as hereinafter described:

1. Any and all services performed by City employees in field inspection of construction of plat improvements, clearings and grading processes shall be invoiced to the developer at one hundred percent of direct salary cost, plus thirty-five percent of such cost for overhead and fringe benefits. These services shall include a physical survey of plat control monuments to insure conformation to the City-wide survey control network.
2. Any outside consultants retained by the City to evaluate any phase of plat construction shall be invoiced at actual cost plus fifteen percent. Billings tendered to the developer shall be payable within thirty days.

To insure payment of these additional charges, the developer shall post a cash deposit with the Department of Public Works and Utilities, equal to a percentage of the plat bond in accordance with the following schedule:

<u>Bond Amount</u>	<u>% Cash Deposit</u>
up to \$20,000	5% (minimum \$500)
20,001 to 50,000	4%
50,001 to 100,000	3%
100,001 and up	2-1/2%

The plat bond will not be released until all billings for such additional charges are paid in full. The bond may be released by motion of the City Council accepting the construction of completed public facilities, and after a maintenance bond has been posted guaranteeing repair of deficiencies in public facilities during the ensuing year.

22C.10.240 Contents of final plat.

The final plat drawing shall contain the following information:

1. Name of plat.
2. Location by Section, Township, Range and/or by other legal description.
3. The name and seal of the registered land surveyor responsible for preparation of the plat, and a certification on the plat by said surveyor to the effect that it is a true and correct representation of the land actually surveyed by him, that the existing monuments shown thereon exist as located and that all dimensional and geodetic details are correct.
4. The scale, shown numerically and graphically, meridian and north point. The scale of the final plat shall be determined by the Department of Public Works and Utilities in order that all distances, bearings and other data can be clearly shown. Unduly cramped or illegible plats will not be approved.
5. The boundary line of the plat, based on an accurate traverse, with angular and linear dimensions.
6. Exact location, width, number or name of all streets, alleys, walks within and adjoining the plat and all easements for rights-of-way provided for public services or utilities.
7. True courses and distances to the nearest established street lines or official monuments which shall accurately locate the plat.
8. Building setback lines from street frontage accurately shown with dimensions if in excess of the minimum requirements of the Bellevue Zoning Code or Land Use Code.
9. Municipal, Township, County or Section lines accurately tied to the lines of the plat by distances and courses.

10. Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.
11. All lot and block numbers and lines, with accurate dimensions in feet and hundredths. Blocks in numbered additions to subdivisions bearing the same name may be numbered or lettered consecutively through the several additions.
12. Accurate location of all monuments. One such monument shall be located at each street intersection, point of curvature and at locations to complete a continuous line of sight, and at such other locations as required by the provisions of RCW 58.17.240 and by the Department of Public Works and Utilities.
13. All plat meander lines or reference lines along bodies of water shall be established above, but not farther than twenty (20) feet from the high waterline of such water.
14. Accurate outlines and legal description of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication; and/or any area to be reserved by deed covenant for common uses of all property owners.
15. A full and correct description of the property platted which shall be the same as that recorded in the preceding transfer of said property or that portion of said transfer covered by the plat. Should this description be cumbersome and not technically correct, a true and exact description shall be shown on the plat together with the original description. The correct description shall follow:

"The intent of the above description is to embrace all of the following described property."
16. Restrictions or conditions on the lots or tracts in the plat required by the Hearing Body or City Council. The number of lots on the final plat shall not exceed the number of lots depicted on the preliminary plat by more than 5%.

22C.10.250 Additional requirements -- Dedications.

In addition to any other requirements set forth in this chapter or by state law, each final plat shall:

1. Be accompanied by a typewritten copy of any

protective deed covenants.

2. Contain a statement of approval from a licensed engineer acting on behalf of the City, as to the survey data, the layout of streets, alleys and other rights-of-way, bridges, sewage and water systems, and other structures.
3. Be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes, showing the original or reestablished corners, with the descriptions of the same, and the actual traverse showing error of closure and method of balancing. A sketch showing all distances, angles and calculations required to determine corners and distances of the plat shall accompany this data. The allowable error of closure shall not exceed one foot in five thousand feet.
4. Contain a certification from the proper officer or officers in charge of tax collections that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.
5. Contain proper forms with space for signatures for the approval or acceptance of such other officials as are required by law to approve or accept the final plat.
6. Contain a certificate stating that the subdivision has been made with the free consent, and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate shall also contain the dedication of all streets and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said street or other area so dedicated. Such certificate shall be signed and acknowledged before a Notary Public by all parties having any interest in the lands subdivided.

An offer of dedication may include a waiver of right of direct access to any street from any property, and if such dedication is accepted, any such waiver is effective. Such waiver may be required by the Department of Public Works and Utilities as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes as a quitclaim deed to the said donee or grantee for use for the purpose intended by the donation or grant.

The acceptance of dedication by the City shall not obligate the City to improve or develop the lands in the dedication. The acceptance of an easement for a specific public use, such as surface drainage, shall obligate the City to install such facility at the time it is deemed needed by the Department of Public Works and Utilities.

22C.10.260 Review of final plat - Filing.

When all necessary staff or Hearing Body approvals as required by Section 22C.10.220 have been accomplished, the plat shall be forwarded to the City Council with all other letters and data, pertinent to the plat. Upon receipt 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. Review or approval of the final plat by any community council shall not be required.

Final plats shall be approved, disapproved or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period.

Approval of the final plat for filing 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 within ninety days after the date of approval, unless application for an extension of time is made during said 90-day period to the Hearing Body and granted.

22C.10.270 Modification of plat.

If, after final approval of the plat, circumstances render it impractical, unfeasible or detrimental to the public interest to accomplish a particular feature or element of work required as a

condition of preliminary plat approval or voluntarily proposed by the developer and accepted in good faith without having been imposed by the City as a special condition of plat approval, the applicant may file a request for modification of the original approval with the Department of Public Works and Utilities. Such request shall be accompanied by letters and data determined to be necessary by the Department of Public Works and Utilities and the applicant shall pay a fee for processing the request determined according to a schedule approved by the City Council. Upon the giving of notice in the manner required by Section 22C.10.150 of this Chapter, a public hearing shall be conducted before the Hearing Body. The Hearing Body and the City Council shall review, make recommendations and approve or disapprove the request for modification following the procedures set forth in Sections 22C.10.170 and 22C.10.180 of this Chapter.

22C.10.280 Authority - Appeal of decision.

The City Manager, or his authorized representative, is charged with the enforcement of the provisions of this chapter.

Except as otherwise provided in this chapter, an interested property owner or his agent may appeal a final administrative order or decision made under authority of this Chapter to the Board of Adjustment; provided, that no such appeal shall be available with regard to decisions having the form or substance of a recommendation to or by the Hearing Body. Both parties shall present their cases to the board in writing seven days prior to the date set by the board for hearing the case.

Judicial review of a decision approving or disapproving a plat may be sought as set forth in RCW 58.17.180.

22C.10.290 Permits - Property illegally divided.

No permits shall be issued by any City department for construction, modification, or use of any property divided in violation of this chapter or state law without prior approval of the Hearing Body, which approval shall only be given following a public meeting at which the applicant shall demonstrate to the Hearing Body that:

1. The applicant purchased the property as an innocent purchaser for value without actual notice that the property was divided in violation of law; or
2. The public interest will not be adversely affected by granting of the permit.

A determination of the public interest by the Hearing Body under this section shall be based on substantially the same criteria

considered upon a preliminary plat application under this chapter.

A purchaser or transferee of property sold or transferred in violation of this chapter or state law shall have those rights, obligations and remedies set forth in RCW 58.17.210.

22C.10.300 Violation - Enforcement.

In addition to the penalties provided for and civil actions authorized by RCW Chapter 58.17, the violation or failure to comply with any of the provisions of this chapter, or any amendment thereto, is a misdemeanor and shall be punishable by a fine of not more than three hundred fifty dollars. Each violation or each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of these regulations shall be deemed a separate and distinct offense.

Section 3. Ordinance No. 2, sections 1(g), 5, 7, 8, Ordinance No. 117, Ordinance No. 807 and Chapter 22C.12 of the Bellevue City Code are hereby repealed.

Section 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 3 day of October, 1977, and signed in authentication of its passage this 3 day of October, 1977.

(SEAL)

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

Approved as to form:

William C. Graves
William C. Graves, Assistant City Attorney

Attest:

Patricia K. Weber
Patricia K. Weber, City Clerk

Published October 8, 1977