

Ordinance No. 3511

(Amending or Repealing Ordinances)

CFN=458 – Subdivision Code

Passed – 5/16/2000

Updating Subdivisions – Ch. 12.04 KCC
and Amending Sections 2.32.090;12.01.140

Amends Ord. 1840,2975,3169,3424,3443

Amends Ords. 2233,2469,2802,3036 (2.32.090 formerly Sec. 2.54.100)

Amends Ord. 2849,2863,3136,3206 (Sec. 12.04)

Amended by Ord. 3551 (Sec. 12.04.025)

Amended by Ord. 3561

Amended by Ord. 3664

Amended by Ord. 3690 (Secs. 12.04.235(C)(3);12.04.545(C)(3);
12.04.745(C)(3)

Amended by Ord. 3752 (Sec. 12.04.695)

Amended by Ord. 3830 (Secs. 12.04.125;12.04.235;12.04.435;
12.04.545;(Repeals Sec. 12.04.580);12.04.685;12.04.745)

Amended by Ord. 3898 (Sec. 12.04.215;12.04.525)

Amended by Ord. 3906

Amended by Ord. 3944 (Sec 12.04.025)

Amended by Ord. 4035 (Sec. 12.04.210;.227)

Amended by Ord. 4044 (Secs. 12.04.140;12.04.195)

ORDINANCE NO. 3511

AN ORDINANCE of the City Council of the City of Kent, Washington, amending chapters 2.32, 12.01. and 12.04 of the Kent City Code, relating to subdivisions to update these provisions consistent with other provisions of the Kent City Code and state law.

WHEREAS, the subdivision code has not been comprehensively updated since 1981; and

WHEREAS, state laws relating to subdivisions, process procedures, and survey requirements have changed; and

WHEREAS, the subdivision code is not currently in compliance with provisions in other provisions of the Kent City Code (12.01; Title 15, etc.) and state law;
NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 2.32.090(A) of the Kent City Code, entitled “Decisions of the Hearing Examiner,” is hereby amended as follows:

Sec. 2.32.090. Duties. The hearing examiner shall have the following duties with respect to applications of matters submitted before him or her.

A. *Decisions of the hearing examiner.* The hearing examiner shall receive and examine available information, conduct public hearings, prepare a record thereof, and enter findings of fact and conclusions based upon these facts, which conclusions shall represent the final action on the application, unless appealed, as specified in this section for the following:

1. All process III applications as follows:
 - a. Conditional use permits;
 - b. Sign variances;
 - c. Planned unit developments not requiring a change of use;
 - d. Preliminary plat;
 - e. Shoreline variance;
 - f. Shoreline conditional use permit;
 - g. Special home occupation permit; and
 - h. Applications for variances from the terms of the zoning code and

subdivision code; provided, however, that no application for a variance shall be granted unless the hearing examiner finds:

- i. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application is located;

- ii. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

- iii. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

SECTION 2. Section 12.01.140, entitled “Notice of application,” is hereby amended as follows:

A. *Notice of application.* A notice of application shall be issued for Process I and Process II permits requiring SEPA review, short plats, shoreline substantial development permits, and all Process III and Process IV applications within fourteen (14) calendar days after the city has made a determination of completeness pursuant to KCC 12.01.100(A); provided, that if any open record hearing is required for the requested project permit(s), the notice of application shall be provided at least fifteen (15) calendar days prior to the open record hearing. One notice of application will be done for all permit applications related to the same project at the time of the earliest complete permit application.

B. *SEPA exempt projects.* A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record pre-decision hearing is required.

C. *Contents.* The notice of application shall include:

1. The case file number(s), the date of application, the date of the determination of completeness for the application and the date of the notice of application;

2. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested by the review authority pursuant to RCW 36.70B.070;

3. The identification of other permits not included in the application, to the extent known by the city;

4. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;

5. A statement of the limits of the public comment period, which shall be not less than fourteen (14) nor more than thirty (30) calendar days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;

6. The tentative date, time, place and type of hearing. The tentative hearing date is to be set at the time of the date of notice of the application;

7. A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and of consistency as provided in KCC 12.01.150;

8. The name of the applicant or applicant's representative and the name, address and telephone number of a contact person for the applicant, if any;

9. A description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location; and

10. Any other information determined appropriate by the city, such as a DS, if complete at the time of issuance of the notice of application or the city's statement of intent to issue a DNS pursuant to the optional DNS process set forth in WAC 197-11-355.

D. *Mailing of notice of application.* The city shall mail a copy of the notice of application to the following:

1. Agencies with jurisdiction; and
2. Any person who requests such notice in writing.

E. *Public comment on the notice of application.* All public comments received on the notice of application must be received by the planning department by 4:30 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible.

F. *Posted notice of application.* In addition to the mailed notice of application, the city will provide notice of application at Kent City Hall, and in the register for public review at the planning department office. The applicant shall be responsible for posting the property for site-specific proposals with notice boards provided by the city. Public notice shall be accomplished through the use of a four (4) by four (4) foot plywood face generic notice board to be issued by the planning department as follows: the applicant shall apply to the city for issuance of the notice board, and shall deposit with the planning department the amount of one hundred fifty dollars (\$150). Upon return of the notice

board in good condition to the planning department by the applicant, seventy-five dollars (\$75) of the initial notice board deposit shall be refunded to the applicant.

1. Posting. Posting of the property for site specific proposals shall consist of one (1) or more notice boards as follows:

a. A single notice board shall be placed by the applicant in a conspicuous location on a street frontage bordering the subject property.

b. Each notice board shall be visible and accessible for inspection by members of the public.

c. Additional notice boards may be required when:

(1) The site does not abut a public road; or

(2) additional public notice boards are required under other provisions of the Kent City Code; or

(3)(2) The planning director determines that additional notice boards are necessary to provide adequate public notice.

d. Notice boards should be:

(1) Maintained in good condition by the applicant during the notice period;

(2) In place at least fifteen (15) calendar days prior to the end of any required comment period; and

(3) Removed by the applicant and returned to the city within seven (7) calendar days after the end of the notice period.

e. Notice boards that are removed, stolen, or destroyed prior to the end of the notice period may be cause for discontinuance of the departmental review until the notice board is replaced and remains in place for the specified time period. The city shall notify the applicant when it comes to their attention that notice boards have been removed prematurely, stolen, or destroyed.

f. An affidavit of posting shall be submitted by the planning director at least seven (7) calendar days prior to the hearing. If the affidavits are not filed as

required, any scheduled hearing or date by which the public may comment on the application, may be postponed in order to allow compliance with this notice requirement.

g. Notice boards shall be constructed and installed in accordance with specifications determined by the planning director.

h. SEPA information shall be added by the city to the posted sign within applicable deadlines. An affidavit of posting shall be submitted by the planning director.

G. *Published notice of application.* Published notice of application in an official newspaper of general circulation in the area where the proposal is located is required for Process I and II permits requiring SEPA review, short plats and all Process III, IV, and all Process V, except subdivision final plat, applications. Published notice shall include at least the following information:

1. Project location;
2. Project description;
3. Type of permit(s) required;
4. Comment period dates; and
5. Location where the complete application may be reviewed.

H. *Notice of public hearing.*

1. *Notice of public hearing for all types of applications.* The notice given of a public hearing required in this chapter shall contain:

- a. The name of the applicant or the applicant's representative;
- b. Description of the affected property, which may be in the form of either a vicinity location sketch or written description, other than a legal description;
- c. The date, time, and place of the hearing;
- d. The nature of the proposed use or development;
- e. A statement that all interested persons may appear and provide testimony;

fg. When and where information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be admitted;

gh. The name of a city representative to contact and the telephone number where additional information may be obtained;

hi. That a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at the cost of reproduction; and

ij. That a copy of the staff report will be available for inspection at no cost at least five (5) calendar days prior to the hearing and copies will be provided at the cost of reproduction.

2. *Mailed notice of public hearing.* Mailed notice of the public hearing shall be provided by the city as follows:

a. *Process I, II and V actions.* No public notice is required because no public hearing is held. Notice for short plat meetings is mailed to property owners within 200 feet. Shoreline permit notices shall be in accordance with the requirements of WAC 173-27-110.

b. *Process III and IV actions.* The notice of public hearing shall be mailed to:

- (1) The applicant;
- (2) All owners of real property as shown by the records of the county assessor's office within three hundred (300) feet of the subject property; and
- (3) Any person who submits written comments on an application.

c. *Process IV preliminary plat actions.* In addition to the general notice of public hearing requirements for Process IV actions above, additional notice shall be provided as follows:

- (1) Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway or within two (2) miles

of the boundary of a state or municipal airport shall be given to the Secretary of Transportation, who must respond within fifteen (15) calendar days of such notice.

(2) Special notice of the hearing shall be given to adjacent land owners by any other reasonable method the city deems necessary. Adjacent land owners are the owners of real property, as shown by the records of the King County assessor, located within three hundred (300) feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under RCW 58.17.090(1)(b) shall be given to owners of real property located with three hundred (300) feet of such adjacently owned parcels.

d. *Process VI actions.* For Process VI legislative actions, the city shall publish notice as described in 12.01.140(H)(3), and use all other methods of notice as required by RCW 35A.12.160.

3. *Procedure for posted or published notice of public hearing*

a. Posted notice of the public hearing is required for all Process III and IV actions. The posted notice of hearing shall be added to the sign already posted on the property pursuant to KCC 12.01.140(F).

b. Published notice of the public hearing is required for all Process III and IV procedures. The published notice shall be published in a newspaper of general circulation within the city and contain the following information:

- (1) Project location;
- (2) Project description;
- (3) Type of permit(s) required;
- (4) Comment period dates; and
- (5) Location where the complete application may be reviewed.

4. *Time and cost of notice of public hearing.*

a. Notice shall be mailed, posted and first published not less than ten (10) calendar days prior to the hearing date. Any posted notice shall be removed by the applicant within seven (7) calendar days following the conclusion of public hearing(s).

I. *Shoreline master program permits.*

1. Notice of the application of a permit under the purview of the city's shoreline master program shall be given in accordance with the requirements of Ch. 11.04 KCC, the Kent shoreline management master program.

SECTION 3. Chapter 12.04 of the Kent City Code, entitled "Subdivisions," is hereby amended as follows:

CHAPTER 12.04. SUBDIVISIONS

I. General Provisions

Sec. 12.04.010. Title. This code shall be hereinafter known as the city of Kent subdivision code.

Sec. 12.04.020015. Purpose. The purpose of this chapter is to provide rules, regulations, requirements and standards for subdividing land in the city and for administrative procedures for adjustments of lot lines in the city, ensuring:

1. That the highest feasible quality in subdivision will be attained;
2. That the public health, safety, general welfare, and aesthetics of the city shall be promoted and protected;
3. That orderly growth, development, and the conservation, protection and proper use of land shall be promoted;
4. That proper provisions for all public facilities, including circulation, utilities, and services, shall be made;
5. That maximum advantage of site characteristics shall be taken into consideration; and
6. That the process shall be in cConformance with provisions set forth in KCC Title 15, Zoning, and the comprehensive plan.

Sec. 12.04.04020. Scope. This chapter shall apply to the division of land for sale or lease into two (2) or more parcels and to the modification of lot lines between adjoining parcels. Where this chapter imposes greater restrictions or higher standards upon the development of land than other laws, ordinances or restrictive covenants, the provisions of this chapter shall prevail.

The provisions of this chapter do not apply to:

1. Cemeteries and burial plots while used for that purpose;
2. Divisions made by testamentary provisions, or the laws of descent;
3. Division of land due to condemnation or sale under threat thereof, by an agency or division of government vested with the power of condemnation.

Sec. 12.04.05025. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Active recreation activities shall mean all outdoor recreational activities which involve field and court games.

Alley shall mean a public or private ~~thoroughfare~~ or way ~~having a width~~ of not more than thirty (30) feet wide at the rear or side of property which affords only a secondary means of vehicular or pedestrian access to abutting property.

Block shall mean a group of lots, tracts, or parcels within well-defined and fixed boundaries.

Common open space shall mean a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a subdivision or a planned unit development, and designed and intended primarily for the use or enjoyment of residents of a subdivision. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the subdivision.

Community park shall mean a park ~~twenty (20) to forty (40) acres in size which provides off-street parking and serves a population of ten thousand (10,000) to fifteen~~

thousand (15,000) people located within a two (2) to three (3) mile service radius that serves the entire city of Kent and can be located throughout the city. Community parks may have facilities or amenities that are not offered elsewhere in the city, and which can include boating, swimming, fishing, athletic fields, group picnic shelters, play equipment, hard courts, skateparks, and trails, and will vary at each park. Access to the park is by car, public transit, foot or bicycle. Off-street parking is provided.

Comprehensive plan shall mean the document, including maps, adopted by the city council which outlines the city's goals and policies relating to management of growth, and prepared in accordance with Ch. 36.70A RCW. The term also includes adopted subarea plans prepared in accordance with Ch. 36.70A RCW ~~plans, maps and reports which comprise the official development plan as adopted by the city council in accordance with Chapter 35.63 RCW or RCW Title 35A.~~

County auditor shall mean that person as defined in Chapter 36.22 RCW or the office of the person assigned such duties under the King County Charter.

Cul-de-sac shall mean a short street having one (1) end open to traffic and being terminated at the other end by a vehicular turnaround.

Dedication shall mean a deliberate appropriation of land by its 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 final plat or a final short plat showing the dedication thereof; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the city.

Division of land shall mean the subdivision of any parcel of land into two (2) or more parcels.

Final approval shall mean the final drawing of the subdivision and dedication prepared for filing for record with the King County auditor and containing all elements and requirements set forth in this chapter.

Final plat shall mean the final drawing of the subdivision and dedication prepared for filing for record with the King County auditor and containing all elements and requirements set forth in this chapter.

Hearing examiner shall mean the person appointed by the ~~city~~ mayor, or his or her designee, administrator to conduct public hearings on applications outlined in Ch. 2.32 KCC which creates the hearing examiner, and who prepares a record, findings of fact and conclusions on such applications.

Hillside subdivision shall mean a subdivision in which any lot in the subdivision has average slopes greater than fifteen (15) percent and in which any street in the subdivision has grades greater than seven (7) percent at any point.

Home owners association shall mean an incorporated nonprofit organization operating under recorded land agreements through which:

1. Each lot owner is automatically a member;
2. Each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property; and
3. A charge if unpaid becomes a lien against the property.

Land Use and Planning Board shall mean that body as defined in the Kent City Code.

~~*Lot* shall mean a fractional part of divided 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~~ a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required in this title. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
 2. A portion of a lot of record;
 3. A combination of complete lots of record and portions of lots of record;
- or
4. A parcel of land described by metes and bounds;

provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this title.

Lot, corner shall mean a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees within the lot lines.

Lot, frontage shall mean the front of a lot which shall be that portion nearest the street or , if the lot does not abut a street, the portion nearest an ingress/egress easement.
~~Q~~except on a corner lot, ~~in which case~~ the front yard shall be considered the narrowest part of the lot that fronts on a street, except in industrial and commercial zones, in which case the user of a corner lot has the option of determining which part of the lot fronting on a street shall become the lot frontage.

Lot line adjustment shall mean the adjusting of common property lines or boundaries between adjacent lots, tracts, or parcels for the purpose of rectifying a disputed property line location, freeing such a boundary from any differences or discrepancies or accommodating a minor transfer of land. The resulting adjustment shall not create any additional lots, tracts, or parcels and all reconfigured lots, tracts, or parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes.

Lot lines shall mean the property lines bounding the lot.

Lot measurements shall mean:

1. The depth of a lot which shall be considered to be the distance between the foremost points of the side lot lines in front and the rear-most points of the side lot lines in the rear.

2. The width of a lot which shall be considered to be the distance between the side lines connecting front and rear lot lines, provided, however, that width between side lot lines at their foremost points where they intersect with the street line shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where eighty (80) percent requirements shall not apply.

Lot of record shall mean a lot which is part of a subdivision recorded in the office of the King County assessor, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

~~*Lot splits* shall mean the division of land into four (4) or less lots, tracts, parcels, sites or divisions for the purpose of sale or lease.~~

Lot, through shall mean a lot that has both ends fronting on a street. Either and both ends will may be considered the front.

Meander line shall mean a line along a body of water intended to be used solely as a reference for surveying.

Neighborhood park shall mean a park ~~five (5) to ten (10) acres in size which may have off-street parking and serves a population of two thousand (2,000) to ten thousand (10,000) people located within a one-half (1/2) mile to one (1) mile service radius that~~ serves a neighborhood (not a subdivision), defined by arterial streets. These parks are generally located centrally in the neighborhood so that the park is easily accessible and neighborhood residents do not have to cross a major arterial to reach the park. Access is primarily by foot or bicycle, so the park is usually no further than one-half mile from any point in the neighborhood. Parking spaces are typically not provided, unless on-street parking is not available, accessible or safe. Neighborhood parks have amenities for casual activities that are not programmed or organized, or for which a fee is charged. Amenities include play equipment, picnic tables, hard courts (basketball, tennis), walking trails, and open grassy areas.

Official plans shall mean those maps, development plans, or portions thereof, adopted by the city council as provided in chapter 44, section 6, Laws of 1935, as amended. Such plans or maps shall be deemed to be conclusive with respect to the location and width of streets, public parks, and playgrounds and drainage rights-of-way as may be shown thereon.

Park open space shall mean those areas that are environmentally sensitive, wildlife habitat, or wetlands, that remain in a relatively natural state with minimal improvements for public access, interpretation, study or enjoyment.

Park service area shall mean those ~~three (3) areas located and defined in the comprehensive parks plan of the city, as adopted by ordinance, which shall be used in determining eligibility of land under the dedication requirements of section 12.04.490~~ areas defined by arterial streets or geographic features, and which are identified in the comprehensive park and recreation plan, that a neighborhood park or community park is intended to serve.

Performance bond or guarantee shall mean that security which may be accepted in lieu of a requirement that certain improvements be made before the ~~city council approves the final plat is approved and signed~~, including performance bonds, escrow agreements and other similar collateral or surety agreements.

Piggyback or accumulative short subdivision shall mean multiple short subdivision of contiguous land under common ownership. Ownership for purposes of this section shall mean ownership as established at the application submittal date of the initial short subdivision approval.

~~*Planning commission* shall mean that body as defined in the Code of the city.~~

Plat shall mean a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

Preliminary approval shall mean the official favorable action taken on the preliminary plat of a proposed subdivision, metes-and-bounds description or dedication, by the ~~city council~~ hearing examiner following a duly advertised public hearing or on a preliminary plat of a short subdivision following a duly advertised meeting of the short subdivision committee.

Preliminary plat shall mean a neat and precise scale drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

Roadway shall mean that portion of a street intended for the accommodation of vehicular traffic, generally within curblines.

Short plat shall mean the map or representation of a short subdivision.

Short subdivision shall mean the division or redivision of land into nine (9) or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease or transfer of ownership. Tracts identified for or with the potential for future development shall be included within the number of lots created, but tracts which are not buildable and/or are intended for public dedication, environmental protection or storm water detention are not included in the number of lots created.

Short subdivision, Type 1 shall mean the division of land into four (4) or less lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership. Tracts identified for or with the potential for future development shall be included within the number of lots created, but tracts which are not buildable and/or are intended for public dedication, environmental protection or storm water detention are not included in the number of lots created.

Short subdivision, Type 2 shall mean the division of land into more than four (4) and less than ten (10) lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership. Tracts identified for or with the potential for future development shall be included within the number of lots created, but tracts which are not buildable and/or are intended for public dedication, environmental protection or storm water detention are not included in the number of lots created.

Street shall mean a public way thirty (30) feet or more in right-of-way width which affords a primary means of access to property.

Subdivision shall mean the division or redivision of land into ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease or transfer of ownership; provided that subdivisions of less than ten (10) parcels may be defined as ~~lot splits~~ or short subdivisions. Tracts identified for or with the potential for future development shall be included within the number of lots created, but tracts which are not buildable and/or

are intended for public dedication, environmental protection or storm water detention are not included in the number of lots created.

Subdivision, phased shall mean a subdivision, which is developed in increments over a period of time.

Tentative plat shall mean a map drawn in accordance with the same requirements as the preliminary plat map, but submitted prior to preliminary plat submittal.

Tract shall mean a parcel of land proposed for subdivision or subdividing.

Trail system shall mean those pathways that connect points of interest, parks, community facilities, streets, residences, etc. in the community, which are generally not confined within the limits of one park. Trails are intended to be used by bicycles, rollerskaters, and pedestrians; they are not intended to be used by motorized vehicles.

Sec. 12.04.069030. Conformance to state law. This code is in conformance with RCW 58.17.010 et seq. regulating platting, subdivision, adjusting lot lines, and the dedication of land and further provides for administrative procedures for the adjustment of lot lines.

Sec. 12.04.070035. ~~Planning department~~ City functions.

A. *Planning Department.* The planning department is responsible for the administration and coordination of this chapter unless another department is authorized to administer and enforce a specific section.

B. *Department of Public Works.* The department of public works is responsible for reviewing all engineering and technical requirements of this chapter.

C. *Fire Department.* The fire department is responsible for reviewing all fire access and fire safety requirements of this chapter.

D. *Department of Parks and Recreation.* The department of parks and recreation is responsible for reviewing all parks and open space dedication requirements of this chapter.

E. *Short Subdivision Committee.* The short subdivision committee is authorized to hold a public meeting and make a final decision on all short subdivision plats.

F. *Hearing Examiner.* The hearing examiner is authorized to hold a public hearing and make a final decision on subdivision preliminary plats.

G. *City Council.* The city council shall conduct any closed record appeal from a hearing examiner's final decision on a subdivision preliminary plat. The city council shall have sole authority to approve subdivision final plats. An appeal of a final plat decision shall be in superior court.

~~**Sec. 12.04.080. Hearing examiner.** The hearing examiner is authorized to hold a public hearing and make a final decision on all preliminary plats.~~

~~**Sec. 12.040.090. Department of public works.** The department of public works is responsible for reviewing all engineering and technical requirements of this chapter.~~

~~**Sec. 12.04.100. City council.** The city council shall conduct any closed record appeal from a hearing examiner's final decision on a preliminary plat. The city council shall have sole authority to approve final plats. An appeal of a final plat decision shall be in superior court.~~

~~**Sec. 12.04.110 Exceptions.** The provisions of this chapter do not apply to:~~

- ~~1. Cemeteries and burial plots while used for that purpose;~~
- ~~2. Divisions made by testamentary provisions, or the laws of descent;~~
- ~~3. Division of land due to condemnation or sale under threat thereof, by an agency or division of government vested with the power of condemnation.~~

Sec. 12.04.040. Penalties.

A. *Civil.* Any violation of any provision of this chapter, or any violation of any term or condition of plat approval prescribed pursuant to this chapter by any person, firm,

corporation, or association, or any agent thereof, shall constitute a civil violation under Ch. 1.04 KCC for which a monetary penalty may be assessed and abatement may be required as provided therein.

B. *Criminal.* Any person, firm, corporation, or association, or any agent thereof, who violates any provision of Ch. 58.17 RCW, or any provision of 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 Ch. 58.17 RCW, or any provision of this chapter, shall be deemed a separate and distinct offense.

Sec. 12.04.550045. Liability. This chapter shall not be construed to relieve from or lessen the responsibility of any person owning any land or building, constructing or modifying any subdivisions in the city for damages to anyone injured or damaged either in person or property by any defect therein; nor shall the city or any agent thereof be held as assuming such liability by reason of any preliminary or final approval or by issuance of any permits or certificates authorized herein.

Sec. 12.04.030050. Planned unit developments. In addition to the standard subdivision of land as outlined in this chapter, the city provides for the subdivision of land under the planned unit development regulations of the zoning code, KCC Title 15. The zoning code should be consulted concerning the special procedures ~~concerning~~ for planned unit developments.

Sec. 12.04.520055. ~~General requirements and standards for m~~Mobile home park design. The standards of this chapter for residential subdivisions shall apply to mobile home park subdivisions when lots in such subdivisions are to be sold, unless other standards are specifically approved by the city.

II. Type I Short Subdivisions

Sec. 12.04.180100. Purpose of type I short subdivisions. The procedures regulating type I short subdivisions are established to promote orderly and efficient division of lots on a small scale, promote infill development and meet density requirements in established urban areas, while providing an efficient review process, avoiding placing undue burdens on the subdivider and ~~to complying with the purpose of this chapter and the provisions of RCW 58.17.060 et seq.~~

Sec. 12.04.120105. Scope.

A. Any land being divided into ~~nine (9)~~ four (4) or less parcels, lots, tracts, sites or subdivisions, any one (1) of which is less than twenty (20) acres in size and which has not been divided in a short subdivision within a period of five (5) years shall ~~meet~~ be subject to the requirements of this section.

B. No application for a short subdivision shall be approved if the land being divided is held in common ownership with a contiguous parcel ~~that which~~ has been divided in a short subdivision within the preceding five (5) years. Serial subdivision of contiguous parcels in the same ownership, which is defined as 'piggybacking' short subdivisions, and is prohibited unless the subject property has received master plan approval by the city through a rezone, PUD planned unit development, or other hearing process, then 'piggybacking' short subdivisions shall be permitted. Such short subdivisions must be consistent with the approved master plan.

Sec. 12.04.140110. Preliminary ~~meeting consultation with staff.~~ Any person who desires to subdivide land in the city should consult with the planning department at an early date on an informal basis in order to become familiar with the requirements of this chapter. The department of public works should be consulted at this time for advice and assistance in understanding the engineering requirements of this chapter and the construction standards of the city.

Sec. 12.04.310115. Application for a subdivision procedures. An application for a type I short subdivision consists of five (5) separate steps as follows:

~~1. Preparation and submission to the planning department of a tentative map of the proposed subdivision;~~

1. Preparation of the preliminary plat of the proposed short subdivision;

2. Submission of ~~a the preliminary short subdivision application plat of the proposed subdivision to the land use hearing examiner to the short subdivision committee~~ for a public hearing meeting and decision;

3. Installation or bonding of improvements according to the approved preliminary plat requirements and satisfaction of all plat conditions;

4. Submission of the final plat to the planning department for review and signature by the chair of the short subdivision committee ~~city council for approval; and~~

5. Recordation of t~~The approved final plat is recorded~~ in the office of the King County department of records and elections.

Sec. 12.04.220120. Preliminary sShort subdivision application requirements.

A. Application for a short subdivision shall be made ~~with~~ to the planning department on the forms supplied and in the number of copies prescribed by that department. ~~The application shall be accompanied by ten (10) copies of the preliminary short subdivision plat.~~

B. The short subdivision plat shall:

~~1. Be~~ a neat and approximate drawing on reproducible material at a decimal scale. The plat map shall measure between eight and one-half (8 1/2) inches by eleven (11) inches and eighteen (18) inches by twenty-two (22) inches and shall include:

1. The short subdivision name, the name and address of the owner, and the name and address of the licensed land surveyor and if applicable, the subdivision engineer;

2. The date of preparation, the true north point, a graphic scale and legal description of the property to be subdivided and drawn to an appropriate decimal scale;

3. The location of existing and proposed platted property lines, and existing section lines, streets, buildings, water courses, railroads, bridges, and any recorded public or private utility or roadway easements, both on the land to be subdivided and on the adjoining lands that abut the proposed subdivision, for a distance of one hundred (100) feet from the edge of the subject property;

4. The names, locations, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations and utilities;

5. The acreage of land to be subdivided; the number of lots; the area of each lot; and the approximate square footage and approximate percent of total acreage in open space;

6. The approximate dimensions of each lot;

~~7.2. Show hHow the proposed subdivision will be served by streets and utilities-~~

~~3. Show how access will be provided to all lots and the location of sewer and water lines.~~

~~8.4. Show aAll existing structures and distances from any existing and proposed lot lines within or abutting the short subdivision ~~plat~~ within a distance of fifty (50) feet.~~

~~9.5. Monumentation of ~~Be surveyed by a land surveyor licensed in the state and all exterior corners and streets shall be monumented~~ and be surveyed by a land surveyor licensed in the state.~~

10. Provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, users of public transit and other pedestrians.

11. All of the information requested on the application form by the planning director.

Sec. 12.04.160125. Principles of acceptability. No short subdivision shall be approved unless the following principles of acceptability are met; the short subdivision shall:

1. Create legal building sites which comply with all provisions of KCC Title 15, Zoning, and health regulations;
2. Establish access to a public road for each segregated parcel;
3. Have suitable physical characteristics; a proposed short subdivision plat may be denied because of flood, inundation or swamp wetland conditions; slope, soil stability and/or capabilities; or the construction of protective improvements may be required as a condition of approval;
4. If adjacent to another municipality or King County, take into consideration the subdivision standards of that jurisdiction as well as the requirements of this chapter;
5. Make adequate provision for stormwater detention, drainageways, streets, alleys, other public ways, water supplies, and sanitary wastes, and other public utilities and services, as required by applicable laws, codes, rules and regulations deemed necessary; and
6. Where feasible, make adequate provision for the connectivity of streets, alleys, pedestrian accessways and other public ways.

Sec. 12.04.130. Determination of completeness. Within twenty-eight (28) calendar days after receiving a type I short subdivision preliminary plat application, the planning department shall mail or personally provide to the applicant a written determination of completeness which states either that the application is complete or incomplete. If incomplete, the letter shall identify what information is required to make the application complete. The letter shall also identify, to the extent known by the city, other agencies with jurisdiction over the short subdivision application. If the city determines that an application is not complete, the applicant shall have up to ninety (90) calendar days to submit the necessary information to the city. If the applicant either refuses in writing to submit additional information or does not submit the required

information within the ninety (90) calendar day period, the application shall lapse because of a lack of information necessary to complete the review. Within fourteen (14) calendar days after an applicant has submitted the requested additional information, the city shall again make the completeness determination and shall notify the applicant in the same manner.

If the short subdivision application is determined to be complete, the planning department shall accept the application and note the date of acceptance. The time period for review of the proposed short subdivision begins following the determination of a complete application and acceptance of the application by the city. If the city does not provide a written determination to the applicant that the application is incomplete, the application shall be deemed complete at the end of the twenty-eight (28) day completeness review period.

Sec. 12.04.135. Vesting. A proposed division of land shall be considered under the requirements of this chapter and the zoning and other land use regulations in effect on the land at the time that a preliminary plat application for a type I short subdivision as defined in KCC Ch. 12.04, has been determined to be complete and has been accepted by the city of Kent, pursuant to KCC Chapter 12.04.130.

Sec. 12.04.140. Notice of application. A notice of application shall be issued for short subdivision applications within fourteen (14) calendar days after the city has made a determination of completeness, and at least fifteen (15) calendar days prior to the short subdivision committee meeting date. The notice of application shall be mailed, published and posted on the same day, in the following manner:

1. The city shall publish the notice of application in a newspaper of general circulation within the city.

2. The city shall post the notice of application on the public notice board(s) placed on the property and shall also post the notice of application at Kent city hall and in the register for public review at the planning department office.

3. The city shall mail the notice of application listing the date of the short subdivision committee meeting, to the applicant and all owners of real property as shown by the records of the county assessor's office within two hundred (200) feet of any portion of the boundary of the proposed subdivision. In addition, if the property to be short subdivided abuts parcels greater than two (2) acres which have other properties abutting them, these additional properties shall also be mailed a notice of application.

4. The city shall mail or send the notice of application to all agencies with jurisdiction, city departments, and to any person who requests such notice in writing.

5. One notice of application shall be done for all permit applications related to the same project at the time of the earliest complete project permit application.

Sec. 12.04.230145. Referral of preliminary short subdivision application.

Upon receipt of determination of completeness of an application for a short subdivision, the planning department shall transmit one (1) copy of the application materials to each member of the short subdivision committee, and ~~one (1)~~ provide copies to the appropriate city departments and to any other department or agency deemed necessary. The application shall be transmitted at least ~~five (5) working~~ fifteen (15) calendar days prior to the short subdivision committee meeting.

Sec. 12.04.130150. Notification of other agencies.

A. The city shall mail a notice of application to all agencies with jurisdiction over the short subdivision application. Such notice shall include the hour and location of the short subdivision committee meeting and a description of the property to be platted. A copy of the plat and the application materials shall be provided to agencies as deemed necessary or if requested by the agency.

B. Notice of application for the filing of a preliminary plat of a proposed short subdivision in the city, which subdivision is adjacent to or within one (1) mile of the city boundaries or which contemplates the use of King County's or any other city's or town's utilities shall be given to the appropriate county, city or town authorities.

C. Notice of application for the filing of a preliminary plat of a proposed short subdivision located adjacent to the right-of-way of a state highway shall be given to the State Department of Highways Transportation. Such notice shall include the hour and location of the meeting, hearing and a legal description of the short subdivision property to be platted and a location map. The department of transportation shall, within fourteen (14) days after receiving the notice, submit to the planning department a statement of any information that the department deems to be relevant about the effect of the proposed short subdivision upon the legal access to the state highway, the traffic carrying capacity of the state highway and the safety of the users of the state highway.

Sec. 12.04.155. Public notice. Notice of the short subdivision committee meeting shall be given in the following manner:

1. The date of the short subdivision committee meeting shall be listed on the notice of application, which shall be mailed to the applicant and all owners of real property as shown by the records of the county assessor's office within two hundred (200) feet of any portion of the boundary of the proposed subdivision. In addition, if the property to be short subdivided abuts parcels greater than two (2) acres which have other properties abutting them, these additional properties shall also be mailed a notice of application.
2. The city shall mail or send the notice of application to all agencies with jurisdiction, city departments, and to any person who requests such notice in writing.
3. The city shall publish the notice of application in a newspaper of general circulation within the city.
4. The applicant shall place at least one public notice board on the property to be subdivided. The public notice board must be placed on the property as directed by the planning department, and no later than fourteen (14) days after a determination of completeness. The applicant must remove the public notice board(s) from the property within seven (7) days after the end of the comment notice period or the conclusion of the public meeting(s). If the property to be subdivided is located adjacent to more than one public street or has more than one potential access route, one public notice board shall be

placed on the property adjacent to each public street or potential access route. Planning department staff shall post the notice of application on the public notice board(s) on the property and shall also post the notice of application at Kent city hall and in the register for public review at the planning department office.

Sec. 12.04.235160. Public commentresponse. Affected agencies and the public shall have a fourteen (14) calendar day period to comment on a notice of application. An agency is presumed to have no comments if comments are not received within the specified time period. The planning director may grant an extension of time only if the application involves unusual circumstances. Any extension shall not be granted for a period longer than three (3) additional calendar days. The public may make written response to the proposed short subdivision application within the ~~fifteen (15) days from the date of posting~~ comment period.

The fourteen (14) day public comment period begins on the date the notice of application is mailed, posted and published. The planning department must receive all public comments by 4:30 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible. The short subdivision committee shall not take action on a short subdivision application until after the ~~fifteen-day application~~ comment period has passed.

Sec. 12.04.370165. Health Agency recommendations regarding ~~subdivision preliminary plat.~~ At the time of the preliminary short subdivision plat application, written recommendations for approval or disapproval must be submitted from tThe health agencies responsible for approval of the proposed means of sewage disposal and/or water supply, shall file with the city council, prior to the city council's consideration of the subdivision preliminary plat, written statements as to regarding the general adequacy of the proposed means of sewage disposal and/or water supply. The aApplicant is responsible for submitting the appropriate application forms to the Seattle-King County health department and for paying the health department review fee.

~~Sec. 12.04.170. Short subdivision committee.~~

~~A. The short subdivision committee shall consist of one (1) planning commissioner; the director of parks and recreation; the planning director, who shall be chairman; the director of public works, who may designate the city engineer to attend in his absence with full voting power; and the fire chief, who may designate the chief of the fire prevention bureau to sit in his absence with full voting power.~~

~~B. Three (3) of the five (5) members of the short subdivision committee must be present in order for the committee to take any action.~~

~~C. A meeting attended by the applicant or representative and the short subdivision committee members shall be held within forty (40) days of the receipt of the application. The meeting shall be open to the public.~~

~~D. The short subdivision committee may approve, approve with modifications and conditions, or deny the application for a short subdivision. Any short subdivision which is in excess of four (4) lots shall be subject to full subdivision standards and shall comply with the following sections of this code: KCC 12.04.410(D), installation of improvements or bonding in lieu of improvements; KCC 12.04.420(B), final plat requirements; KCC 12.04.430, general requirements and minimum standards of residential design; and KCC 12.04.500, general requirements and minimum standards of industrial and commercial design.~~

~~E. The decision of the short subdivision committee shall be made at the short subdivision committee meeting. An additional meeting may be called if no decision is reached at the first meeting. The second meeting shall be no later than seven (7) days after the first meeting. An applicant may request that an application, on which the short subdivision committee has taken affirmative action, be reopened by the committee if it is found by the planning director and the applicant that new information has come to light that might affect the action taken by the short subdivision committee. In case of a denial by the short subdivision committee, any appeal shall be made to the city council as per~~

~~KCC 12.04.250. New information may be presented during city council consideration of the appeal.~~

~~F. Notice of the short subdivision committee meeting shall be given in the following manner:~~

~~1. Notice shall be given, in writing, to all property owners within a radius of two hundred (200) feet of the exterior boundaries of the property which is the subject of the application for a short subdivision; in addition, where the property to be short subdivided abuts parcels greater than two (2) acres which have other properties abutting them, these additional properties shall be so notified, in writing, of the application.~~

~~2. One (1) notice of the short subdivision application shall be posted on or adjacent to the land requested to be short subdivided, in a conspicuous place at least fourteen (14) days after receipt of the application.~~

Sec. 12.04.170. Short subdivision committee.

A. The short subdivision committee shall consist of the planning director, who shall be chairman; the director of parks and recreation; the director of public works; the fire chief; and a land use and planning board member. Each committee member is authorized to designate an alternate to attend in their absence. A designated alternate shall have full voting power in the short subdivision approval process.

B. Three (3) of the five (5) members of the short subdivision committee must be present in order for the committee to take any action.

Sec. 12.04.175. Short subdivision preliminary plat meeting. A public meeting attended by the applicant or representative and the short subdivision committee members shall be held within forty (40) days of the determination of completeness of the application. The meeting shall be open to the public.

Sec. 12.04.180. Approval criteria.

A. A proposed short subdivision and dedication shall not be approved unless the city finds that:

1. Appropriate provisions have been made for:

a. the public health, safety and general welfare of the community;

b. protection of environmentally sensitive lands and habitat;

c. potable water supplies;

d. sanitary wastes;

e. other public utilities and services, as deemed necessary;

f. drainageways;

g. connectivity of streets, roads, alleyways and other private and public ways for vehicular transportation, where feasible;

h. connectivity of sidewalks, pedestrian pathways, and other planning features that assure safe walking conditions within and between subdivisions and neighborhoods for residents and students who walk to and from school, parks, transit stops and other neighborhood services, where feasible; and

2. The city has considered all other relevant facts; and

3. The public use and interest will be served by the platting of such short subdivision and dedication.

4. The city has considered the physical characteristics of a proposed short subdivision site and may deny a proposed plat because of flood, inundation, or wetland conditions; slope, or soil stability and/or capabilities. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

B. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or the imposition of impact fees may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees shall be allowed that constitutes an unconstitutional taking of private property. The city shall not require a release from

damages to be procured from other property owners as a condition of approval for any subdivision.

Sec. 12.04.240185. Decision on short subdivisions.

A. The decision of the short subdivision committee shall be made at the short subdivision committee meeting. An additional meeting may be called if no decision is reached at the first meeting. The second meeting shall be set for the next scheduled short subdivision committee meeting or a date mutually agreed upon by the subdivider and the short subdivision committee.

BA. The city shall make written findings on the short subdivision approval criteria. If approved, the short subdivision plat shall be marked "Approved" and signed by the chairman of the short subdivision committee. The applicant shall be notified in writing of the committee's decision and shall be provided with a copy of the committee's findings addressing their reasons for approval or denial.

C. The short subdivision committee may approve, approve with modifications and conditions, or deny the application for a short subdivision. Any short subdivision which has four (4) or fewer lots shall not be subject to full subdivision standards and shall not be required to comply with all of the design standards required of subdivisions.

DB. If modifications are deemed necessary by the short subdivision committee, they may be added to the original short subdivision plat or a new short subdivision plat may be required

C. If denied, the short subdivision plat shall be marked "Denied" and the applicant shall be notified in writing of the decision, giving the reasons for denial.

E. An applicant may request that an application, on which the short subdivision committee has taken affirmative action, be reopened by the committee if it is found by the planning director and the applicant that new information has come to light that might affect the action taken by the short subdivision committee.

F. In case of a denial by the short subdivision committee, any appeal made shall be to the hearing examiner in accordance with section 12.04.190. New information may be presented during hearing examiner consideration of the appeal.

~~Sec 12.04.190. Administrative guidelines for short subdivisions. There shall be on file with the planning department and made available with each application issued, a set of administrative guidelines for drawing short plat maps, filling out the application and recording the plat.~~

Sec. 12.04.250190. Appeal of short subdivision committee decision. The decision of the short subdivision committee shall be final, unless an appeal by any aggrieved party of record is made to the hearing examiner within fourteen (14) calendar days after the short subdivision committee's decision. The appeal shall be in writing and shall be processed pursuant to Ch. 2.32 KCC. The decision of the hearing examiner shall represent final action of the city and is appealable only to the superior court. ~~Such appeal must be filed with the superior court within twenty-one (21) calendar days from the date the decision was issued.~~

Sec. 12.04.195. Appeal to superior court. The decision of the hearing examiner is final, unless it is appealed to the superior court. Such appeal must be filed with the superior court within twenty-one (21) calendar days from the date the decision was issued.

~~Sec. 12.04.200. Application for short subdivision. The application for a short subdivision is filed with the planning department. It is reviewed by the short subdivision committee. The committee may approve, modify or deny the short subdivision. An appeal of the decision of the short subdivision committee shall be to the hearing examiner.~~

Sec. 12.04.400200. Property annexed to city with short subdivision preliminary plat approval from in King Ceounty.

A. In instances where property annexed to the city has received short subdivision preliminary plat approval from King County prior to annexation, the planning department, department of public works, fire department and building department shall review the plat. City plan checking review and inspections shall be subject to fees, which are on file in the city clerk's office. ~~If the city staff finds that the preliminary plat complies with the following requirements, the subdivision can proceed to the final plat stage without a preliminary plat hearing by the hearing examiner and city council:~~

~~1. — The overall density of the subdivision does not exceed the maximum density allowed pursuant to the zoning code. Lot size and lot width requirements need not comply with KCC Title 15, Zoning, so long as overall density complies with KCC Title 15, Zoning.~~

B. The density, lot size and dimensions, and the provisions

~~2. — Adequate provision is made for open space, drainage ways, streets, alleys, public ways, water, sanitary wastes, parks, playgrounds, sites for schools and school grounds, and those conditions imposed by King County need not comply with the requirements of Title 15, Zoning or the Kent Construction Standards. These plats are to be developed in accordance with city county standards in effect at the time of submittal of the subdivision plat to the city vesting of the preliminary plat application in the county. The city may add conditions to the preliminary plat in order to ensure conformance with city standards.~~

~~3. — No detriment occurs to its surroundings.~~

CB. The preliminary plat shall comply with the King County regulations KCC 12.04.390 pertaining to expiration of the preliminary plat that were in effect on the date the application vested. The date of approval will be that date on which King County approved the preliminary plat.

~~C. — If the improvements are not constructed prior to annexation to the city, the subdivision must comply with KCC 12.04.410.~~

D. The procedures for type I short subdivision final plats shall be those county procedures and regulations in effect at the time of vesting of the preliminary short plat application in the county outlined in KCC 12.04.420.

Sec. 12.04.410205. Installation of improvements or bonding in lieu of improvements.

A. The following tangible improvements may be required before ~~a subdivision final plat is submitted~~ or a type I short subdivision of ~~five (5) or more lots~~ is recorded:

1. Grading and paving of streets and alleys;
2. Installation of curbs, gutters, sidewalks, monuments, sanitary and storm sewers, street lights, water mains and street name signs, together with all appurtenances thereto.

All improvements are to be made pursuant to specifications and standards of this Code, approved by the department of public works and in accordance with standards of the city.

B. The engineering department shall be responsible for the supervision, inspection and acceptance of all subdivision improvements and shall charge the subdivider a fee that has been assessed in accordance with Ordinance No. 3490 as enacted or as subsequently amended ~~the amount of the hourly cost to the city. The hourly cost shall include the salary and benefits of the inspector.~~

C. Prior to proceeding with short subdivision improvements, the subdivider shall make application for such permits from the city as are necessary. The applicant is also responsible for complying with all permit requirements of other federal, state and local agencies.

D. ~~No final plat shall be submitted to the city council nor any type I short subdivision of five (5) or more lots~~ shall be recorded until all improvements are constructed in a satisfactory manner and approved by the responsible departments or a bond approved by the city has been posted for deferred improvements. If a developer

wishes to defer certain on-site improvements, written application shall be made to the engineering and planning departments stating the reasons why such delay is necessary. If the deferment is approved, the developer shall furnish a performance bond to the city in an amount equal to a minimum of one hundred fifty (150) percent of the estimated cost of the required improvements. The decision of the city engineer and planning director as to the amount of such bond shall be conclusive. Such bond shall list the exact work that shall be performed by the applicant and shall specify that all of the deferred improvements be completed within the time established by the engineering department. If no time is established, then the time period shall not later be longer than one (1) year after approval of the final plat by the city council or one (1) year after recording of a five lot or larger the short subdivision. The bond shall be held by the engineering department's bond and permit specialist city clerk. The developer may substitute a certified or cashier's check or assignment of funds in lieu of a performance bond. Such check or assignment shall be made payable to the city ~~treasurer~~ of Kent and shall be in the same amount as the bond it is substituting.

E. The city reserves the right, in addition to all other remedies available to it by law, to proceed against such bond or other payment in lieu thereof. In case of any suit or action to enforce any provisions of this chapter, the developer shall pay the city all costs incidental to such litigation including reasonable attorney's fees. The applicant shall enter into an agreement with the city requiring payment of such attorney's fees. The requirement of the posting of any performance bond or other security shall be binding on the applicant, his heirs, successors and assigns.

~~F. The city engineer shall notify the planning department in writing of the improvements deferred, amount of bond or check deposited, time limit of bond or check, name of bonding company, and any other pertinent information.~~

G. The engineering department shall ~~submit a certificate in duplicate to~~ notify the planning department verifying that the developer has completed the required installations and/or bonding in accordance with the provisions of this chapter and the specifications and standards of the departments. ~~One (1) copy of the completed certificate shall be~~

~~furnished to the developer by t~~The planning department together with a notice shall notify the developer advising him to proceed with ~~preparation of a final plat or~~ recordation of a ~~five lot or larger~~ the short subdivision for that portion of the area in which ~~minimum~~ when the required improvements have been installed and approved or adequate security has been posted as provided in subsection (D) of this section. ~~The original certificate shall be retained by the planning department.~~

~~Sec. 12.04.210. Short subdivision preliminary map review.~~ In any short subdivision of property in excess of four (4) lots, the applicant must submit a map for ~~preliminary staff review prior to submittal of the application. The staff shall review this map within ten (10) days and inform applicant of any obvious concerns and recommendations for revisions. This shall not preclude the staff from making further recommendations at the application stage.~~

Sec. 12.04.260210. Filing the short subdivision final short plat.

A. The short subdivision final plat ~~which is submitted for filing shall be two (2) reproducible maps drawn to a scale of not less than one (1) inch representing one hundred (100) feet unless otherwise approved by the department of engineering and on sheets eighteen (18) by twenty-two (22) inches. The original drawing shall be in black ink on mylar or photographic mylar, and shall:~~

1. ~~Be a reproducible map drawn to scale on stabilized drafting film or on linen tracing cloth;~~

2. ~~Be eighteen (18) inches by twenty two (22) inches in size;~~

1. Include the date, title, name and location of the subdivision, graphic scale and true north point.

23. Show the location of all existing fences and structures in relation to lot lines within or abutting the short plat;

34. Show the location of utilities, streets and easements within or abutting short plat;

4. Display the lines of all streets and roads, alley lines, lot lines, lot and blocks numbered in numerical order, reservations, easements, and any areas to be dedicated to public use, with notes stating their purpose and any limitations.

~~5. Include the legal description of the total parcel shown on the final linen. Legal descriptions for each newly created lot must also be submitted to the planning department, but do not have to be on final linen. All legal descriptions shall be metes and bounds descriptions reflecting within the description ties to all subdivision lines, donation claim lines, and/or recording plat lines;~~

5. Contain data sufficient to determine readily and reproduce on the ground the location, bearing, and length of every street, easement line, lot line, boundary line and block line on site.

6. Include dimensions to the nearest one-hundredth of a foot and angles and bearings in degrees, minutes and seconds.

7. Include Lambert coordinates to the nearest five (5) seconds, or as required by more stringent state regulations, if provided by the department of public works for permanent control monuments on the final plat as determined by the city engineering department's land surveyor.

8. If applicable, display all interior permanent control monuments located as determined by the city engineer's office. All interior monuments shall be installed prior to the release of any bond.

9. Be mathematically correct.

10. Be accompanied by an approved printed computer plot closure on all lots, streets, alleys and boundaries.

11. Contain a metes and bounds legal description on the face of the final plat mylar which reflects all ties to subdivision lines, donation claim lines and/or recorded plat lines. The plat shall be accompanied by a current plat certificate with the identical metes and bounds legal description of the land to be subdivided on both the title report and final mylar.

12. Be accompanied by a complete survey of the section 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 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 (1) foot in ten thousand (10,000) feet or as required by more stringent state regulations.

13. List all conditions of approval for the short subdivision on the face of the plat.

14. Conform to the approved preliminary plat.

156. Be signed by the owner of the property on the face of ~~each~~ the final plat ~~linen~~ mylar.

167. Include a notarized certificate of the owner, contract purchaser, grantor of a deed of trust, or other holder of beneficial title to the property being subdivided indicating that the short subdivision is made with free consent and in accordance with their desires, and if the short subdivision is subject to deeding of property, the notarized certificate shall be signed by all parties having any ownership interest in the lands subdivided. For purposes of this section, "ownership interest" shall include legal and equitable property interests, including, but not limited to, present, future, contingent or whole fee interests, together with a beneficiary's interest pursuant to a trust and contract interest pursuant to a specifically enforceable contract for the purchase of the real property;

~~8. Include a current title report confirming that the title of the lands as described and shown on the plat is in the name of the owner signing the plat certification;~~

B. In addition to other requirements as specified in this section, the final plat shall contain or be accompanied by the following:

1. Certification showing that streets, rights-of-way and all sites for public use have been properly dedicated.

2. Certification by a licensed land surveyor that a survey has been made and that monuments and stakes will be set.

3. Certification by the responsible health agencies that the methods of sewage disposal and water service are acceptable.

4. Certification by the engineering department that the subdivider has complied with either of the following alternatives:

a. All improvements have been installed in accordance with the requirements of these regulations, or

b. Certain improvements have been deferred according to KCC 12.04.205 (D), deferred improvements.

5. The subdivider shall furnish the city a current plat certificate or title report from a title insurance company, produced no more than forty-five (45) calendar days prior to final plat application, that documents the ownership and title of all interested parties in the plat, subdivision, or dedication and that lists all liens and encumbrances. The legal description in the title report shall be identical to the meets and bounds legal description on the face of the plat. The city reserves the right to require updates of the certificate or title report at any time prior to signing the final plat by the short subdivision committee chairman.

6. Copies of any restrictive covenants as may be used in the short subdivision.

7. Certification of approval to be signed by the King County assessor.

8. Certification of approval to be signed by the King County recorder.

CB. All short subdivision final plats shall be surveyed by a land surveyor licensed in the state. ~~All exterior corners and streets shall be monumented.~~ All exterior corner and/or angle points shall be set with re-bar and cap. The type of street monuments used shall be in accordance with City of Kent standards and shall be installed per those same standards. The licensed land surveyor's certification must appear on final ~~line~~mylar. Certificates of

approval by the chairman of the short subdivision committee, ~~and the King County assessor and the King County recorder~~ must be provided on the final ~~line~~mylar.

D. If any utility companies and/or utility districts have existing easements within the proposed plat, the plattor or its assigns shall have these easements removed or shall have their rights subordinated to the City of Kent.

E. The final plat must be submitted to the planning department for review by the city as to compliance with all terms of the preliminary approval of the proposed subdivision or dedication; terms of bonding or the completion of all improvements; and completeness and accuracy of survey data and platting requirements.

F. The short subdivision final plat shall be signed by the chairman of the short subdivision committee when the plat is determined to be in compliance with all applicable short subdivision platting requirements and before it is filed with King County.

G. An approved short subdivision final plat shall be filed for record in the office of the King County auditor and shall not be deemed approved until filed.

H. A copy of the recorded short plats shall be filed with the planning department and one set of the original mylar shall be filed with the department of public works.

Sec. 12.04.280215. Short subdivision plat expiration. If the short subdivision final plat is not filed within one (1) year of the date of preliminary plat approval, the short subdivision plat shall be null and void. Upon written request of the subdivider, the planning department may grant one (1) extension of not more than one (1) year. Such request must be received by the planning department prior to the one-year expiration date.

Sec. 12.04.290220. Limitations on further subdivision. Any land subdivided under the requirements for a short subdivision shall not be further divided for a period of five (5) years without following the procedures for subdivisions, except that when the short subdivision contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short subdivision from filing an alteration within the five-year period to create up to a total of four lots within the original short subdivision boundaries.

Sec. 12.04.225. Procedure for alteration of a type I short subdivision.

A. If an applicant wishes to alter a type I short subdivision or any portion thereof, except as provided in Section 12.04.230, that person shall submit an application to the planning department requesting the alteration. The application shall contain the signatures of all persons having an ownership interest in lots, tracts, parcels, sites or divisions within the subdivision or in that portion of the subdivision to be altered.

B. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

C. If the alteration is requested to a short subdivision prior to final plat review and signature, a minor alteration may be approved with consent of the planning director and the public works director. A major plat alteration shall require consent of the short subdivision committee, after public notice and a public meeting is held. The planning department shall provide notice of the application for a major plat alteration to all owners of property within the subdivision, and as was required by the original short plat application. The planning director shall have the authority to determine whether the proposed alteration constitutes a minor or major alteration.

D. If the alteration is requested to a short subdivision after final plat review and signature, but prior to filing the final plat with King County, a plat alteration may be approved with consent of the short subdivision committee. Upon receipt of an application for alteration, the planning department shall provide notice of the application to all owners of property within the subdivision, and as was required by the original short plat application. The notice shall establish a date for a public meeting.

E. If the alteration is requested to a short subdivision after filing the final plat with King County, a minor plat alteration may be approved with consent of the short subdivision committee. If the Planning Director determines that the proposed alteration

is a major alteration, then the Planning Director may require replatting pursuant to this Chapter 12.04. Upon receipt of an application for alteration, the planning department shall provide notice of the application to all owners of property within the subdivision, and as was required by the subdivision plat application. The notice shall establish a date for a public meeting.

F. The short subdivision committee shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between adjacent properties.

G. After approval of the alteration, the short subdivision committee shall order the applicant to produce a revised drawing of the approved alteration of the short subdivision, which after signature of the chair of the short subdivision committee, the final plat shall be filed with the county auditor to become the lawful plat of the property.

H. This section shall not be construed as applying to the alteration or replatting of any plat of state-granted tide or shore lands.

Sec. 12.04.230. Procedure for vacation of a type I short subdivision.

A. Whenever an applicant wishes to vacate a type I short subdivision or any portion thereof, that person shall file an application for vacation with the planning department. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation.

B. If the short subdivision is subject to restrictive covenants which were filed at the time of the approval of the short subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the

relevant covenants to accomplish the purpose of the vacation of the short subdivision or portion thereof.

C. When the vacation application is specifically for a city street or road, the procedures for street vacation in Ch. 6.09 KCC shall be utilized for the street vacation. When the application is for the vacation of the plat together with the streets or roads, the procedure for vacation in this section shall be used but vacations of streets may not be made that are prohibited under state law.

D. The planning department shall give notice to all owners of property within the subdivision, and within 200 feet of short subdivision boundaries and to all applicable agencies. The short subdivision committee shall conduct a public meeting if the requested vacation does not involve a public dedication. The city council shall conduct a public hearing on the application for a vacation if the request involves a public dedication. The application for vacation of the short subdivision may be approved or denied after the city has determined the public use and interest to be served by the vacation of the short subdivision. If any portion of the land contained in the short subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the city council sets forth findings that the public use would not be served in retaining title to those lands.

E. Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the city council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the city council. When the road or street that is to be vacated was contained wholly within the short subdivision and is part of the boundary of the short subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

F. This section shall not be construed as applying to the vacation of any plat of state-granted tide or shore lands.

Sec. 12.04.430235. General requirements and standards for the subdivision of land and any dedications.

A. It is the purpose of this subsection to provide for the protection of valuable, irreplaceable environmental amenities and to make urban development as compatible as possible with the ecological balance of the area. Goals are to preserve drainage patterns, protect ground water supply, prevent erosion and to preserve trees and natural vegetation. This is beneficial to the city in lessening the costs of the development to the city as a whole, and to the subdivider in creating an attractive and quality environment. Land which is found to be unsuitable for subdivision includes land with features likely to be harmful to the safety and general health of the future residents such as land adversely affected by flooding, bad drainage, steep slopes, rock formations. Land which the city council considers inappropriate for subdivision shall not be subdivided unless adequate methods are provided as safeguards against these adverse conditions. If any portion of the land within the boundary of a preliminary plat or approved record of survey is subject to flood, or inundation, or is in a flood control zone, according to Chapter 86.16 RCW, that portion of the subdivision shall have the written approval of the State Department of Ecology before the city council shall hear the final plat. Every reasonable effort shall be made to preserve existing trees. Every effort shall be made to preserve existing streams, bodies of water, marshes and bogs. If a stream passes through any of the subject property, a plan shall be presented which indicates how the stream will be preserved. Methodology should include an overflow area, and an attempt to minimize the disturbance of the natural channel and stream bed. The piping or tunneling of water shall be discouraged and allowed only when going under streets. Every effort shall be made to keep all streams and bodies of water clear of debris and pollutants.

B. Where residential subdivisions are to be developed adjacent to business, commercial or industrial land use districts, buffer strips may be provided. No plan for the replatting, subdivision, or dedication of any areas shall be approved by the city council unless the streets shown therein are connected by a surfaced road or street according to city specifications to an existing street or highway. The location of all streets shall

conform to any adopted plans for streets in the city. The proposed street system shall extend existing streets at the same or greater width, unless otherwise approved by the engineering department. All proposed street names shall be approved by the city. Streets intersecting with existing or proposed public highways, major or secondary arterials shall be held to a minimum.

C. The alignment of all streets shall be reviewed and approved by the city engineering department. The following standards shall apply unless otherwise approved by the engineering department:

1. Where street intersections must be offset, such offsets shall not measure less than two hundred (200) feet from the centerline to centerline.

2. Residential cul-de-sacs shall not exceed a length of six hundred (600) feet.

3. No street grades shall exceed fifteen (15) percent. A grading permit shall be required as per Appendix 70 of the Uniform Building Code as adopted in KCC 14.01.010 prior to any grading.

4. A tangent of at least two hundred (200) feet in length shall be provided between reverse curves for community or major arterials, one hundred fifty (150) feet for neighborhood collector streets, and one hundred (100) feet for residential access streets.

5. Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets sixty (60) feet or more in width, the centerline radius of curvature shall be not less than three hundred (300) feet and on other streets it shall be not less than one hundred (100) feet.

6. All changes in grade shall be connected by vertical curves of a minimum length of two hundred (200) feet unless specified otherwise by the engineering department.

7. All streets shall be platted at full width. All street improvements shall be of full-width improvement. Full-width improvement shall consist of the following:

a. All streets, roads, and alleys shall be graded to their full width and the pavement and sidewalks shall be constructed to standard cross-sections.

b. All street and alley surfaces shall be of asphalt concrete according to city specifications.

c. All streets may have permanent concrete curbs and gutters according to city specifications.

d. All streets shall have storm drains consisting of the proper size pipe and catch basins or open ditch which is to be determined at the time of the public hearing for the preliminary plat. Whenever open ditch is allowed, no closed drains may be installed except across an authorized driveway.

e. All primary/major arterials, secondary arterials and collector streets shall have sidewalks, with a minimum of five (5) feet width on at least one (1) side.

f. All streets shall have street lighting located and installed in accordance with the determinations and standards of the engineering department. Street light spacing shall consider the dimensions of adjacent full-grown trees.

g. Streets which may be extended in the event of future adjacent platting may be required to be dedicated to the boundary line. Extensions of greater depth than an average lot shall be improved with temporary turnarounds. Dedication of a full-width boundary street may be required in certain instances to facilitate future development.

h. Any planting strips in residential subdivisions shall be not less than four (4) feet in width.

i. Street widths vary according to function and traffic generated. The following minimum widths for the types of streets, as defined in the comprehensive plan, must be adhered to if full pavement is required:

	<i>Right-of- way width (feet)</i>	<i>Pavement width (feet)</i>
Major Arterial	80	60
Secondary Arterial	70	44
Collector	60	36

Local Street	60	32
Cul-de-Sac	50	28 – 32

Where full pavement is not required the right-of-way widths shall remain the same for the type of street defined in the comprehensive plan. The improvement may consist of two (2) eleven (11) foot driving lanes and two (2) eight (8) foot shoulders and two (2) six (6) foot drainage sections and two (2) five (5) foot potential sidewalk sections.

If a subdivision is located in the area of an officially designed trail, provisions may be made for reservation of the right-of-way or for easements to the city for trail purposes.

Sec. 12.04.440240. Installation of utilities.

A. All utilities designed to serve the subdivision shall be placed underground. Those utilities to be located in the planting strip shall be placed in such a manner and depth to permit the planting of trees. Those utilities to be located beneath paved surfaces shall be installed, including all service connections, as approved by the engineering department. Such installation shall be completed and approved prior to the application of any surface material.

B. Unless septic tanks are specifically approved by the city, sanitary sewers shall be provided at no cost to the city and designed in accordance with city standards.

C. An adequate drainage system shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full-width roadway and required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall be less than twelve (12) inches.

D. The water distribution system including the locations of fire hydrants shall be designed and installed in accordance with city standards as defined by engineering and fire department ordinances and requirements.

Sec. 12.04.450245. Public use and service areas. Due consideration shall be given by the subdivider to the allocation on adequately-sized areas for public service usage. Easements may be required for the maintenance and operation of utilities as specified by the engineering department. Due regard shall be shown for all natural features such as large trees, watercourses, historical spots and similar community assets which, if preserved, will add attractiveness and value to the property.

Sec. 12.04.470250. Lots. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines. Each lot must front upon a public street or road. The size, shape, and orientation of lots shall meet the minimum area and width requirements of the applicable zoning classification and shall be appropriate for the type of development and use contemplated. Corner lots may be required to be platted with additional width to allow for the additional side yard requirements. Lots which are bordered by two (2) more or less parallel streets shall be permitted access to only one (1) of those streets. All lot corners at intersections of dedicated public rights-of-way shall have a minimum radii of fifteen (15) feet.

Sec. 12.04.480255. Other improvements.

A. *Monuments.* Concrete permanent control monuments shall be established at each and every controlling corner of the subdivision. Interior monuments shall be located as determined by the engineering department. All surveys shall be of second degree accuracy. The use of state plane coordinates is encouraged. All other lot corners shall be marked with suitable metal or wood markers.

B. *Street signs.* The subdivider shall reimburse the city on the cost of the public street name signs and installation necessary in the subdivision. The subdivider at his cost shall install street name signs on all private streets in the subdivision.

C. *Hillside subdivisions.* A hillside subdivision is a subdivision in which any lot in the subdivision has average slopes greater than fifteen (15) percent and in which any street in the subdivision has grades greater than seven (7) percent at any point. Additional

regulations shall be placed on hillside subdivisions in order to protect the unique environment and to deal with additional drainage and erosion problems present in such areas. The following standards shall apply to hillside subdivisions in addition to the regulations of KCC 12.04.235 through 12.04.255(A) and (B) which shall apply unless specifically excepted:

1. Information concerning the soils, geology, drainage patterns, and vegetation shall be presented in order to determine if the subdivision can be safely developed.

2. Detailed plans for any proposed cut and fill operations shall be submitted. These plans shall include the angle of slope, contours, compaction, and retaining walls.

3. Streets may have a grade exceeding fifteen (15) percent and street widths may be less than those required in KCC 12.04.235(C)(6) and (7)(i) if it is found that traffic generated will be less than in a nonhillside subdivision.

4. Lots may be required to be larger than minimum lot sizes required by KCC Title 15, Zoning. Generally, lots in steeper areas of the subdivision should be larger than those in less steep areas of the subdivision.

5. Any clearing or grading shall be accompanied by erosion control measures as deemed necessary by the engineering department.

Sec. 12.04.485260. Zero lot line type I short subdivisions.

A. Zero lot line subdivisions shall be subject to the development standards outlined in KCC Title 15. These standards include minimum lot size, width, depth, etc.

B. The regulation of KCC 12.04.235 through 12.04.255 shall apply unless specifically excepted. In addition, the following standards shall apply to zero lot line subdivision:-
~~In addition, the regulation of KCC 12.04.235 through 12.04.255 shall apply unless specifically excepted:~~

1. *Streets, curbs and sidewalks.*

a. *Public streets.* In certain areas, due to existing or planned circulation systems, it may be necessary for the city to require public rights-of-way to be

provided within the development. When the provision of such rights-of-way is necessary, the right-of-way width, paving width, and other standards shall be the same as would otherwise be required. The perimeter buffering requirement shall be applied along these rights-of-way.

b. *Nonpublic streets.* Ownership of private streets not open to public circulation shall remain with a homeowners' association and shall be their responsibility to maintain. These streets shall have asphaltic or concrete surface, and concrete or asphalt curbing shall be provided along both sides of all streets except where curb cuts are necessary for driveways. The minimum paving width for all collector streets within the zero lot line development shall be twenty-four (24) feet. The minimum paving width for all residential access streets shall be twenty (20) feet. A four (4) foot wide sidewalk shall be provided on one (1) side of the street, as a minimum. However, a sidewalk is not required on limited access streets serving two (2) or less dwellings. In addition, guest parking shall be provided at a rate of 0.5 guest parking spaces per dwelling unit beyond the normal parking provided at the dwelling.

2. *Installation of utilities.* All utilities designed to serve the development shall be placed underground. Any utilities located in a planting strip shall be placed in such a manner and depth to permit the planting of trees. Those utilities to be located beneath paved surfaces shall be installed, including all service connections, as approved by the public works department. Such installation shall be completed and approved prior to the application of any surface material. Easements may be required for the maintenance and operation of utilities as specified by the engineering department.

a. *Sanitary sewers.* Sanitary sewers shall be provided at no cost to the city and designed in accordance with city standards.

b. *Storm drainage.* An adequate drainage system shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full-width roadway and required slopes. The size openings to be provided shall be determined by Talbot's

formula, but in no case shall be less than twelve (12) inches. All mobile home parts must comply with city drainage ordinances.

c. *Water system.* The water distribution system including the location of fire hydrants shall be designed and installed in accordance with city standards as defined by the engineering and fire department ordinances and requirements.

d. *Electrical hook-ups.* All electrical hookups shall comply with the National Electrical Code. Permits shall be obtained from the State Electrical Inspection Division.

Sec. 12.04.500265. ~~General requirements and minimum~~ Design standards for of industrial and commercial design plats.

A. The division of land for industrial and commercial purposes shall conform to the requirements and minimum standards of residential design except as provided in this section.

B. The street widths shall be as follows:

	<i>Right-of-way width in feet</i>	<i>Pavement width in feet</i>
Industrial Arterial	90	60
Industrial Collector	80	44
Industrial Access	60	36
Commercial Streets	60	36
Alleys	20	--

The city may require that street widths in commercial subdivisions be increased to provide for traffic movement and to reduce or eliminate traffic congestion.

C. All industrial arterial (ninety (90) foot right-of-way), industrial collectors (eighty (80) foot right-of-way), and commercial streets (sixty (60) foot right-of-way) shall have sidewalks a minimum of five (5) feet in width, on both sides. All industrial and

commercial access streets which are also through streets shall have sidewalks a minimum of five (5) feet in width, on one (1) side.

D. All lot corners at intersections of dedicated public rights-of-way shall have a minimum radii of twenty-five (25) feet.

E. If railroad tracks are to be installed in a subdivision, such tracks and their route shall be shown on the face of the preliminary plat.

F. Blocks shall not be less than six hundred (600) feet or more than two thousand (2,000) feet in length. Blocks should be not less than three hundred (300) feet in width, except where fronting on major streets or prevented by topographical conditions or size of the property, in which case the land use hearing examiner may approve a lesser width. Blocks should not be greater than one thousand (1,000) feet in width.

G. Lots. Lots are optional in industrial and commercial subdivisions. The size, shape and orientation of lots shall meet the minimum area and width requirements of the applicable zoning classification and shall be appropriate for the type of development and use contemplated. However, if lots for individual sale or lease are created, they shall conform to the following criteria:

1. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines.

2. Corner lots may be required to be platted wider than interior lots as determined by the planning department.

~~Sec. 12.04.270. Filing short subdivision final plat.~~

~~A. A subdivision final plat must be signed by the chairman of the short subdivision committee before it is filed.~~

~~B. An approved short subdivision final plat shall be filed for record in the office of the King County auditor and shall not be deemed approved until filed.~~

~~C. In addition to subsection (B) above, short plats shall be filed with the planning department, the city clerk and the department of public works.~~

~~Sec. 12.04.350. Subdivision preliminary plat meeting.~~ The planning department shall compare the subdivision tentative and preliminary plats and shall reach a decision within three (3) working days after the submission, as to whether a preliminary plat meeting is necessary. A preliminary plat meeting may be deemed necessary when there are significant differences between the subdivision tentative and preliminary plats. The determination of the necessity of a preliminary plat meeting shall be based on the following considerations:

~~1. The degree of commonality between the two (2) plans (i.e., the preliminary plat is a refinement of the tentative plat, or is a completely new plat for the same property);~~

~~2. The presence or absence of revisions present in the preliminary plat resulting from objections raised at the tentative plat meeting.~~

III. Type II Short Subdivisions

Sec. 12.04.400. Purpose of type II short subdivisions. The procedures regulating type II short subdivisions are established to promote orderly and efficient division of lots on a smaller scale, promote infill development and meet density requirements in established urban areas while minimizing the application review time, avoiding placing undue burdens on the subdivider and complying with the purpose of this chapter and the provisions of RCW 58.17.060 et seq.

Sec. 12.04.405. Scope.

A. Any land being divided into more than four (4) and less than ten (10) parcels, lots, tracts, sites or subdivisions, any one (1) of which is less than twenty (20) acres in size and which has not been divided in a short subdivision within a period of five (5) years shall be subject to the requirements of this section.

B. No application for a short subdivision shall be approved if the land being divided is held in common ownership with a contiguous parcel that has been divided in a short subdivision within the preceding five (5) years. Such serial subdivision of contiguous

parcels in the same ownership is defined as 'piggybacking' short subdivisions, and is prohibited unless the subject property has received master plan approval by the city through a rezone, planned unit development or other hearing process, then 'piggybacking' short subdivisions shall be permitted. Such short subdivisions must be consistent with the approved master plan.

Sec. 12.04.410. Preliminary consultation with staff. Any person who desires to subdivide land in the city should consult with the planning department at an early date on an informal basis in order to become familiar with the requirements of this chapter. The department of public works should be consulted at this time for advice and assistance in understanding the engineering requirements of this chapter and the construction standards of the city.

Sec. 12.04.415. Application procedures. An application for a type II short subdivision consists of six (6) separate steps as follows:

1. Preparation of the tentative short subdivision and submission of the tentative short subdivision application to the planning department;
2. Review of the tentative short subdivision by the city and convene a meeting with the developer and the city resulting in the issuance of a tentative subdivision letter;
3. Preparation of the preliminary plat of the proposed short subdivision and submission of the preliminary short subdivision application to the short subdivision committee for a public meeting and decision;
4. Installation or bonding of improvements according to the approved preliminary plat requirements and satisfaction of all plat conditions;
5. Submission of the final plat to the planning department for review and signature by the chair of the short subdivision committee;
6. Recordation of the approved final plat in the office of the King County department of records and elections.

Sec. 12.04.150420. Subdivision in phases. In a phased type II short subdivision, preliminary plat approval must be granted for the entire subdivision and must delineate the separate divisions which are to be developed in increments. The preliminary plat approval shall be conditioned upon completion of the proposed phases in a particular sequence and may specify a completion date for each phase. Final plat approval shall be granted for each separate phase of the preliminary plat and any changes at the preliminary plat stage would require city council approval of the short subdivision committee.

Sec. 12.04.320425. Subdivision ~~†~~ Tentative short plat review.

A. Applications for a short subdivision tentative plat meeting and review shall be filed with the planning department. A tentative plat meeting and review shall be considered equivalent to a pre-application meeting for the purposes of meeting the requirements of KCC 12.01.080. Seventeen (17) copies of the tentative subdivision plat shall be filed. The scale and information required for a tentative short subdivision application plat and number of copies to be filed shall be in accordance with the requirements of the planning director KCC section 12.04.330 (B), except that the scale and information do not need to be precise and the map does not need to be prepared by a registered land surveyor.

B. The planning department shall transmit copies of the short subdivision tentative plat to the fire, development service, public works and parks departments, public utility agencies serving the area, and to any other department or agency deemed necessary. the following departments:

1. ~~Four (4) copies to the department of public works;~~
2. ~~One (1) copy to the building department;~~
3. ~~One (1) copy to the health agency;~~
4. ~~One (1) to the fire department; and~~
5. ~~One (1) each to the public utility agencies serving the area.~~

C. A meeting on the subdivision tentative short plat shall may be held, which is attended by the planning department, other city departments which receive copies of the

tentative plat ~~the planning department~~, and the subdivider. Any recommendations of the various departments for revision of the tentative plat should be discussed at such meeting. These recommendations and potential conditions of approval for the short plat shall be as well as recorded in writing and mailed to the subdivider by the planning department.

D. ~~After the tentative plat meeting and receipt of t~~The recommendations of the city departments shall be based on whether the tentative short plat is, the planning department must find that the tentative plat:

1. ~~Is in general~~ conformance with the purpose and regulations of this chapter;
2. In conformance with fire safety regulations;
3. In conformance with City of Kent Construction Standards;
4. In conformance with building code regulations;
52. In conformance with the appropriate sStreets standards and conform to the

circulation pattern established or proposed for the area that the subdivision will be developed in;

63. ~~Is in~~ conformance with sewer, water and other utility plans for the area;
74. ~~Is n~~Not detrimental to its surroundings.

E. If the short subdivision tentative plat is recommended to proceed approved as presented or as modified ~~as per~~ in accordance with the written suggestions made by the city presented in writing at the tentative plat meeting, the applicant shall proceed to the preliminary short subdivision plat stage. If not recommended to proceed approved, a preliminary short subdivision plat may still be submitted to the ~~hearing examiner~~ short subdivision committee. However, it is likely that the same objections and problems will arise at that stage.

F. If changes are made to a preliminary short plat which has already received tentative plat recommendations and potential conditions, the planning department shall compare the subdivision tentative short plat and the proposed preliminary short plat and shall make a determination whether the preliminary plat requires additional tentative plat review. A new tentative plat review and meeting may be required if the preliminary plat is not substantially similar to the tentative plat reviewed by the city. The determination of

the necessity for another tentative plat meeting shall be based on the following considerations:

1. The degree of commonality between the two (2) plans (i.e., the preliminary plat is a refinement of the tentative plat, or is a completely new plat for the same property); and

2. The presence or absence of revisions present in the preliminary plat resulting from concerns or recommendations raised at the tentative plat meeting.

Sec. 12.04.430. Preliminary short subdivision application.

A. Application for a short subdivision shall be made to the planning department on the forms supplied and in the number of copies prescribed by that department.

B. The short subdivision plat shall be a neat and approximate drawing on reproducible material at a decimal scale. The plat map shall measure between eight and one-half (8 1/2) inches by eleven (11) inches and eighteen (18) inches by twenty-two (22) inches and shall include:

1. The short subdivision name and number, the name and address of the owner, and the name and address of the licensed land surveyor and if applicable, the subdivision engineer;

2. The date of preparation, the true north point, a graphic scale and legal description of the property to be subdivided and drawn to an appropriate decimal scale;

3. The location of existing and proposed platted property lines, and existing section lines, streets, buildings, water courses, railroads, bridges, and any recorded public or private utility or roadway easements, both on the land to be subdivided and on the adjoining lands that abut the proposed subdivision, for a distance of one hundred (100) feet from the edge of the subject property;

4. The names, locations, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations and utilities;

5. The acreage of land to be subdivided; the number of lots; the area of each lot; and the approximate square footage and approximate percent of total acreage in open space;

6. The approximate dimensions of each lot;

7. How the proposed subdivision will be served by utilities and the location of sewer and water lines.

8. All existing structures and distances from any existing and proposed lot lines within or abutting the short subdivision within a distance of fifty (50) feet.

9. Monumentation of all exterior corners and streets and be surveyed by a land surveyor licensed in the state.

10. Provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, users of public transit and other pedestrians.

11. All of the information requested on the application form by the planning director.

Sec. 12.04.435. Principles of acceptability. No short subdivision shall be approved unless the following principles of acceptability are met; the short subdivision shall:

1. Create legal building sites which comply with all provisions of KCC Title 15, Zoning, and health regulations;

2. Establish access to a public road for each segregated parcel;

3. Have suitable physical characteristics; a proposed short plat may be denied because of flood, inundation or wetland conditions; slope, soil stability and/or capabilities; or the construction of protective improvements may be required as a condition of approval;

4. If adjacent to another municipality or King County, take into consideration the subdivision standards of that jurisdiction as well as the requirements of this chapter;

5. Make adequate provision for stormwater detention, drainageways, water supplies, sanitary wastes, and other public utilities and services, as required by applicable laws, codes, rules and regulations.

6. Where feasible, make adequate provision for the connectivity of streets, alleys, pedestrian accessways and other public ways.

Sec. 12.04.440. Determination of completeness. Within twenty-eight (28) calendar days after receiving a type II short subdivision preliminary plat application, the planning department shall mail or personally provide to the applicant a written determination of completeness which states either that the application is complete or incomplete. If incomplete, the letter shall identify what information is required to make the application complete. The letter shall also identify, to the extent known by the city, other agencies with jurisdiction over the short subdivision application. If the city determines that an application is not complete, the applicant shall have up to ninety (90) calendar days to submit the necessary information to the city. If the applicant either refuses in writing to submit additional information or does not submit the required information within the ninety (90) calendar day period, the application shall lapse because of a lack of information necessary to complete the review. Within fourteen (14) calendar days after an applicant has submitted the requested additional information, the city shall again make the completeness determination and shall notify the applicant in the same manner.

If the short subdivision application is determined to be complete, the planning department shall accept the application and note the date of acceptance. The time period for review of the proposed short subdivision begins following the determination of a complete application and acceptance of the application by the city. If the city does not provide a written determination to the applicant that the application is incomplete, the application shall be deemed complete at the end of the twenty-eight (28) day completeness review period.

Sec. 12.04.445. Vesting. A proposed division of land shall be considered under the requirements of this chapter and the zoning and other land use regulations in effect on the land at the time that a preliminary plat application for a type II short subdivision as defined in KCC Ch. 12.04, has been determined to be complete and has been accepted by the city of Kent, pursuant to KCC Chapter 12.04.440.

Sec. 12.04.450. Notice of application. A notice of application shall be issued for short subdivision applications within fourteen (14) calendar days after the city has made a determination of completeness, and at least fifteen (15) calendar days prior to the short subdivision committee meeting date. The notice of application shall be mailed, published and posted on the same day, in the following manner:

1. The city shall publish the notice of application in a newspaper of general circulation within the city.

2. The city shall post the notice of application on the public notice board(s) placed on the property and shall also post the notice of application at Kent city hall and in the register for public review at the planning department office.

3. The city shall mail the notice of application listing the date of the short subdivision committee meeting, to the applicant and all owners of real property as shown by the records of the county assessor's office within two hundred (200) feet of any portion of the boundary of the proposed subdivision. In addition, if the property to be short subdivided abuts parcels greater than two (2) acres which have other properties abutting them, these additional properties shall also be mailed a notice of application.

4. The city shall mail or send the notice of application to all agencies with jurisdiction, city departments, and to any person who requests such notice in writing.

5. One notice of application shall be done for all permit applications related to the same project at the time of the earliest complete project permit application.

Sec. 12.04.455. Referral of preliminary short subdivision application. Upon determination of completeness of an application for a short subdivision, the planning

department shall transmit one (1) copy of the application materials to each member of the short subdivision committee, provide copies to the appropriate city departments and to any other department or agency deemed necessary. The application shall be transmitted at least fifteen (15) calendar days prior to the short subdivision committee meeting.

Sec. 12.04.460. Notification of agencies.

A. The city shall mail a notice of application to all agencies with jurisdiction over the short subdivision application. Such notice shall include the hour and location of the short subdivision committee meeting and a description of the property to be platted. A copy of the plat and application materials shall be provided to agencies as deemed necessary or if requested by the agency.

B. Notice of application for a preliminary plat of a proposed short subdivision adjacent to or within one (1) mile of the city boundaries or which contemplates the use of King County's or any other city's or town's utilities shall be given to the appropriate county, city or town authorities.

C. Notice of application for a preliminary plat of a proposed short subdivision located adjacent to the right-of-way of a state highway shall be given to the State Department of Transportation. Such notice shall include the hour and location of the meeting, a legal description of the short subdivision and a location map. The department of transportation shall, within fourteen (14) days after receiving the notice, submit to the planning department a statement of any information that the department deems to be relevant about the effect of the proposed short subdivision upon the legal access to the state highway, the traffic carrying capacity of the state highway and the safety of the users of the state highway.

Sec. 12.04.465. Public notice.

A. Notice of the short subdivision committee meeting shall be given in the following manner:

1. Notice of application shall be mailed, published and posted on the same day, at least fifteen (15) calendar days prior to the meeting date.

2. The date of the short subdivision committee meeting shall be listed on the notice of application, which shall be mailed to the applicant and all owners of real property as shown by the records of the county assessor's office within two hundred (200) feet of any portion of the boundary of the proposed subdivision. In addition, if the property to be short subdivided abuts parcels greater than two (2) acres which have other properties abutting them, these additional properties shall also be mailed a notice of application. The city shall mail or send the notice of application to all agencies with jurisdiction, city departments, and to any person who requests such notice in writing.

3. The city shall publish the notice of application in a newspaper of general circulation within the city.

4. The applicant shall place at least one public notice board on the property to be subdivided. The public notice board must be placed on the property as directed by the planning department, and no later than fourteen (14) days after a determination of completeness. The applicant must remove the public notice board(s) from the property within seven (7) days after the end of the comment notice period or the conclusion of the public meeting(s). If the property to be subdivided is located adjacent to more than one public street or has more than one potential access route, one public notice board shall be placed on the property adjacent to each public street or potential access route. Planning department staff shall post the notice of application on the public notice board(s) on the property and shall also post the notice of application at Kent city hall and in the register for public review at the planning department office.

Sec. 12.04.470. Public comment.

A. Affected agencies and the public shall have a fourteen (14) calendar day period to comment on a notice of application. An agency is presumed to have no comments if comments are not received within the specified time period. The planning director may grant an extension of time only if the application involves unusual circumstances. Any

extension shall not be granted for a period longer than three (3) additional calendar days. The public may make written response to the proposed short subdivision application within the comment period.

B. The fourteen (14) day public comment period begins on the date the notice of application is mailed, posted and published. The planning department must receive all public comments by 4:30 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible. The short subdivision committee shall not take action on a short subdivision application until after the comment period has passed.

Sec. 12.04.475. Agency recommendations. At the time of the preliminary short subdivision plat application, written recommendations for approval or disapproval must be submitted from the health agencies responsible for approval of the proposed means of sewage disposal and/or water supply, regarding the general adequacy of the proposed means of sewage disposal and/or water supply. The applicant is responsible for submitting the appropriate application forms to the Seattle-King County health department and for paying the health department review fee.

Sec. 12.04.480. Short subdivision committee.

A. The short subdivision committee shall consist of the planning director, who shall be chairman; the director of parks and recreation; the director of public works; the fire chief; and a land use and planning board member. Each committee member is authorized to designate an alternate to attend in their absence. A designated alternate shall have full voting power in the short plat approval process.

B. Three (3) of the five (5) members of the short subdivision committee must be present in order for the committee to take any action.

Sec. 12.04.485. Short subdivision preliminary plat meeting. A public meeting attended by the applicant or representative and the short subdivision committee members

shall be held within forty (40) days of the determination of completeness of the application. The meeting shall be open to the public.

Sec. 12.04.490. Approval criteria.

A. A proposed short subdivision and dedication shall not be approved unless the city finds that:

1. Appropriate provisions have been made for:

a. the public health, safety and general welfare of the community;

b. protection of environmentally sensitive lands and habitat;

c. potable water supplies;

d. sanitary wastes;

e. other public utilities and services, as deemed necessary;

f. drainageways;

g. stormwater detention;

h. community parks and recreation;

i. neighborhood tot lots and play areas;

j. schools and school grounds;

k. transit stops;

l. connectivity of sidewalks, pedestrian pathways, and other planning features that assure safe walking conditions within and between subdivisions and neighborhoods for residents and students who walk to and from school, parks, transit stops and other neighborhood services, where feasible;

m. connectivity of streets, roads, alleyways and other private and public ways for vehicular transportation, where feasible; and

2. The city has considered all other relevant facts; and

3. The public use and interest will be served by the platting of such short subdivision and dedication.

4. The city has considered the physical characteristics of a proposed short subdivision site and may deny a proposed plat because of flood, inundation, or wetland

conditions; slope, or soil stability and/or capabilities. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

B. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or the imposition of impact fees may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees shall be allowed that constitutes an unconstitutional taking of private property. The city shall not require a release from damages to be procured from other property owners as a condition of approval for any subdivision.

Sec. 12.04.495. Decision on short subdivisions.

A. The decision of the short subdivision committee shall be made at the short subdivision committee meeting. An additional meeting may be called if no decision is reached at the first meeting. The second meeting shall be set for the next scheduled short subdivision committee meeting or a date mutually agreed upon by the subdivider and the short subdivision committee.

B. The city shall make written findings on the short subdivision approval criteria. The applicant shall be notified in writing of the committee's decision and shall be provided with a copy of the committee's findings addressing their reasons for approval or denial.

C. The short subdivision committee may approve, approve with modifications and conditions, or deny the application for a short subdivision. Any short subdivision which is in excess of four (4) lots shall be subject to full subdivision standards and shall comply with all of the design standard sections of this code.

D. If modifications are deemed necessary by the short subdivision committee, they may be added to the original short subdivision plat or a new short subdivision plat may be required by the short subdivision committee.

E. An applicant may request that an application, on which the short subdivision committee has taken affirmative action, be reopened by the committee if it is found by the planning director and the applicant that new information has come to light that might affect the action taken by the short subdivision committee.

F. In case of a denial by the short subdivision committee, any appeal made shall be to the hearing examiner in accordance with section 12.04.500. New information may be presented during hearing examiner consideration of the appeal.

Sec. 12.04.500. Appeal of short subdivision committee decision. The decision of the short subdivision committee shall be final, unless an appeal by party of record is made to the hearing examiner within fourteen (14) calendar days after the short subdivision committee's decision. The appeal shall be in writing and shall be processed pursuant to Ch. 2.32 KCC. The decision of the hearing examiner shall represent final action of the city and is appealable only to the superior court.

Sec. 12.04.505. Appeal to superior court. The decision of the hearing examiner is final, unless appealed to the superior court. Such appeal must be filed with the superior court within twenty-one (21) calendar days from the date the decision was issued.

~~Sec. 12.04.510. Lots. Lots are optional in industrial and commercial subdivisions. The size, shape and orientation of lots shall meet the minimum area and width requirements of the applicable zoning classification and shall be appropriate for the type of development and use contemplated. However, if lots for individual sale or lease are created, they shall conform to the following criteria:~~

~~1. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines.~~

~~2. Corner lots may be required to be platted wider than interior lots as determined by the planning department.~~

Sec. 12.04.510. Property annexed to city with short subdivision preliminary plat approval from King County.

A. In instances where property annexed to the city has received short subdivision preliminary plat approval from King County prior to annexation, the planning department, department of public works, fire department and building department shall review the plat. City plan check review and inspections shall be subject to fees, which are on file in the city clerk's office.

B. The density, lot size and dimensions, and the provisions made for open space, drainage ways, streets, alleys, public ways, water, sanitary wastes, parks, playgrounds, sites for schools and school grounds, and those conditions of approval imposed by King County need not comply with the requirements of KCC Title 15, Zoning or the Kent Construction Standards. These plats are to be developed in accordance with county standards in effect at the time of vesting of the preliminary plat in the county.

C. The preliminary plat shall comply with the King County regulations pertaining to expiration of the preliminary plat that were in effect on the date the application vested. The date of approval will be that date on which King County approved the preliminary plat.

D. The procedures for type II short subdivision final plats shall be those county procedures and regulations in effect at the time of vesting of the preliminary short plat application in the county.

Sec. 12.04.515. Installation of improvements or bonding in lieu of improvements.

A. The following tangible improvements may be required before a short subdivision of five (5) or more lots is recorded:

1. Grading and paving of streets and alleys;
2. Installation of curbs, gutters, sidewalks, monuments, sanitary and storm sewers, street lights, water mains and street name signs, together with all appurtenances thereto.

All improvements are to be made pursuant to specifications and standards of this Code, approved by the department of public works and in accordance with standards of the city.

B. The engineering department shall be responsible for the supervision, inspection and acceptance of all subdivision improvements and shall charge the subdivider a fee that has been assessed in accordance with Ordinance No. 3490 as enacted or as subsequently amended.

C. Prior to proceeding with short subdivision improvements, the subdivider shall make application for such permits from the city as are necessary. The applicant is also responsible for complying with all permit requirements of other federal, state and local agencies.

D. No type II short subdivision shall be recorded until all improvements are constructed in a satisfactory manner and approved by the responsible departments or a bond approved by the city has been posted for deferred improvements. If a developer wishes to defer certain on-site improvements, written application shall be made to the engineering and planning departments stating the reasons why such delay is necessary. If the deferment is approved, the developer shall furnish a performance bond to the city in an amount equal to a minimum of one hundred fifty (150) percent of the estimated cost of the required improvements. The decision of the city engineer and planning director as to the amount of such bond shall be conclusive. Such bond shall list the exact work that shall be performed by the applicant and shall specify that all of the deferred improvements be completed within the time established by the engineering department. If no time is established, then the time period shall not be longer than one (1) year after recording of the short subdivision. The bond shall be held by the engineering department's bond and permit specialist. The developer may substitute a certified or cashier's check or assignment of funds in lieu of a performance bond. Such check or assignment shall be made payable to the city of Kent and shall be in the same amount as the bond it is substituting.

E. The city reserves the right, in addition to all other remedies available to it by law, to proceed against such bond or other payment in lieu thereof. In case of any suit or action

to enforce any provisions of this chapter, the developer shall pay the city all costs incidental to such litigation including reasonable attorney's fees. The applicant shall enter into an agreement with the city requiring payment of such attorney's fees. The requirement of the posting of any performance bond or other security shall be binding on the applicant, his heirs, successors and assigns.

F. The engineering department shall notify the planning department verifying that the developer has completed the required installations and/or bonding in accordance with the provisions of this chapter and the specifications and standards of the departments. The planning department shall notify the developer advising him to proceed with recordation of the short subdivision when the required improvements have been installed and approved or adequate security has been posted as provided in subsection (D) of this section.

Sec. 12.04.420520. Filing the Subdivision and certain short subdivision final short plat.

A. An application for short subdivision final plat shall be filed with the planning department on the forms provided and in the number of copies prescribed by the planning department. ~~Eleven (11) copies of the final plat plus the original shall be submitted.~~ The final plat shall be prepared by a land surveyor registered in accordance with the requirements of Chapter 18.43 RCW, and shall conform to the preliminary plat. Application fees are on file in the city clerk's office and the planning department.

B. The ~~final subdivision plat or final~~ short subdivision final plat ~~for short subdivisions of five (5) or more lots~~ submitted for filing shall be two (2) reproducible maps drawn to a scale of not less than one (1) inch representing one hundred (100) feet unless otherwise approved by the department of engineering and on sheets eighteen (18) by twenty-two (22) inches. The original drawing shall be in black ink on ~~linen tracing cloth or on stabilized drafting film~~ mylar or photographic mylar, and shall:

1. Include the date, title, name and location of the subdivision, graphic scale and true north point.

2. Show the location of all existing fences and structures in relation to lot lines within or abutting the short plat.

3. Show the location of utilities, streets and easements within or abutting short plat.

42. Display the lines of all streets and roads, alley lines, lot lines, lot and blocks numbered in numerical order, reservations, easements, and any areas to be dedicated to public use, with notes stating their purpose and any limitations.

53. Contain data sufficient to determine readily and reproduce on the ground the location, bearing, and length of every street, easement line, lot line, boundary line and block line on site.

64. Include dimensions to the nearest one-hundredth of a foot and angles and bearings in degrees, minutes and seconds.

75. Include Lambert coordinates to the nearest five (5) seconds, or as required by more stringent state regulations, if provided by the department of public works for permanent control monuments on the final plat as determined by the city engineering department's land surveyor.

86. If applicable, display all interior permanent control monuments located as determined by the city engineer's office. All interior monuments shall be installed prior to the release of any bond.

97. Be mathematically correct.

108. Be accompanied by an approved printed computer plot closure or demonstrated mathematical plot closure on all lots, streets, alleys and boundaries.

~~9. Contain a legal description of the land to be subdivided on both the title report and final linen. Legal description shall be metes and bounds description reflecting within such description ties to all subdivision lines, donation claim lines and/or recorded plat lines.~~

11. Contain a meets and bounds legal description on the face of the final plat mylar which reflects all ties to subdivision lines, donation claim lines and/or recorded plat lines. The plat shall be accompanied by a current plat certificate with the identical metes

and bounds legal description of the land to be subdivided on both the title report and final mylar.

1210. Be accompanied by a complete survey of the section 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 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 (1) foot in ~~ten~~ five thousand (\$10,000) feet or as required by more stringent state regulations.

13. List all conditions of approval for the short subdivision on the face of the plat.

14. Conform to the approved preliminary plat.

15. Be signed by the owner of the property on the face of each final plat mylar.

16. Include a notarized certificate of the owner, contract purchaser, grantor of a deed of trust, or other holder of beneficial title to the property being subdivided indicating that the short subdivision is made with free consent and in accordance with their desires, and if the short subdivision is subject to deeding of property, the notarized certificate shall be signed by all parties having any ownership interest in the lands subdivided. For purposes of this section, "ownership interest" shall include legal and equitable property interests, including, but not limited to, present, future, contingent or whole fee interests, together with a beneficiary's interest pursuant to a trust and contract interest pursuant to a specifically enforceable contract for the purchase of the real property.

C. In addition to other requirements as specified in this section, the final plat shall contain or be accompanied by the following:

1. Certification showing that streets, rights-of-way and all sites for public use have been properly dedicated.

2. Certification by a licensed land surveyor that a survey has been made and that monuments and stakes will be set.

3. Certification by the responsible health agencies that the methods of sewage disposal and water service are acceptable.

4. Certification by the engineering department that the subdivider has complied with either of the following alternatives:

a. All improvements have been installed in accordance with the requirements of these regulations, or

b. Certain improvements have been deferred according to KCC 12.04.400 515 (D), deferred improvements.

5. The subdivider shall furnish the city a current plat certificate or title report from a title insurance company, produced no more than forty-five (45) days prior to final plat application, that documents the ownership and title of all interested parties in the plat, subdivision, or dedication and that lists all liens and encumbrances. The legal description in the title report shall be identical to the meets and bounds legal description on the face of the plat. The city reserves the right to require updates of the certificate or title report at any time prior to ~~the granting of the final plat by the city council~~ signing the final plat by the short subdivision committee chairman.

6. Certification of approval to be signed by the King County assessor~~finance~~ department that taxes have been paid in accordance with RCW 58.08.030 and 58.08.040 and that a deposit has been made with the King County finance department in sufficient amount to pay the taxes for the following year.

7. Certification of approval to be signed by the King County recorder~~finance~~ director that there are no delinquent special assessments and that all special assessments certified to the finance director for collection on any property herein contained dedicated for streets, alleys or other public uses are paid in full.

~~8. Certification of approval to be signed by the city engineer and the planning director.~~

~~9. Certification of approval to be signed by the mayor and the city clerk.~~

810. Copies of any restrictive covenants as may be used in the short subdivision.

D. All short subdivision final plats shall be surveyed by a land surveyor licensed in the state. All exterior corner and/or angle points shall be set with re-bar and cap. The type of street monuments used shall be in accordance with City of Kent standards and shall be installed per those same standards. The licensed land surveyor's certification must appear on final mylar. Certificates of approval by the chairman of the short subdivision committee, the King County assessor and the King County recorder must be provided on the final mylar.

E. If any utility companies and/or utility districts have existing easements within the proposed plat, the plattor or its assigns shall have these easements removed or shall have their rights subordinated to those of the City of Kent.

~~FD. The planning department shall distribute the final short plat to all departments and agencies receiving the preliminary plat, and to any other departments, utility agencies and other governmental agencies deemed necessary.~~ The final short plat shall be submitted to the planning department for review by the city as to compliance with all terms of the preliminary approval of the proposed subdivision or dedication; terms of bonding or the completion of all improvements; and completeness and accuracy of survey data and platting requirements.

~~E. — At its first public meeting following the date the final plat application has been officially accepted by the planning department, the city council shall set a date for a public hearing or meeting to consider the final plat. The final plat shall be approved, disapproved or returned to the applicant for modification or correction within thirty (30) days of the date of application, unless the applicant consents to an extension of such time period.~~

~~F. — Before the final plat is submitted to the city council, it shall be signed by the city engineer and planning director. After the final plat is approved by the city council, it shall be signed by the mayor and the city clerk. The final plat shall be filed with the King County auditor by the city.~~

~~G. — If a final plat has not been submitted for recording within six (6) months after approval by the city council, the plat shall expire and be null and void. To revitalize the~~

~~expired plat, the plat shall be resubmitted as a preliminary plat. One (1) extension to the six (6) month period may be granted by the city council.~~

G. The short subdivision final plat shall be signed by the chairman of the short subdivision committee when the plat is determined to be in compliance with all applicable short subdivision platting requirements and before it is filed with King County.

H. An approved short subdivision final plat shall be filed for record in the office of the King County auditor and shall not be deemed approved until filed.

I. A copy of the recorded short plats shall be filed with the planning department and one set of the original mylar shall be filed with the department of public works.

Sec. 12.04.525. Short subdivision plat expiration. If the short subdivision final plat is not filed within one (1) year of the date of preliminary plat approval, the short subdivision plat shall be null and void. Upon written request of the subdivider, the planning department may grant one (1) extension of not more than one (1) year. Such request must be received by the planning department prior to the one-year expiration date.

Sec. 12.04.530. Limitations on further subdivision. Any land subdivided under the requirements for a type II short subdivision shall not be further divided for a period of five (5) years without following the procedures for subdivisions.

Sec. 12.04.535. Procedure for alteration of a type II short subdivision.

A. If an applicant wishes to alter any type II short subdivision or any portion thereof, except as provided in Section 12.04.540, that person shall submit an application to the planning department requesting the alteration. The application shall contain the signatures of all persons having an ownership interest in lots, tracts, parcels, sites or divisions within the subdivision or in that portion of the subdivision to be altered.

B. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties

subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

C. If the alteration is requested to a short subdivision prior to final plat approval and signature, a minor alteration may be approved with consent of the planning director and the public works director. A major plat alteration shall require consent of the short subdivision committee, after public notice and a public meeting is held. The planning department shall provide notice of the application for a major plat alteration to all owners of property within the subdivision, and as was required by the original short plat application. The planning director shall have the authority to determine whether the proposed alteration constitutes a minor or major alteration.

D. If the alteration is requested to a short subdivision after final plat approval and signature, but prior to filing the final plat with King County, a plat alteration may be approved with consent of the short subdivision committee. Upon receipt of an application for alteration, the planning department shall provide notice of the application to all owners of property within the subdivision, and as was required by the original short plat application. The notice shall establish a date for a public meeting.

E. If the alteration is requested to a short subdivision after filing the final plat with King County, a minor plat alteration may be approved with consent of the short subdivision committee. If the Planning Director determines that the proposed alteration is a major alteration, then the Planning Director may require replatting pursuant to this Chapter 12.04. Upon receipt of an application for alteration, the planning department shall provide notice of the application to all owners of property within the subdivision, and as was required by the subdivision plat application. The notice shall establish a date for a public meeting.

F. The short subdivision committee shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration

contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between adjacent properties.

G. After approval of the alteration, the short subdivision committee shall order the applicant to produce a revised drawing of the approved alteration of the short subdivision, which after signature of the chair of the short subdivision committee, the final plat shall be filed with the county auditor to become the lawful plat of the property.

H. This section shall not be construed as applying to the alteration or replatting of any plat of state-granted tide or shore lands.

~~————~~ **Sec. 12.04.540. Penalties.**

~~A. Any person, firm, corporation or association, or any agent of any person, firm, corporation or association who violates the provisions of this code shall be guilty of a misdemeanor and upon conviction be subject to a fine not to exceed five hundred dollars (\$500) for each such violation, or imprisonment for a period not to exceed thirty (30) days, or both such fine and imprisonment.~~

~~B. In addition to the penalty in subsection (A) above for violation of this chapter, any person who transfers, sells, or options any land which is undergoing platting procedures before such plat has been approved by the city, and before it has been filed for record in the office of the King County auditor shall, upon conviction, be subject to a fine not to exceed three hundred dollars (\$300) for each such violation, or imprisonment for a period not to exceed thirty (30) days, or both such fine and imprisonment. This provision does not apply when the original subdivider sells the entire parcel to another subdivider.~~

~~C. The King County prosecuting attorney may initiate an action to enjoin the transfer, sale, agreement, or option by making application for an injunction in the superior court. The city may recover the penalty in subsection (B) above and any cost by civil action in any court of competent jurisdiction.~~

~~D. Whenever land within a subdivision granted final approval is used in a manner or for a purpose which violates any provision of the state subdivision law, RCW 58.17.060 through 58.17.910 or any provisions of this chapter or any term or condition of plat approval prescribed for a plat by the city council, the King County prosecuting attorney~~

~~or the attorney general may commence an action to restrain and enjoin such use and compel compliance with the provisions of the state subdivision law or this chapter. The costs of such action may be taxed against the violator.~~

Sec. 12.04.540. Procedure for vacation of a type II short subdivision.

A. Whenever an applicant wishes to vacate a type II short subdivision or any portion thereof, that person shall file an application for vacation with the planning department. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation.

B. If the short subdivision is subject to restrictive covenants which were filed at the time of the approval of the short subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the short subdivision or portion thereof.

C. When the vacation application is specifically for a city street or road, the procedures for street vacation in Ch. 6.09 KCC shall be utilized for the street vacation. When the application is for the vacation of the plat together with the streets or roads, the procedure for vacation in this section shall be used but vacations of streets may not be made that are prohibited under state law.

D. The planning department shall give notice to all owners of property within the subdivision, and within 200 feet of short subdivision boundaries and to all applicable agencies. The short subdivision committee shall conduct a public meeting if the requested vacation does not involve a public dedication. The city council shall conduct a public hearing on the application for a vacation if the request involves a public dedication. The application for vacation of the short subdivision may be approved or denied after the city has determined the public use and interest to be served by the vacation of the short subdivision. If any portion of the land contained in the short subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded

to the city unless the city council sets forth findings that the public use would not be served in retaining title to those lands.

E. Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the city council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the city council. When the road or street that is to be vacated was contained wholly within the short subdivision and is part of the boundary of the short subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

F. This section shall not be construed as applying to the vacation of any plat of state-granted tide or shore lands.

Sec. 12.04.545. Standards for the subdivision of land and any dedications.

A. It is the purpose of this subsection to provide for the protection of valuable, irreplaceable environmental amenities and to make urban development as compatible as possible with the ecological balance of the area. Goals are to preserve drainage patterns, protect ground water supply, prevent erosion and to preserve trees and natural vegetation. This is beneficial to the city in lessening the costs of the development to the city as a whole, and to the subdivider in creating an attractive and quality environment. Land which is found to be unsuitable for subdivision includes land with features likely to be harmful to the safety and general health of the future residents such as land adversely affected by flooding, bad drainage, steep slopes, rock formations. Land which the city council considers inappropriate for subdivision shall not be subdivided unless adequate methods are provided as safeguards against these adverse conditions. If any portion of the land within the boundary of a preliminary plat or approved record of survey is subject to flood, or inundation, or is in a flood control zone, according to Chapter 86.16 RCW, that portion of the subdivision shall have the written approval of the State Department of Ecology before the city council shall hear the final plat. Every reasonable effort shall be made to

preserve existing trees. Every effort shall be made to preserve existing streams, bodies of water, marshes and bogs. If a stream passes through any of the subject property, a plan shall be presented which indicates how the stream will be preserved. Methodology should include an overflow area, and an attempt to minimize the disturbance of the natural channel and stream bed. The piping or tunneling of water shall be discouraged and allowed only when going under streets. Every effort shall be made to keep all streams and bodies of water clear of debris and pollutants.

B. Where residential subdivisions are to be developed adjacent to business, commercial or industrial land use districts, buffer strips may be provided. No plan for the replatting, subdivision, or dedication of any areas shall be approved by the city council unless the streets shown therein are connected by a surfaced road or street according to city specifications to an existing street or highway. The location of all streets shall conform to any adopted plans for streets in the city. The proposed street system shall extend existing streets at the same or greater width, unless otherwise approved by the engineering department. All proposed street names shall be approved by the city. Streets intersecting with existing or proposed public highways, major or secondary arterials shall be held to a minimum.

C. The alignment of all streets shall be reviewed and approved by the city engineering department. The following standards shall apply unless otherwise approved by the engineering department:

1. Where street intersections must be offset, such offsets shall not measure less than two hundred (200) feet from the centerline to centerline.

2. Residential cul-de-sacs shall not exceed a length of six hundred (600) feet.

3. No street grades shall exceed fifteen (15) percent. A grading permit shall be required as per Appendix 70 of the Uniform Building Code as adopted in KCC 14.01.010 prior to any grading.

4. A tangent of at least two hundred (200) feet in length shall be provided between reverse curves for community or major arterials, one hundred fifty (150) feet for neighborhood collector streets, and one hundred (100) feet for residential access streets.

5. Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets sixty (60) feet or more in width, the centerline radius of curvature shall be not less than three hundred (300) feet and on other streets it shall be not less than one hundred (100) feet.

6. All changes in grade shall be connected by vertical curves of a minimum length of two hundred (200) feet unless specified otherwise by the engineering department.

7. All streets shall be platted at full width. All street improvements shall be of full-width improvement. Full-width improvement shall consist of the following:

a. All streets, roads, and alleys shall be graded to their full width and the pavement and sidewalks shall be constructed to standard cross-sections.

b. All street and alley surfaces shall be of asphalt concrete according to city specifications.

c. All streets may have permanent concrete curbs and gutters according to city specifications.

d. All streets shall have storm drains consisting of the proper size pipe and catch basins or open ditch which is to be determined at the time of the public hearing for the preliminary plat. Whenever open ditch is allowed, no closed drains may be installed except across an authorized driveway.

e. All primary/major arterials, secondary arterials and collector streets shall have sidewalks, with a minimum of five (5) feet width on at least one (1) side.

f. All streets shall have street lighting located and installed in accordance with the determinations and standards of the engineering department. Street light spacing shall consider the dimensions of adjacent full-grown trees.

g. Streets which may be extended in the event of future adjacent platting may be required to be dedicated to the boundary line. Extensions of greater depth than an average lot shall be improved with temporary turnarounds. Dedication of a full-width boundary street may be required in certain instances to facilitate future development.

h. Any planting strips in residential subdivisions shall be not less than four (4) feet in width.

i. Street widths vary according to function and traffic generated. The following minimum widths for the types of streets, as defined in the comprehensive plan, must be adhered to if full pavement is required:

	<u>Right-of- way width (feet)</u>	<u>Pavement width (feet)</u>
<u>Major Arterial</u>	<u>80</u>	<u>60</u>
<u>Secondary Arterial</u>	<u>70</u>	<u>44</u>
<u>Collector</u>	<u>60</u>	<u>36</u>
<u>Local Street</u>	<u>60</u>	<u>32</u>
<u>Cul-de-Sac</u>	<u>50</u>	<u>28 – 32</u>

Where full pavement is not required the right-of-way widths shall remain the same for the type of street defined in the comprehensive plan. The improvement may consist of two (2) eleven (11) foot driving lanes and two (2) eight (8) foot shoulders and two (2) six (6) foot drainage sections and two (2) five (5) foot potential sidewalk sections.

If a subdivision is located in the area of an officially designed trail, provisions may be made for reservation of the right-of-way or for easements to the city for trail purposes.

Sec. 12.04.550. Installation of utilities.

A. All utilities designed to serve the subdivision shall be placed underground. Those utilities to be located in the planting strip shall be placed in such a manner and depth to permit the planting of trees. Those utilities to be located beneath paved surfaces shall be installed, including all service connections, as approved by the engineering department. Such installation shall be completed and approved prior to the application of any surface material.

B. Unless septic tanks are specifically approved by the city, sanitary sewers shall be provided at no cost to the city and designed in accordance with city standards.

C. An adequate drainage system shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full-width roadway and required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall be less than twelve (12) inches.

D. The water distribution system including the locations of fire hydrants shall be designed and installed in accordance with city standards as defined by engineering and fire department ordinances and requirements.

Sec. 12.04.555. Public use and service areas. Due consideration shall be given by the subdivider to the allocation on adequately-sized areas for public service usage. Easements may be required for the maintenance and operation of utilities as specified by the engineering department. Due regard shall be shown for all natural features such as large trees, watercourses, historical spots and similar community assets which, if preserved, will add attractiveness and value to the property.

~~————~~ **Sec. 12.04.560. Lot line adjustments.**

~~A. — The purpose of a lot line adjustment is to accommodate a minor transfer of land between adjacent legally created lots, to rectify a disputed property line location or to clarify exempt parcel status per RCW 58.17.040(6).~~

~~B. — A completed lot line adjustment application is filed with the planning department. The application is reviewed by the planning department staff. The adjustment is either approved, modified or denied by the director or designee. The approved lot line adjustment is recorded by the applicant at King County department of assessments. Lot line adjustment applications shall be submitted on forms supplied by the planning department and shall include the following:~~

~~————~~ 1. — Four (4) copies of a legible map, drawn to scale on a minimum eight and one half (8 1/2) inch by eleven (11) inch sheet of paper showing where applicable:

- ~~a. Existing lot lines;~~
- ~~b. Proposed new lot lines and distance it has been moved;~~
- ~~c. Adjacent streets;~~
- ~~d. Type, location and dimensions of existing and/or proposed easements;~~
- ~~e. Existing structures and distance to property lines;~~
- ~~f. Total square footage of revised lots;~~
- ~~g. Ground floor square footage of all structures;~~
- ~~h. Location of onsite parking, landscaping and other significant site features affected by the change;~~
- ~~i. Indication of north;~~
- ~~j. Identification of parcels as Lot A, Lot B, etc.;~~
- ~~2. The signature of all property owners having interest in the lot line adjustment, indicating approval of the proposal;~~
- ~~3. A signed affidavit in a form approved by the planning director attesting to and verifying the ownership and title of all interested parties of the property and listing all encumbrances or a title report documenting ownership, title and encumbrances;~~
- ~~4. A copy of the existing legal description for both parcels;~~
- ~~5. A metes and bounds description of the proposed new lots if other than a platted lot.~~

~~C. Lot line adjustments shall be consistent with the following principles of acceptability:~~

- ~~1. Adjust lot lines including the elimination of a common lot line in order to correct property line or setback encroachments;~~
- ~~2. Create better lot design, or improve access;~~
- ~~3. Conform to applicable zoning, subdivision and other code requirements pertaining to lot design, building location, and development standards;~~
- ~~4. Avoid creation of an additional lot parcel and tract;~~

~~5. Lots created or combined for tax purposes do not constitute a legal lot of record.~~

~~D. The planning department will review and approve the proposed lot line adjustment within ten (10) working days of receiving a completed application. The planning director may approve, approve with modifications, or deny the application for a lot line adjustment. If approved all four (4) lot line adjustment maps shall be stamped "approved" and signed and dated by the planning director. The applicant shall be notified in writing of the decision. Additional copies of the approval notification and map shall be distributed to the King County assessor's office and to the city property management department. If modifications are deemed necessary by the planning director, they may be added to the original lot line adjustment map or a revised map may be required. The applicant will be notified of any such modification action. If a modification of the original lot line adjustment map, legal description or other information is necessary, the projected approval date may be extended. If denied, the lot line adjustment shall be marked "denied" and the applicant shall be notified in writing of the decision, stating the reasons.~~

~~E. A lot line adjustment does not become effective until it is recorded with the King County assessor's office. It is the responsibility of the applicant to record the approved map and new legal descriptions. A copy of the recorded documents shall be submitted to the planning department by the applicant. The recording of a lot line adjustment does not constitute a transfer of title. Separate deeds to this effect must be recorded with the King County assessor's office and are not subject to these provisions.~~

Sec. 12.04.460560. Blocks. Blocks shall not be less than three hundred (300) feet nor more than one thousand five hundred (1,500) feet in length. Where circumstances warrant, the hearing examiner may require one (1) or more public crosswalks of not less than six (6) feet in width dedicated to the city to extend entirely across the width of the block at locations deemed necessary. Such crosswalks shall be paved for their entire width and length with a permanent surface and shall be adequately lighted. Blocks shall be wide enough to allow two (2) tiers of lots, except where fronting on major streets or prevented

by topographical conditions or size of the property, in which case the hearing examiner may approve a single tier.

Sec. 12.04.565. Lots. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines. Each lot must front upon a public street or road. The size, shape, and orientation of lots shall meet the minimum area and width requirements of the applicable zoning classification and shall be appropriate for the type of development and use contemplated. Corner lots may be required to be platted with additional width to allow for the additional side yard requirements. Lots which are bordered by two (2) more or less parallel streets shall be permitted access to only one (1) of those streets. All lot corners at intersections of dedicated public rights-of-way shall have a minimum radii of fifteen (15) feet.

Sec. 12.04.570. Other improvements.

A. Monuments. Concrete permanent control monuments shall be established at each and every controlling corner of the subdivision. Interior monuments shall be located as determined by the engineering department. All surveys shall be of second degree accuracy. The use of state plane coordinates is encouraged. All other lot corners shall be marked with suitable metal or wood markers.

B. Street signs. The subdivider shall reimburse the city on the cost of the public street name signs and installation necessary in the subdivision. The subdivider at his cost shall install street name signs on all private streets in the subdivision.

C. Hillside subdivisions. A hillside subdivision is a subdivision in which any lot in the subdivision has average slopes greater than fifteen (15) percent and in which any street in the subdivision has grades greater than seven (7) percent at any point. Additional regulations shall be placed on hillside subdivisions in order to protect the unique environment and to deal with additional drainage and erosion problems present in such areas. The following standards shall apply to hillside subdivisions in addition to the

regulations of KCC 12.04.545 through 12.04.570(A) and (B) which shall apply unless specifically excepted:

1. Information concerning the soils, geology, drainage patterns, and vegetation shall be presented in order to determine if the subdivision can be safely developed.

2. Detailed plans for any proposed cut and fill operations shall be submitted. These plans shall include the angle of slope, contours, compaction, and retaining walls.

3. Streets may have a grade exceeding fifteen (15) percent and street widths may be less than those required in KCC 12.04.545(C)(6) and (7)(i) if it is found that traffic generated will be less than in a nonhillside subdivision.

4. Lots may be required to be larger than minimum lot sizes required by KCC Title 15, Zoning. Generally, lots in steeper areas of the subdivision should be larger than those in less steep areas of the subdivision.

5. Any clearing or grading shall be accompanied by erosion control measures as deemed necessary by the engineering department.

Sec. 12.04.575. Zero lot line type II short subdivisions.

A. Zero lot line subdivisions shall be subject to the development standards outlined in KCC Title 15. These standards include minimum lot size, width, depth, etc.

B. The following standards shall apply to zero lot line subdivision. In addition, the regulation of KCC 12.04.545 through 12.04.570 shall apply unless specifically excepted:

1. Streets, curbs and sidewalks.

a. Public streets. In certain areas, due to existing or planned circulation systems, it may be necessary for the city to require public rights-of-way to be provided within the development. When the provision of such rights-of-way is necessary, the right-of-way width, paving width, and other standards shall be the same as would otherwise be required. The perimeter buffering requirement shall be applied along these rights-of-way.

b. Nonpublic streets. Ownership of private streets not open to public circulation shall remain with a homeowners' association and shall be their responsibility to maintain. These streets shall have asphaltic or concrete surface, and concrete or asphalt curbing shall be provided along both sides of all streets except where curb cuts are necessary for driveways. The minimum paving width for all collector streets within the zero lot line development shall be twenty-four (24) feet. The minimum paving width for all residential access streets shall be twenty (20) feet. A four (4) foot wide sidewalk shall be provided on one (1) side of the street, as a minimum. However, a sidewalk is not required on limited access streets serving two (2) or less dwellings. In addition, guest parking shall be provided at a rate of 0.5 guest parking spaces per dwelling unit beyond the normal parking provided at the dwelling.

2. Installation of utilities. All utilities designed to serve the development shall be placed underground. Any utilities located in a planting strip shall be placed in such a manner and depth to permit the planting of trees. Those utilities to be located beneath paved surfaces shall be installed, including all service connections, as approved by the public works department. Such installation shall be completed and approved prior to the application of any surface material. Easements may be required for the maintenance and operation of utilities as specified by the engineering department.

a. Sanitary sewers. Sanitary sewers shall be provided at no cost to the city and designed in accordance with city standards.

b. Storm drainage. An adequate drainage system shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full-width roadway and required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall be less than twelve (12) inches. All mobile home parts must comply with city drainage ordinances.

c. Water system. The water distribution system including the location of fire hydrants shall be designed and installed in accordance with city standards as defined by the engineering and fire department ordinances and requirements.

d. Electrical hook-ups. All electrical hookups shall comply with the National Electrical Code. Permits shall be obtained from the State Electrical Inspection Division.

Sec. 12.04.490580. Parks and open space requirements.

A. Approval of all subdivisions located in either single-family residential or multifamily residential zones as defined in KCC Title 15, Zoning, shall be contingent upon the subdivider's dedication of land or providing fees in lieu of dedication to the city, as necessary to mitigate the adverse effects of development upon the existing park and recreation service levels. This requirement shall not apply to lots of forty-three thousand five hundred (43,500) square feet or larger in size, planned unit developments or subdivisions of four (4) or less lots.

B. The following criteria shall serve as a basis for the department of parks and recreation determination whether land proposed for dedication is of sufficient size, character and quality:

1. The proposed area for dedication may be located either within or without the subdivision for which it is required, but must either be adjacent to an existing or proposed city park site or within the same park service area in which the subdivision is located or within one (1) mile of the subdivision for which it is required.

2. The proposed area for dedication shall have characteristics and location which make it suitable for future inclusion into the city parks system, as determined by the director of parks and recreation.

3. With the approval of the planning department, the proposed area for dedication or portion thereof may contain valuable or sensitive environmental features, preservation of which is consistent with the city's comprehensive plan and/or parks and recreation plan.

4. The proposed area for dedication shall, in the determination of the parks director, further one (1) or more comprehensive plan policies dealing with the open space

element, steep slopes as open space, wetlands as open space, agricultural lands as open space, wildlife habitat as open space and heritage sites as open space.

5. All lots within the subdivision for which dedication is required shall have legal and convenient access to the proposed area, at the time of final plat approval.

6. The area proposed by the subdivider for dedication must consist of an area that is equal or greater in size than the size computed as necessary by the department of parks and recreation using the formula described in subsection (C) of this section.

7. The area of proposed dedication shall have a street frontage equal to at least twenty (20) percent of its perimeter to allow for regular observation of play areas by residents of the subdivision. Alternative design measures that accomplish the same purpose of security may be approved by the city.

8. The topography, soils, hydrography and other physical characteristics of the area proposed for dedication shall be of such quality as to allow the development of community or neighborhood parks, or to create a flat, dry, obstacle-free space on at least fifty (50) percent of the total required area in a configuration which allows for active recreation; shall have no known safety hazards; and shall have no known physical problems such as the presence of hazardous waste, drainage, erosion, or flooding that the director determines would cause inordinate demands upon public resources for maintenance and operation of the property to be dedicated to the city.

9. If it is determined that the public interest would be served, the land may be conveyed to a homeowners' nonprofit maintenance corporation. In this instance, the subdivider shall, at or prior to the time of filing a final plat for approval, supply the planning department with copies of the articles of incorporation and bylaws of the grantee organization, together with evidence of the conveyance or of a binding commitment to convey. The articles of incorporation shall provide that membership in the corporation shall be conditioned upon ownership of land in the subdivision that the corporation is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the corporation, and that the assessment shall be a lien upon the land. The city attorney shall review and approve the articles of

incorporation and bylaws as to compliance with this provision. The city council may impose other conditions as it deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

C. Subdividers who dedicate open space or park land pursuant to this section shall dedicate five (5) percent of the total property being subdivided. Unless a subdivider dedicates land in accordance with this section in order to mitigate the direct impacts identified as a consequence of the proposed development, the city's final approval of the subdivision shall be contingent upon payment of a park development fee from the subdivider to the city. The fee in lieu of land dedication for parks and open space shall be determined by multiplying the following two (2) factors:

1. One hundred fifty (150) percent of the average assessed value per unit area of land within the boundaries of the subdivision; and
2. The gross land area within the subdivision multiplied by five (5) percent as set forth in subsection (C) above. The average assessed value shall be that for the year in which the subdivision is granted preliminary plat approval. Computations shall be based upon King County assessor information.

The fee in lieu of dedication shall be held in a reserve account at the city, and may only be expended to fund a capital improvement that has been agreed upon by the parties to mitigate the identified, direct impact of the development. The payment shall be expended in all cases within five (5) years of collection.

D. When approval of a subdivision is conditioned upon the dedication of land or the payment of any fees in lieu of dedication, a final plat or short plat shall not be recorded until:

1. The director of parks and recreation has determined in writing that any land to be dedicated is shown on the face of the ~~final plat or short subdivision~~ final plat, or a deed conveying the land to the city has been recorded with the King County department of records and elections.

2. Conveyance of land to a homeowners' association shall be done within the time frames specified in subsection (B)(9) above.

3. The instrument conveying the land to the city has been transmitted to the city council for acceptance of the dedication by ordinance.

4. Payment of any fees in lieu of dedication have been made to the city finance department.

E. Any payment of fees made pursuant to this section that have not been expended within five (5) years of collection shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund. If the payment is not expended within five (5) years due to delay attributable to the developer, the payment shall be refunded without interest.

F. Appeals of dedication requirements or fees in lieu of dedication imposed pursuant to this section shall be governed by the provisions of Ch. 2.32 KCC.

Sec. 12.04.585. Design standards for industrial and commercial plats.

A. The division of land for industrial and commercial purposes shall conform to the requirements and minimum standards of residential design except as provided in this section.

B. The street widths shall be as follows:

	<u>Right-of-way width in feet</u>	<u>Pavement width in feet</u>
<u>Industrial Arterial</u>	<u>90</u>	<u>60</u>
<u>Industrial Collector</u>	<u>80</u>	<u>44</u>
<u>Industrial Access</u>	<u>60</u>	<u>36</u>
<u>Commercial Streets</u>	<u>60</u>	<u>36</u>
<u>Alleys</u>	<u>20</u>	<u>--</u>

The city may require that street widths in commercial subdivisions be increased to provide for traffic movement and to reduce or eliminate traffic congestion.

C. All industrial arterial (ninety (90) foot right-of-way), industrial collectors (eighty (80) foot right-of-way), and commercial streets (sixty (60) foot right-of-way) shall have sidewalks a minimum of five (5) feet in width, on both sides. All industrial and commercial access streets which are also through streets shall have sidewalks a minimum of five (5) feet in width, on one (1) side.

D. All lot corners at intersections of dedicated public rights-of-way shall have a minimum radii of twenty-five (25) feet.

E. If railroad tracks are to be installed in a subdivision, such tracks and their route shall be shown on the face of the preliminary plat.

F. Blocks shall not be less than six hundred (600) feet or more than two thousand (2,000) feet in length. Blocks should be not less than three hundred (300) feet in width, except where fronting on major streets or prevented by topographical conditions or size of the property, in which case the land use hearing examiner may approve a lesser width. Blocks should not be greater than one thousand (1,000) feet in width.

G. Lots. Lots are optional in industrial and commercial subdivisions. The size, shape and orientation of lots shall meet the minimum area and width requirements of the applicable zoning classification and shall be appropriate for the type of development and use contemplated. However, if lots for individual sale or lease are created, they shall conform to the following criteria:

1. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines.

2. Corner lots may be required to be platted wider than interior lots as determined by the planning department.

III. Subdivisions

Sec. 12.04.600. Purpose of subdivisions. The procedures regulating subdivisions are established to ensure quality development which promotes orderly and efficient growth, the conservation and proper use of land; protects the public health, safety, general

welfare, and aesthetics of the city; makes adequate provisions for public facilities in conformance with provisions set forth in KCC Title 15, Zoning, and the Kent Comprehensive Plan; and complies with the provisions of this chapter and RCW 58.17.

Sec. 12.04.300605. Detailed procedures for subdivision Scope.

A. Any land being divided into ten (10) or more parcels, lots, tracts, sites, or subdivision, any one (1) of which is less than twenty (20) acres in size; or

B. Any land which has been previously divided under the short subdivision procedures within the preceding five (5) years; or

C. Any land which is held in common ownership with a contiguous parcel divided under the short subdivision procedures within the preceding five (5) years shall conform to the procedures and requirements of section 12.04.310615 et seq.

Sec. 12.04.610. Preliminary consultation with staff. Any person who desires to subdivide land in the city should consult with the planning department at an early date on an informal basis in order to become familiar with the requirements of this chapter. The department of public works should be consulted at this time for advice and assistance in understanding the engineering requirements of this chapter and the construction standards of the city.

Sec. 12.04.615. Application procedures. An application for a subdivision consists of six (6) separate steps as follows:

1. Preparation of the tentative plat of the proposed subdivision and submission of the tentative plat application to the planning department;

2. Review of the tentative subdivision plat by the city and convene a meeting with the city resulting in the issuance of a tentative subdivision letter;

3. Preparation and submission of the preliminary plat of the proposed subdivision to the land use hearing examiner for public hearing and decision;

4. Installation or bonding of improvements according to the approved preliminary plat requirements and satisfaction of all plat conditions;

5. Submission of the final plat to the city council for approval;

6. Recordation of the approved final plat in the office of the King County department of records and elections.

Sec. 12.04.620. Subdivision in phases. In a phased subdivision, preliminary plat approval must be granted for the entire subdivision and must delineate the separate divisions which are to be developed in increments. The preliminary plat approval shall be conditioned upon completion of the proposed phases in a particular sequence and may specify a completion date for each phase. Final plat approval shall be granted for each separate phase of the preliminary plat by the city council and any changes at the preliminary plat stage would require hearing examiner approval.

Sec. 12.04.625. Tentative plat review.

A. Applications for a subdivision tentative plat meeting and review shall be filed with the planning department. A tentative plat meeting and review shall be considered equivalent to a pre-application meeting for the purposes of meeting the requirements of KCC 12.01.080. The scale and information required for a tentative plat and number of copies to be filed shall be in accordance with the requirements of the planning director.

B. The planning department shall transmit copies of the subdivision tentative plat to the fire, development service, public works and parks departments, public utility agencies serving the area, and to any other department or agency deemed necessary.

C. A meeting on the subdivision tentative plat shall be held, which is attended by the planning department, other city departments which receive copies of the tentative plat and the subdivider. Any recommendations of the various departments for revision of the tentative plat should be discussed at such meeting. These recommendations and potential conditions of approval for the subdivision shall be recorded in writing and mailed to the subdivider by the planning department.

D. The recommendations of the city departments shall be based on whether the tentative plat is:

1. In conformance with the purpose and regulations of this chapter;
2. In conformance with fire safety regulations;
3. In conformance with City of Kent Construction Standards;
4. In conformance with building code regulations;
5. In conformance with the appropriate street standards and the circulation

pattern established or proposed for the area that the subdivision will be developed in;

6. In conformance with sewer, water and other utility plans for the area;
7. Not detrimental to its surroundings.

E If the subdivision tentative plat is recommended to proceed as presented or as modified in accordance with the written suggestions made by the city, the applicant shall proceed to the preliminary plat stage. If not recommended to proceed, a preliminary plat may still be submitted to the hearing examiner. However, it is likely that the same objections and problems will arise at that stage.

F. If changes are made to a subdivision which has already received tentative plat recommendations and potential conditions, the planning department shall compare the subdivision tentative plat and the proposed preliminary plat and shall make a determination whether the preliminary plat requires additional tentative plat review. A new tentative plat review and meeting may be required if the preliminary plat is not substantially similar to the tentative plat reviewed by the city. The determination of the necessity for another tentative plat meeting shall be based on the following considerations:

1. The degree of commonality between the two (2) plans (i.e., the preliminary plat is a refinement of the tentative plat, or is a completely new plat for the same property); and

2. The presence or absence of revisions present in the preliminary plat resulting from concerns or recommendations raised at the tentative plat meeting.

Sec. 12.04.330630. Subdivision p Preliminary plat application.

A. Application for a subdivision preliminary plat shall be filed with the planning department on the forms provided and in the number of copies prescribed by the planning department. ~~at least thirty five (35) days prior to the hearing before the hearing examiner at which it is to be considered. Twelve (12) copies of the preliminary plat shall be submitted, which~~ The preliminary plat shall be prepared by a land surveyor registered in accordance with the requirements of RCW 18.43.010. Application fees, which are on file in the city clerk's office and the planning department, shall be paid. ~~A vicinity map adequate to show the location of the plat shall be filed with the application and subdivision preliminary plat.~~

B. Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

CB. The subdivision preliminary plat shall include:

1. The subdivision name and number, the name and address of the owner, and the name and address of the licensed land surveyor and the subdivision engineer;
2. The date of preparation, the true north point, a graphic scale and legal description of the property to be subdivided and drawn to an appropriate ~~engineering~~ (decimal) scale;
3. The location of existing and proposed platted property lines, and existing section lines, streets, buildings, water courses, railroads, bridges, and any recorded public or private utility or roadway easements, both on the land to be subdivided and on the adjoining lands ~~(and that abuts the proposed subdivision), to~~ for a distance of one hundred (100) feet from the edge of the subject property;

4. Contours and/or elevations (at a minimum five-foot intervals) to the extent necessary to accurately predict drainage characteristics of the property. Contour lines shall be extended at least one hundred (100) feet beyond the boundaries of the proposed plat;

5. The names, locations, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations and utilities;

6. How the proposed subdivision will be served by utilities and the location of water and sewer lines.

~~76. Indications of~~ 76. The acreage of land to be subdivided; the number of lots; the area of the smallest all lots; and the approximate square footage and approximate percent of total acreage in open space;

~~87.~~ 87. The approximate dimensions of each lot;

~~98.~~ 98. A statement of soil type, drainage conditions, present landscaping including a description of any natural or manmade land cover, wildlife present and any other environmental factors which may be prescribed by the planning department.

~~10.~~ 10. All existing structures and distances from any existing and proposed lot lines within or abutting the subdivision within a distance of 50 feet.

~~11.~~ 11. Monumentation of all exterior corners and streets and be surveyed by a land surveyor licensed in the state.

~~12.~~ 12. Provisions for sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, users of public transit and other pedestrians.

~~13.~~ 13. All of the information requested on the application form by the planning director.

Sec. 12.04.635. Principles of acceptability. No subdivision shall be approved unless the following principles of acceptability are met; the subdivision shall:

1. Create legal building sites which comply with all provisions of title 15, zoning, and health regulations;

2. Establish access to a public road for each segregated parcel;

3. Have suitable physical characteristics; a proposed plat may be denied because of flood, inundation or wetland conditions; slope, soil stability and/or capabilities; or the construction of protective improvements may be required as a condition of approval;

4. If adjacent to another municipality or King County, take into consideration the subdivision standards of that jurisdiction as well as the requirements of this chapter;

5. Make adequate provision for stormwater detention, drainageways, water supplies, sanitary wastes, and other public utilities and services, as deemed necessary.

6. Make adequate provision for the connectivity of streets, alleys, pedestrian accessways and other public ways.

12.04.640. Determination of completeness. Within twenty-eight (28) calendar days after receiving a subdivision preliminary plat application, the planning department shall mail or personally provide to the applicant a written determination of completeness which states either that the application is complete or incomplete. If incomplete, the letter shall identify what information is required to make the application complete. The letter shall also identify, to the extent known by the city, other agencies with jurisdiction over the subdivision application. If the city determines that an application is not complete, the applicant shall have up to ninety (90) calendar days to submit the necessary information to the city. If the applicant either refuses in writing to submit additional information or does not submit the required information within the ninety (90) calendar day period, the application shall lapse because of a lack of information necessary to complete the review. Within fourteen (14) calendar days after an applicant has submitted the requested additional information, the city shall again make the completeness determination and shall notify the applicant in the same manner.

If the subdivision application is determined to be complete, the planning department shall accept the application and note the date of acceptance. The time period for review of the proposed subdivision begins following the determination of a complete application and acceptance of the application by the city. If the city does not provide a

written determination to the applicant that the application is incomplete, the application shall be deemed complete at the end of the twenty-eight (28) day completeness review period.

12.04.645. Vesting. A proposed division of land shall be considered under the requirements of this chapter and the zoning and other land use regulations in effect on the land at the time that a subdivision preliminary plat application as defined in KCC Ch. 12.04, has been determined to be complete and has been accepted by the city of Kent, pursuant to KCC Chapter 12.04.640.

12.04.650. Notice of application. A notice of application shall be issued for subdivision applications within fourteen (14) calendar days after the city has made a determination of completeness, and at least fifteen (15) calendar days prior to the public hearing. The tentative date of the public hearing shall be listed on the notice of application and the notice of application shall be mailed, published and posted on the same day, in the following manner:

1. The city shall publish the notice of application in a newspaper of general circulation within the city.
2. The city shall post the notice of application on the public notice board(s) placed on the property and shall also post the notice of application at Kent city hall and in the register for public review at the planning department office.
3. The city shall mail or send the notice of application to all agencies with jurisdiction, city departments, and to any person who requests such notice in writing.
4. One notice of application shall be done for all permit applications related to the same project at the time of the earliest complete project permit application.

Sec. 12.04.340655. Referral of subdivision preliminary plat to other city departments. Upon determination of completeness of an application for a subdivision, the planning department shall distribute copies of the plat and the application materials

for review and comment to all city departments with jurisdiction over the subdivision application and to any other department or agency deemed necessary. The application materials shall be transmitted at least fifteen (15) calendar days prior to the public hearing.

A. ~~The planning department shall distribute:~~

~~1. Four (4) copies of the subdivision preliminary plat to the department of public works;~~

~~2. One (1) copy to the building department;~~

~~3. One (1) copy to the health agency;~~

~~4. One (1) copy to the fire department; and~~

~~5. One (1) copy to each of the public utility agencies serving the area in which the subdivision is to be constructed.~~

~~B. Each department or agency may file recommendations with the planning department within ten (10) days of receipt of the subdivision preliminary plat or if a subdivision preliminary plat meeting is called by the planning department, they may present their recommendation at that time.~~

Sec. 12.04.660. Notification of agencies.

A. The city shall mail a notice of application to all agencies with jurisdiction over the subdivision application. Such notice shall include the tentative date, time and location of the public hearing and a description of the property to be platted. A copy of the plat and the application materials shall be provided to agencies as deemed necessary or if requested by the agency.

B. Notice of application for a preliminary plat of a proposed subdivision adjacent to or within one (1) mile of the city boundaries or which contemplates the use of King County's or any other city's or town's utilities, shall be given to the appropriate county, city or town authorities.

C. Notice of application for a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway or within two (2) miles of the boundary of a state or municipal airport shall be given to the Secretary of Transportation. The

Secretary shall respond to the city within fifteen (15) days of such notice as to the effect that the proposed subdivision will have on the state highway or the state or municipal airport. Such notice shall include the hour and location of the hearing, a legal description of the property to be platted and a location map.

Sec. 12.04.665. Public notice.

A. The applicant shall place at least one public notice board on the property to be subdivided. The public notice board must be placed on the property as directed by the planning department, and no later than fourteen (14) days after a determination of completeness. If the property to be subdivided is located adjacent to more than one public street or has more than one potential access route, one public notice board shall be placed on the property adjacent to each public street or potential access route.

B. The notice of the public hearing shall be mailed, published and posted on the same day, not less than ten (10) days prior to the hearing date.

C. The city shall post the notice of public hearing on the public notice board(s) on the property.

D. The city shall publish the notice of public hearing in a newspaper of general circulation within the city and in a newspaper of general circulation within the county.

E. The city shall mail a notice of public hearing to the applicant, any person who submits written comments on an application and all owners of real property as shown by the records of the county assessor's office within three hundred (300) feet of any portion of the boundary of the proposed subdivision. If the owner of the real property proposed to be subdivided also owns another parcel or parcels of real property, which lie adjacent to the real property proposed to be subdivided, notice shall be mailed to all owners of real property located within three hundred (300) feet of such adjacently owned parcels.

Sec. 12.04.670. Public comment.

A. Affected agencies and the public shall have a fourteen (14) calendar day period to comment on a notice of application. An agency is presumed to have no comments if

comments are not received within the specified time period. The planning director may grant an extension of time only if the application involves unusual circumstances. Any extension shall not be granted for a period longer than three (3) additional calendar days. The public may make written response to the proposed subdivision application within the comment period.

B. The fourteen (14) day public comment period begins on the date the notice of application is mailed, posted and published. The planning department must receive all public comments by 4:30 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible. The hearing examiner shall not take action on a subdivision application until after the comment period has passed.

Sec. 12.04.675. Agency recommendations. At the time of the preliminary subdivision plat application, written recommendations for approval or disapproval must be submitted from the health agencies responsible for approval of the proposed means of sewage disposal and/or water supply regarding the general adequacy of the proposed means of sewage disposal and/or water supply. The applicant is responsible for submitting the appropriate application forms to the Seattle-King County health department and for paying the health department review fee.

Sec. 12.04.360680. ~~Hearing examiner p~~Public hearing ~~on~~ subdivision preliminary plat.

A. The hearing examiner shall hold an open record public hearing on any subdivision preliminary plat and ~~render a decision based on written findings and conclusions. The hearing examiner public hearing shall be held~~ within one hundred (100) calendar days of the planning department's determination of a complete application and acceptance of the application in compliance with KCC 12.01.100.

~~B. Notice of the public hearing shall be given in accordance with KCC 12.01.140(H)(1).~~ A record of the public hearing shall be kept by the city and shall be open to public inspection.

Sec. 12.04.685. Approval criteria.

A. A proposed subdivision and dedication shall not be approved unless the city finds that:

1. Appropriate provisions have been made for:

a. the public health, safety and general welfare of the community;

b. protection of environmentally sensitive lands and habitat;

c. open spaces;

d. community parks and recreation;

e. neighborhood tot lots and play areas;

f. schools and school grounds;

g. drainageways;

h. stormwater detention;

i. sidewalks, pedestrian pathways, and other planning features that assure safe walking conditions for residents and students who walk to and from school, parks, transit stops and other neighborhood services;

j. connectivity of streets or roads, alleys, pedestrian accessways, and other public ways within and between subdivisions and neighborhoods;

k. transit stops;

l. potable water supplies;

m. sanitary wastes;

n. other public utilities and services, as deemed necessary; and

2. The city has considered all other relevant facts; and

3. The public use and interest will be served by the platting of such subdivision and dedication.

4. The city has considered the physical characteristics of a proposed subdivision site and may deny a proposed plat because of flood, inundation, or wetland conditions; slope, or soil stability and/or capabilities. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

B. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or the imposition of impact fees may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees shall be allowed that constitutes an unconstitutional taking of private property. The city shall not require a release from damages to be procured from other property owners as a condition of approval for any subdivision.

Sec. 12.04.690. Decision on preliminary plat.

A. The hearing examiner may approve, approve with modifications and conditions, or deny the application for a subdivision.

B. The final decision of the hearing examiner shall be rendered within ten (10) working days following the conclusion of all testimony and hearings, unless a longer period is mutually agreed to on the record by the applicant and the hearing examiner.

C. The city shall provide a written notice of decision by the hearing examiner. The notice of decision shall be provided to the parties of record and to any person who requested notice of the decision prior to the decision and shall include findings and conclusions, based on the record and approval criteria, to support the decision.

D. A party of record may make a written request for reconsideration of the decision by the hearing examiner within five (5) working days of the date the decision is rendered, pursuant to the requirements of KCC 12.01.160(I). A request for reconsideration temporarily suspends the appeal deadline. Reconsideration requests shall be answered in writing by the hearing examiner within five (5) working days of the request. If a request for reconsideration is denied, the appeal deadline of the hearing examiner's decision shall

recommence for the remaining number of days. If a request for reconsideration is accepted, the hearing examiner's decision is not final until after a decision on reconsideration is issued.

Sec. 12.04.380695. City council closed record appeal. The decision of the hearing examiner shall be final, unless an appeal is made by a party of record to the city council within fourteen (14) calendar days following the issuance of the notice of decision and in accordance with the requirements of KCC 12.01.190. The appeal shall be in writing and shall be processed pursuant to Ch. 2.32 KCC. The appeal shall be heard by the city council in a closed record appeal hearing. No new evidence may be presented. The decision of the city council shall represent final action of the city and is appealable only to superior court.

Sec. 12.04.700. Appeal to superior court. The decision of the city council is final, unless appealed to the superior court. Such an appeal must be filed with the superior court within twenty-one (21) calendar days from the date the decision was issued.

Sec. 12.04.390705. Subdivision preliminary plat expiration.

A. Subdivision preliminary plat approval shall lapse five (5) years from the date of approval unless a final plat based on the preliminary plat, or any phase thereof, is submitted within five (5) years from the date of subdivision preliminary plat approval. One (1) one-year extension shall be granted to an applicant who files a written request with the ~~city council and~~ planning department at least thirty (30) calendar days before the expiration of the five (5) year period, if the applicant can show that he has attempted in good faith to submit the final plat within the five (5) year period.

B. Additional time extensions beyond the one (1) year period may be granted by the planning director if the applicant can show unusual circumstances or situations which make it impossible to file the final plat within the six (6) year period. The applicant must file a written request with the ~~city council and~~ planning department for this additional time

extension. The request must be filed at least thirty (30) calendar days prior to the subdivision preliminary plat expiration date. The request must include documentation as to the need for the additional time. Additional time extensions shall not be granted in ~~not~~ greater than one-year increments.

C. In the case of a phased subdivision, final plat approval by the city council of any phase of the subdivision preliminary plat will constitute an automatic one (1) year extension for the filing of the next phase of the subdivision.

Sec. 12.04.710. Property annexed to city with preliminary plat approval from King County.

A. In instances where property annexed to the city has received subdivision preliminary plat approval from King County prior to annexation, the planning department, department of public works, fire department and building department shall review the plat. City plan check review and inspections shall be subject to fees, which are on file in the city clerk's office.

B. The density, lot size and dimensions, and the provisions made for open space, drainage ways, streets, alleys, public ways, water, sanitary wastes, parks, playgrounds, sites for schools and school grounds, and those conditions of approval imposed by King County need not comply with the requirements of KCC Title 15, Zoning or the Kent Construction Standards. These plats are to be developed in accordance with county standards in effect at the time of vesting of the preliminary plat in the county.

C. The preliminary plat shall comply with the King County regulations pertaining to expiration of the preliminary plat that were in effect on the date the application vested. The date of approval will be that date on which King County approved the preliminary plat.

D. The procedures for subdivision final plats shall be those county procedures and regulations in effect at the time of vesting of the preliminary plat application in the county.

Sec. 12.04.715. Installation of improvements or bonding in lieu of improvements.

A. The following tangible improvements may be required before a subdivision final plat is submitted:

- 1. Grading and paving of streets and alleys;**
- 2. Installation of curbs, gutters, sidewalks, monuments, sanitary and storm sewers, street lights, water mains and street name signs, together with all appurtenances thereto.**

All improvements are to be made pursuant to specifications and standards of this Code, approved by the department of public works and in accordance with standards of the city.

B. The engineering department shall be responsible for the supervision, inspection and acceptance of all subdivision improvements and shall charge the subdivider a fee that has been assessed in accordance with Ordinance No. 3490 as enacted or as subsequently amended.

C. Prior to proceeding with subdivision improvements, the subdivider shall make application for such permits from the city as are necessary. The applicant is also responsible for complying with all permit requirements of other federal, state and local agencies.

D. No final plat shall be submitted to the city council until all improvements are constructed in a satisfactory manner and approved by the responsible departments or a bond approved by the city has been posted for deferred improvements. If a developer wishes to defer certain on-site improvements, written application shall be made to the engineering and planning departments stating the reasons why such delay is necessary. If the deferment is approved, the developer shall furnish a performance bond to the city in an amount equal to a minimum of one hundred fifty (150) percent of the estimated cost of the required improvements. The decision of the city engineer and planning director as to the amount of such bond shall be conclusive. Such bond shall list the exact work that shall be performed by the applicant and shall specify that all of the deferred improvements

be completed within the time established by the engineering department. If no time is established, then the time period shall not be longer than one (1) year after approval of the final plat by the city council. The bond shall be held by the engineering department's bond and permit specialist. The developer may substitute a certified or cashier's check or assignment of funds in lieu of a performance bond. Such check or assignment shall be made payable to the city of Kent and shall be in the same amount as the bond it is substituting.

E. The city reserves the right, in addition to all other remedies available to it by law, to proceed against such bond or other payment in lieu thereof. In case of any suit or action to enforce any provisions of this chapter, the developer shall pay the city all costs incidental to such litigation including reasonable attorney's fees. The applicant shall enter into an agreement with the city requiring payment of such attorney's fees. The requirement of the posting of any performance bond or other security shall be binding on the applicant, his heirs, successors and assigns.

F. The engineering department shall notify the planning department verifying that the developer has completed the required installations and/or bonding in accordance with the provisions of this chapter and the specifications and standards of the departments. The planning department shall notify the developer advising him to proceed with preparation of a final plat when the required improvements have been installed and approved or adequate security has been posted as provided in subsection D of this section.

Sec. 12.04.720. Filing the subdivision final plat.

A. An application for a subdivision final plat shall be filed with the planning department on the forms provided and in the number of copies prescribed by the planning department. The final plat shall be prepared by a land surveyor registered in accordance with the requirements of Chapter 18.43 RCW, and shall conform to the preliminary plat. Application fees are on file in the city clerk's office and the planning department.

B. The final subdivision plat submitted for filing shall be two (2) reproducible maps drawn to a scale of not less than one (1) inch representing one hundred (100) feet unless

otherwise approved by the department of engineering and on sheets eighteen (18) by twenty-two (22) inches. The original drawing shall be in black ink on mylar or photographic mylar, and shall:

1. Include the date, title, name and location of the subdivision, graphic scale and true north point.

2. Show the location of all existing fences and structures in relation to lot lines within or abutting the subdivision;

3. Show the location of utilities, streets and easements within or abutting subdivision;

4. Display the lines of all streets and roads, alley lines, lot lines, lot and blocks numbered in numerical order, reservations, easements, and any areas to be dedicated to public use, with notes stating their purpose and any limitations.

5. Contain data sufficient to determine readily and reproduce on the ground the location, bearing, and length of every street, easement line, lot line, boundary line and block line on site.

6. Include dimensions to the nearest one-hundredth of a foot and angles and bearings in degrees, minutes and seconds.

7. Include Lambert coordinates to the nearest five (5) seconds, or as required by more stringent state regulations, if provided by the department of public works for permanent control monuments on the final plat as determined by the city engineering department's land surveyor.

8. Display all interior permanent control monuments located as determined by the city engineer's office. All interior monuments shall be installed prior to the release of any bond.

9. Be mathematically correct.

10. Be accompanied by an approved printed computer plot closure on all lots, streets, alleys and boundaries.

11. Contain a meets and bounds legal description on the face of the final plat mylar which reflects all ties to subdivision lines, donation claim lines and/or recorded plat

lines. The plat shall be accompanied by a current plat certificate with the identical metes and bounds legal description of the land to be subdivided on both the title report and final mylar.

12. Be accompanied by a complete survey of the section 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 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 (1) foot in ten thousand (10,000) feet or as required by more stringent state regulations.

13. List all conditions of approval for the subdivision on the face of the plat.

14. Conform to the approved preliminary plat.

15. Be signed by the owner of the property on the face of each final plat mylar.

16. Include a notarized certificate of the owner, contract purchaser, grantor of a deed of trust, or other holder of beneficial title to the property being subdivided indicating that the subdivision is made with free consent and in accordance with their desires, and if the subdivision is subject to deeding of property, the notarized certificate shall be signed by all parties having any ownership interest in the lands subdivided. For purposes of this section, "ownership interest" shall include legal and equitable property interests, including, but not limited to, present, future, contingent or whole fee interests, together with a beneficiary's interest pursuant to a trust and contract interest pursuant to a specifically enforceable contract for the purchase of the real property;

C. In addition to other requirements as specified in this section, the final plat shall contain or be accompanied by the following:

1. Certification showing that streets, rights-of-way and all sites for public use have been properly dedicated.

2. Certification by a licensed land surveyor that a survey has been made and that monuments and stakes will be set.

3. Certification by the responsible health agencies that the methods of sewage disposal and water service are acceptable.

4. Certification by the engineering department that the subdivider has complied with either of the following alternatives:

a. All improvements have been installed in accordance with the requirements of these regulations, or

b. Certain improvements have been deferred according to KCC 12.04.715(D), deferred improvements.

5. The subdivider shall furnish the city a current plat certificate or title report from a title insurance company, produced no more than forty-five (45) calendar days prior to final plat application, that documents the ownership and title of all interested parties in the plat, subdivision, or dedication and that lists all liens and encumbrances. The legal description in the title report shall be identical to the meets and bounds legal description on the face of the plat. The city reserves the right to require updates of the certificate or title report at any time prior to the granting of the final plat by the city council.

6. Certification by the King County finance department that taxes have been paid in accordance with RCW 58.08.030 and 58.08.040 and that a deposit has been made with the King County finance department in sufficient amount to pay the taxes for the following year.

7. Certification of approval by the City of Kent finance director that there are no delinquent special assessments and that all special assessments certified to the finance director for collection on any property herein contained dedicated for streets, alleys or other public uses are paid in full.

8. Certification of approval to be signed by the city engineer and the planning director.

9. Certification of approval to be signed by the mayor and the property manager.

10. Certification of approval to be signed by the King County assessor.
11. Certification of approval to be signed by the King County recorder.
12. Copies of any restrictive covenants as may be used in the subdivision.

D. All subdivision final plats shall be surveyed by a land surveyor licensed in the state. All exterior corner and/or angle points shall be set with re-bar and cap. The type of street monuments used shall be in accordance with City of Kent standards and shall be installed per those same standards. The licensed land surveyor's certification must appear on the final mylar. Certificates of approval by the mayor, planning director, city engineer, property manager, finance director, the King County assessor and the King County recorder must be provided on the final mylar.

E. If any utility companies and/or utility districts have existing easements within the proposed plat, the plattor or its assigns shall have these easements removed or shall have their rights subordinated to the City of Kent.

F. The final plat shall be submitted to the planning department for review by the city as to compliance with all terms of the preliminary approval of the proposed subdivision or dedication; terms of bonding or the completion of all improvements; and completeness and accuracy of survey data and platting requirements. The planning department shall distribute the final plat to all departments and agencies receiving the preliminary plat, and to any other departments, utility agencies and other governmental agencies as is deemed necessary.

G. After the final plat application has been determined to be complete and all of the plat conditions have been met, the plat will be officially accepted and the planning department shall set a date for a public meeting for the city council to consider the final plat.

H. Before the final plat is submitted to the city council, it shall be signed by the city engineer and planning director. After the final plat is approved by the city council, it shall be signed by the mayor, the property manager and the finance director. The final plat shall be filed with the King County auditor by the city.

I. A copy of the recorded plat shall be filed with the planning department and one set of the original mylar shall be filed with the department of public works.

Sec. 12.04.725. Decision on subdivision final plat. The city council shall approve, disapprove or return the final plat to the applicant for modification and/or correction within thirty (30) days of the date of the city's determination of completeness and acceptance of the final plat application, unless the applicant consents to an extension of such time period.

Sec. 12.04.730. Subdivision final plat expiration. If a final plat has not been submitted for recording within six (6) months after approval by the city council, the plat shall expire and be null and void. To revitalize the expired plat, the plat shall be resubmitted as a preliminary plat. One (1) extension of no longer than six (6) months may be granted by the city council.

Sec. 12.04.735. Procedure for alteration of a subdivision.

A. If an applicant wishes to alter a subdivision or any portion thereof, except as provided in Section 12.04.740, that person shall submit an application to the planning department requesting the alteration. The application shall contain the signatures of all persons having an ownership interest in lots, tracts, parcels, sites or divisions within the subdivision or in that portion of the subdivision to be altered.

B. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

C. If the alteration is requested to a subdivision prior to final plat approval, a minor alteration may be approved with consent of the planning director and the public works director. A major plat alteration shall require consent of the hearing examiner, after

public notice and a public hearing is held. The planning department shall provide notice of the application for a major plat alteration to all owners of property within the subdivision, and as was required by the subdivision application. The planning director shall have the authority to determine whether the proposed alteration constitutes a minor or major alteration.

D. If the alteration is requested to a subdivision after final plat approval, but prior to filing the final plat with King County, a plat alteration may be approved with consent of the city council. Upon receipt of an application for alteration, the planning department shall provide notice of the application to all owners of property within the subdivision, and as was required by the subdivision plat application. The notice shall establish a date for a public meeting.

E. If the alteration is requested to a subdivision after filing the final plat with King County, a minor plat alteration may be approved with consent of the city council. If the Planning Director determines that the proposed alteration is a major alteration, then the Planning Director may require replating pursuant to this Chapter 12.04. Upon receipt of an application for alteration, the planning department shall provide notice of the application to all owners of property within the subdivision, and as was required by the subdivision plat application. The notice shall establish a date for a public meeting.

F. The city shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between adjacent properties.

G. After approval of the alteration, the city shall order the applicant to produce a revised drawing of the approved alteration of the subdivision. The final plat shall accurately reflect the approved alteration and shall be filed with the county auditor to become the lawful plat of the property, after receiving final plat approval.

G. This section shall not be construed as applying to the alteration or replatting of any plat of state-granted tide or shore lands.

Sec. 12.04.740. Procedure for vacation of a subdivision.

A. Whenever an applicant wishes to vacate a subdivision or any portion thereof, that person shall file an application for vacation with the planning department. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation.

B. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.

C. When the vacation application is specifically for a city street or road, the procedures for street vacation in Ch. 6.09, KCC shall be utilized for the street vacation. When the application is for the vacation of the plat together with the streets or roads, the procedure for vacation in this section shall be used but vacations of streets may not be made that are prohibited under state law.

D. The planning department shall give notice to all owners of property within the subdivision, and within three hundred (300) feet of subdivision boundaries and to all applicable agencies. The hearing examiner shall conduct a public hearing if the requested vacation does not involve a public dedication. The city council shall conduct a public hearing on the application for a vacation if the request involves a public dedication. The application for vacation of the subdivision may be approved or denied after the city has determined the public use and interest to be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the city council sets forth findings that the public use would not be served in retaining title to those lands.

E. Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the city council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the city council. When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

F. This section shall not be construed as applying to the vacation of any plat of state-granted tide or shore lands.

Sec. 12.04.745. Standards for the subdivision of land and any dedications.

A. It is the purpose of this subsection to provide for the protection of valuable, irreplaceable environmental amenities and to make urban development as compatible as possible with the ecological balance of the area. Goals are to preserve drainage patterns, protect ground water supply, prevent erosion and to preserve trees and natural vegetation. This is beneficial to the city in lessening the costs of the development to the city as a whole, and to the subdivider in creating an attractive and quality environment. Land which is found to be unsuitable for subdivision includes land with features likely to be harmful to the safety and general health of the future residents such as land adversely affected by flooding, bad drainage, steep slopes, rock formations. Land which the city council considers inappropriate for subdivision shall not be subdivided unless adequate methods are provided as safeguards against these adverse conditions. If any portion of the land within the boundary of a preliminary plat or approved record of survey is subject to flood, or inundation, or is in a flood control zone, according to Chapter 86.16 RCW, that portion of the subdivision shall have the written approval of the State Department of Ecology before the city council shall hear the final plat. Every reasonable effort shall be made to preserve existing trees. Every effort shall be made to preserve existing streams, bodies of water, marshes and bogs. If a stream passes through any of the subject property, a plan

shall be presented which indicates how the stream will be preserved. Methodology should include an overflow area, and an attempt to minimize the disturbance of the natural channel and stream bed. The piping or tunneling of water shall be discouraged and allowed only when going under streets. Every effort shall be made to keep all streams and bodies of water clear of debris and pollutants.

B. Where residential subdivisions are to be developed adjacent to business, commercial or industrial land use districts, buffer strips may be provided. No plan for the replatting, subdivision, or dedication of any areas shall be approved by the city council unless the streets shown therein are connected by a surfaced road or street according to city specifications to an existing street or highway. The location of all streets shall conform to any adopted plans for streets in the city. The proposed street system shall extend existing streets at the same or greater width, unless otherwise approved by the engineering department. All proposed street names shall be approved by the city. Streets intersecting with existing or proposed public highways, major or secondary arterials shall be held to a minimum.

C. The alignment of all streets shall be reviewed and approved by the city engineering department. The following standards shall apply unless otherwise approved by the engineering department:

1. Where street intersections must be offset, such offsets shall not measure less than two hundred (200) feet from the centerline to centerline.

2. Residential cul-de-sacs shall not exceed a length of six hundred (600) feet.

3. No street grades shall exceed fifteen (15) percent. A grading permit shall be required as per Appendix 70 of the Uniform Building Code as adopted in KCC 14.01.010 prior to any grading.

4. A tangent of at least two hundred (200) feet in length shall be provided between reverse curves for community or major arterials, one hundred fifty (150) feet for neighborhood collector streets, and one hundred (100) feet for residential access streets.

5. Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets sixty

(60) feet or more in width, the centerline radius of curvature shall be not less than three hundred (300) feet and on other streets it shall be not less than one hundred (100) feet.

6. All changes in grade shall be connected by vertical curves of a minimum length of two hundred (200) feet unless specified otherwise by the engineering department.

7. All streets shall be platted at full width. All street improvements shall be of full-width improvement. Full-width improvement shall consist of the following:

a. All streets, roads, and alleys shall be graded to their full width and the pavement and sidewalks shall be constructed to standard cross-sections.

b. All street and alley surfaces shall be of asphalt concrete according to city specifications.

c. All streets may have permanent concrete curbs and gutters according to city specifications.

d. All streets shall have storm drains consisting of the proper size pipe and catch basins or open ditch which is to be determined at the time of the public hearing for the preliminary plat. Whenever open ditch is allowed, no closed drains may be installed except across an authorized driveway.

e. All primary/major arterials, secondary arterials and collector streets shall have sidewalks, with a minimum of five (5) feet width on at least one (1) side.

f. All streets shall have street lighting located and installed in accordance with the determinations and standards of the engineering department. Street light spacing shall consider the dimensions of adjacent full-grown trees.

g. Streets which may be extended in the event of future adjacent platting may be required to be dedicated to the boundary line. Extensions of greater depth than an average lot shall be improved with temporary turnarounds. Dedication of a full-width boundary street may be required in certain instances to facilitate future development.

h. Any planting strips in residential subdivisions shall be not less than four (4) feet in width.

i. Street widths vary according to function and traffic generated. The following minimum widths for the types of streets, as defined in the comprehensive plan, must be adhered to if full pavement is required:

	<u>Right-of- way width (feet)</u>	<u>Pavement width (feet)</u>
<u>Major Arterial</u>	<u>80</u>	<u>60</u>
<u>Secondary Arterial</u>	<u>70</u>	<u>44</u>
<u>Collector</u>	<u>60</u>	<u>36</u>
<u>Local Street</u>	<u>60</u>	<u>32</u>
<u>Cul-de-Sac</u>	<u>50</u>	<u>28 – 32</u>

Where full pavement is not required the right-of-way widths shall remain the same for the type of street defined in the comprehensive plan. The improvement may consist of two (2) eleven (11) foot driving lanes and two (2) eight (8) foot shoulders and two (2) six (6) foot drainage sections and two (2) five (5) foot potential sidewalk sections.

If a subdivision is located in the area of an officially designed trail, provisions may be made for reservation of the right-of-way or for easements to the city for trail purposes.

Sec. 12.04.750. Installation of utilities.

A. All utilities designed to serve the subdivision shall be placed underground. Those utilities to be located in the planting strip shall be placed in such a manner and depth to permit the planting of trees. Those utilities to be located beneath paved surfaces shall be installed, including all service connections, as approved by the engineering department. Such installation shall be completed and approved prior to the application of any surface material.

B. Unless septic tanks are specifically approved by the city, sanitary sewers shall be provided at no cost to the city and designed in accordance with city standards.

C. An adequate drainage system shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full-width roadway and required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall be less than twelve (12) inches.

D. The water distribution system including the locations of fire hydrants shall be designed and installed in accordance with city standards as defined by engineering and fire department ordinances and requirements.

Sec. 12.04.755. Public use and service areas. Due consideration shall be given by the subdivider to the allocation on adequately-sized areas for public service usage. Easements may be required for the maintenance and operation of utilities as specified by the engineering department. Due regard shall be shown for all natural features such as large trees, watercourses, historical spots and similar community assets which, if preserved, will add attractiveness and value to the property.

Sec. 12.04.760. Blocks. Blocks shall not be less than three hundred (300) feet nor more than one thousand five hundred (1,500) feet in length. Where circumstances warrant, the hearing examiner may require one (1) or more public crosswalks of not less than six (6) feet in width dedicated to the city to extend entirely across the width of the block at locations deemed necessary. Such crosswalks shall be paved for their entire width and length with a permanent surface and shall be adequately lighted. Blocks shall be wide enough to allow two (2) tiers of lots, except where fronting on major streets or prevented by topographical conditions or size of the property, in which case the hearing examiner may approve a single tier.

Sec. 12.04.765. Lots. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines. Each lot must front upon a public street or road. The size, shape, and orientation of lots shall meet the minimum area and width

requirements of the applicable zoning classification and shall be appropriate for the type of development and use contemplated. Corner lots may be required to be platted with additional width to allow for the additional side yard requirements. Lots which are bordered by two (2) more or less parallel streets shall be permitted access to only one (1) of those streets. All lot corners at intersections of dedicated public rights-of-way shall have a minimum radii of fifteen (15) feet.

Sec. 12.04.770. Other improvements.

A. *Monuments.* Concrete permanent control monuments shall be established at each and every controlling corner of the subdivision. Interior monuments shall be located as determined by the engineering department. All surveys shall be of second degree accuracy. The use of state plane coordinates is encouraged. All other lot corners shall be marked with suitable metal or wood markers.

B. *Street signs.* The subdivider shall reimburse the city on the cost of the public street name signs and installation necessary in the subdivision. The subdivider at his cost shall install street name signs on all private streets in the subdivision.

C. *Hillside subdivisions.* A hillside subdivision is a subdivision in which any lot in the subdivision has average slopes greater than fifteen (15) percent and in which any street in the subdivision has grades greater than seven (7) percent at any point. Additional regulations shall be placed on hillside subdivisions in order to protect the unique environment and to deal with additional drainage and erosion problems present in such areas. The following standards shall apply to hillside subdivisions in addition to the regulations of KCC 12.04.745 through 12.04.770(A) and (B) which shall apply unless specifically excepted:

1. *Information concerning the soils, geology, drainage patterns, and vegetation shall be presented in order to determine if the subdivision can be safely developed.*

2. *Detailed plans for any proposed cut and fill operations shall be submitted. These plans shall include the angle of slope, contours, compaction, and retaining walls.*

3. Streets may have a grade exceeding fifteen (15) percent and street widths may be less than those required in KCC 12.04.745(C)(6) and (7)(i) if it is found that traffic generated will be less than in a nonhillside subdivision.

4. Lots may be required to be larger than minimum lot sizes required by KCC Title 15, Zoning. Generally, lots in steeper areas of the subdivision should be larger than those in less steep areas of the subdivision.

5. Any clearing or grading shall be accompanied by erosion control measures as deemed necessary by the engineering department.

Sec. 12.04.775. Zero lot line subdivisions.

A. Zero lot line subdivisions shall be subject to the development standards outlined in KCC Title 15. These standards include minimum lot size, width, depth, etc.

B. The regulation of KCC 12.04.745 through 12.04.770 shall apply unless specifically excepted. In addition, the following standards shall apply to zero lot line subdivision:

1. *Streets, curbs and sidewalks.*

a. *Public streets.* In certain areas, due to existing or planned circulation systems, it may be necessary for the city to require public rights-of-way to be provided within the development. When the provision of such rights-of-way is necessary, the right-of-way width, paving width, and other standards shall be the same as would otherwise be required. The perimeter buffering requirement shall be applied along these rights-of-way.

b. *Nonpublic streets.* Ownership of private streets not open to public circulation shall remain with a homeowners' association and shall be their responsibility to maintain. These streets shall have asphaltic or concrete surface, and concrete or asphalt curbing shall be provided along both sides of all streets except where curb cuts are necessary for driveways. The minimum paving width for all collector streets within the zero lot line development shall be twenty-four (24) feet. The minimum paving width for all residential access streets shall be twenty (20) feet. A four (4) foot wide sidewalk shall be provided on one (1) side of the street, as a minimum. However, a sidewalk is not

required on limited access streets serving two (2) or less dwellings. In addition, guest parking shall be provided at a rate of 0.5 guest parking spaces per dwelling unit beyond the normal parking provided at the dwelling.

2. *Installation of utilities.* All utilities designed to serve the development shall be placed underground. Any utilities located in a planting strip shall be placed in such a manner and depth to permit the planting of trees. Those utilities to be located beneath paved surfaces shall be installed, including all service connections, as approved by the public works department. Such installation shall be completed and approved prior to the application of any surface material. Easements may be required for the maintenance and operation of utilities as specified by the engineering department.

a. *Sanitary sewers.* Sanitary sewers shall be provided at no cost to the city and designed in accordance with city standards.

b. *Storm drainage.* An adequate drainage system shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full-width roadway and required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall be less than twelve (12) inches. All mobile home parts must comply with city drainage ordinances.

c. *Water system.* The water distribution system including the location of fire hydrants shall be designed and installed in accordance with city standards as defined by the engineering and fire department ordinances and requirements.

d. *Electrical hook-ups.* All electrical hookups shall comply with the National Electrical Code. Permits shall be obtained from the State Electrical Inspection Division.

Sec. 12.04.780. Parks and open space requirements.

A. *Approval of all subdivisions located in either single-family residential or multifamily residential zones as defined in KCC Title 15, Zoning, shall be contingent upon the subdivider's dedication of land or providing fees in lieu of dedication to the city.*

as necessary to mitigate the adverse effects of development upon the existing park and recreation service levels. This requirement shall not apply to lots of forty-three thousand five hundred (43,500) square feet or larger in size, planned unit developments or subdivisions of four (4) or less lots.

B. The following criteria shall serve as a basis for the department of parks and recreation determination whether land proposed for dedication is of sufficient size, character and quality:

1. The proposed area for dedication may be located either within or without the subdivision for which it is required, but must either be adjacent to an existing or proposed city park site or within the same park service area in which the subdivision is located or within one (1) mile of the subdivision for which it is required.

2. The proposed area for dedication shall have characteristics and location which make it suitable for future inclusion into the city parks system, as determined by the director of parks and recreation.

3. With the approval of the planning department, the proposed area for dedication or portion thereof may contain valuable or sensitive environmental features, preservation of which is consistent with the city's comprehensive plan and/or parks and recreation plan.

4. The proposed area for dedication shall, in the determination of the parks director, further one (1) or more comprehensive plan policies dealing with the open space element, steep slopes as open space, wetlands as open space, agricultural lands as open space, wildlife habitat as open space and heritage sites as open space.

5. All lots within the subdivision for which dedication is required shall have legal and convenient access to the proposed area, at the time of final plat approval.

6. The area proposed by the subdivider for dedication must consist of an area that is equal or greater in size than the size computed as necessary by the department of parks and recreation using the formula described in subsection (C) of this section.

7. The area of proposed dedication shall have a street frontage equal to at least twenty (20) percent of its perimeter to allow for regular observation of play areas by

residents of the subdivision. Alternative design measures that accomplish the same purpose of security may be approved by the city.

8. The topography, soils, hydrography and other physical characteristics of the area proposed for dedication shall be of such quality as to allow the development of community or neighborhood parks, or to create a flat, dry, obstacle-free space on at least fifty (50) percent of the total required area in a configuration which allows for active recreation; shall have no known safety hazards; and shall have no known physical problems such as the presence of hazardous waste, drainage, erosion, or flooding that the director determines would cause inordinate demands upon public resources for maintenance and operation of the property to be dedicated to the city.

9. If it is determined that the public interest would be served, the land may be conveyed to a homeowners' nonprofit maintenance corporation. In this instance, the subdivider shall, at or prior to the time of filing a final plat for approval, supply the planning department with copies of the articles of incorporation and bylaws of the grantee organization, together with evidence of the conveyance or of a binding commitment to convey. The articles of incorporation shall provide that membership in the corporation shall be conditioned upon ownership of land in the subdivision that the corporation is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the corporation, and that the assessment shall be a lien upon the land. The city attorney shall review and approve the articles of incorporation and bylaws as to compliance with this provision. The city council may impose other conditions as it deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

C. Subdividers who dedicate open space or park land pursuant to this section shall dedicate five (5) percent of the total property being subdivided. Unless a subdivider dedicates land in accordance with this section in order to mitigate the direct impacts identified as a consequence of the proposed development, the city's final approval of the subdivision shall be contingent upon payment of a park development fee from the

subdivider to the city. The fee in lieu of land dedication for parks and open space shall be determined by multiplying the following two (2) factors:

1. One hundred fifty (150) percent of the average assessed value per unit area of land within the boundaries of the subdivision; and

2. The gross land area within the subdivision multiplied by five (5) percent as set forth in subsection (C) above. The average assessed value shall be that for the year in which the subdivision is granted preliminary plat approval. Computations shall be based upon King County assessor information.

The fee in lieu of dedication shall be held in a reserve account at the city, and may only be expended to fund a capital improvement that has been agreed upon by the parties to mitigate the identified, direct impact of the development. The payment shall be expended in all cases within five (5) years of collection.

D. When approval of a subdivision is conditioned upon the dedication of land or the payment of any fees in lieu of dedication, a final plat or short plat shall not be recorded until:

1. The director of parks and recreation has determined in writing that any land to be dedicated is shown on the face of the final plat or a deed conveying the land to the city has been recorded with the King County department of records and elections.

2. Conveyance of land to a homeowners' association shall be done within the time frames specified in subsection (B)(9) above.

3. The instrument conveying the land to the city has been transmitted to the city council for acceptance of the dedication by ordinance.

4. Payment of any fees in lieu of dedication have been made to the city finance department.

E. Any payment of fees made pursuant to this section that have not been expended within five (5) years of collection shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund. If the payment is not expended within five (5) years due to delay attributable to the developer, the payment shall be refunded without interest.

F. Appeals of dedication requirements or fees in lieu of dedication imposed pursuant to this section shall be governed by the provisions of Ch. 2.32 KCC.

Sec. 12.04.785. Design standards for industrial and commercial plats.

A. The division of land for industrial and commercial purposes shall conform to the requirements and minimum standards of residential design except as provided in this section.

B. The street widths shall be as follows:

	<u>Right-of-way width in feet</u>	<u>Pavement width in feet</u>
<u>Industrial Arterial</u>	<u>90</u>	<u>60</u>
<u>Industrial Collector</u>	<u>80</u>	<u>44</u>
<u>Industrial Access</u>	<u>60</u>	<u>36</u>
<u>Commercial Streets</u>	<u>60</u>	<u>36</u>
<u>Alleys</u>	<u>20</u>	<u>--</u>

The city may require that street widths in commercial subdivisions be increased to provide for traffic movement and to reduce or eliminate traffic congestion.

C. All industrial arterial (ninety (90) foot right-of-way), industrial collectors (eighty (80) foot right-of-way), and commercial streets (sixty (60) foot right-of-way) shall have sidewalks a minimum of five (5) feet in width, on both sides. All industrial and commercial access streets which are also through streets shall have sidewalks a minimum of five (5) feet in width, on one (1) side.

D. All lot corners at intersections of dedicated public rights-of-way shall have a minimum radii of twenty-five (25) feet.

E. If railroad tracks are to be installed in a subdivision, such tracks and their route shall be shown on the face of the preliminary plat.

F. Blocks shall not be less than six hundred (600) feet or more than two thousand (2,000) feet in length. Blocks should be not less than three hundred (300) feet in width,

except where fronting on major streets or prevented by topographical conditions or size of the property, in which case the land use hearing examiner may approve a lesser width. Blocks should not be greater than one thousand (1,000) feet in width.

G. Lots. Lots are optional in industrial and commercial subdivisions. The size, shape and orientation of lots shall meet the minimum area and width requirements of the applicable zoning classification and shall be appropriate for the type of development and use contemplated. However, if lots for individual sale or lease are created, they shall conform to the following criteria:

1. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines.

2. Corner lots may be required to be platted wider than interior lots as determined by the planning department.

Sec. 12.04.530. Exceptions.

~~A. The hearing examiner may grant an exception from the requirements of this chapter when undue hardship may be created as a result of strict compliance with the provisions of this chapter. In granting any exception, the hearing examiner may prescribe conditions that it deems necessary to or desirable for the public interest. No exceptions shall be recommended unless the hearing examiner finds that:~~

~~1. There are special physical circumstances or conditions affecting the property such that the strict application of the provisions of this code would deprive the applicant of the reasonable use of development of his land;~~

~~2. The exception is necessary to insure such property the rights and privileges enjoyed by other properties in the vicinity and under similar circumstances;~~

~~3. The granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity.~~

~~B. Application for any exception shall be submitted in writing by the subdivider at the time the preliminary plat is submitted to the planning department. The application shall state fully all substantiating facts and evidence pertinent to the request.~~

IV. Lot Line Adjustments

Sec. 12.04.900. Purpose of lot line adjustments. The purpose of a lot line adjustment is to allow for the adjustment of common property lines or boundaries between adjacent lots, tracts, or parcels in order to rectify a disputed property line location, free the boundary from any differences or discrepancies or accommodate a minor transfer of land. The resulting adjustment shall not create any additional lots, tracts, or parcels and all reconfigured lots, tracts, or parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes.

Sec. 12.04.905. Scope. A lot line adjustment shall allow property owners to alter, eliminate or relocate lot lines to correct setback encroachments, improve access, correlate property lines with survey or map lines or to create better lot design while conforming to all applicable code requirements pertaining to lot design, building location, and development standards. A lot line adjustment shall not allow the creation of an additional lot parcel or tract.

Sec. 12.04.910. Preliminary consultation with staff. Any person who desires to change the location of a lot line on land in the city should consult with the planning department at an early date on an informal basis in order to become familiar with the requirements of this chapter. The public works department and development services division should also be consulted at this time for advice and assistance in understanding the impact of relocating the lot line in relation to structures and easements and any applicable engineering requirements of this chapter.

Sec. 12.04.915. Application procedures. Lot line adjustment applications shall be submitted on the forms supplied and in the number of copies prescribed by the planning department, and shall include the following:

1. A legible map, drawn to an appropriate decimal scale on a minimum eight-and-one-half (8 1/2) inch by eleven (11) inch sheet of paper showing all of the information required by the application form.

2. The signature of all parties having any ownership interest in the lands affected by the lot line adjustment, indicating that the lot line adjustment is made with free consent and in accordance with their desires. For purposes of this section, "ownership interest" shall include legal and equitable property interests, including, but not limited to, present, future, contingent or whole fee interests, together with a beneficiary's interest pursuant to a trust and contract interest pursuant to a specifically enforceable contract for the purchase of the real property.

3. A current title report produced no more than forty-five (45) calendar days prior to lot line adjustment application, or other documentation as approved by the planning director, which documents ownership, title and encumbrances;

4. A copy of the existing legal description for both parcels;

5. A metes and bounds description of the proposed new lots if other than a platted lot.

Sec. 12.04.920. Principles of acceptability. Lot line adjustments shall be consistent with the following principles of acceptability:

1. Adjust lot lines to eliminate a common lot line between parcels in the same ownership, to relocate a lot line to rectify a property line dispute, correct property line or setback encroachments, or correlate with more accurate survey data; and to allow a minor transfer of land between adjacent parcels;

2. Create better lot design, or improve access;

3. Conform to applicable zoning, subdivision and other code requirements pertaining to lot design, building location, and development standards;

4. Avoid creation of an additional lot parcel or tract;
5. Lots created or combined for tax purposes do not constitute a legal lot of record.

Sec. 12.04.925. Determination of completeness. Within five (5) calendar days of receipt of a lot line adjustment, the planning department shall review all of the materials submitted and determine whether the application is complete or incomplete. If incomplete, the planning department shall send the applicant a letter identifying what information is required to make the application complete. If the city determines that an application is not complete, the applicant shall have up to ninety (90) calendar days to submit the necessary information to the city. If the applicant either refuses in writing to submit additional information or does not submit the required information within the ninety (90) calendar day period, the application shall lapse because of a lack of information necessary to complete the review. Within five (5) calendar days after an applicant has submitted the requested additional information, the city shall again make the completeness determination and shall notify the applicant in the same manner. If the lot line adjustment application is determined to be complete, the planning department shall accept the application and note the date of acceptance. The time period for review of the lot line adjustment begins following the determination of a complete application and acceptance of the application by the city.

Sec. 12.04.930. Vesting. A proposed relocation of a lot boundary line shall be considered under the requirements of this chapter and the zoning and other land use regulations in effect on the land at the time that an application for a lot line adjustment as defined in KCC Ch. 12.04, has been determined to be complete and has been accepted by the City of Kent, pursuant to KCC Section 12.04.925.

Sec. 12.04.935. Referral of application.

- A. Within five (5) calendar days of accepting a complete application, the planning department shall distribute copies of the lot line adjustment map and the application materials for review and comment to city departments with jurisdiction over the lot line adjustment application. The distribution notice shall state the dates of the comment period and deadline for submission of comments to the planning department.
- B. A copy of the lot line adjustment map and the application materials shall be provided to affected agencies as deemed necessary or if requested by the agency.
- C. City departments and affected agencies shall submit comments on the proposed lot line adjustment to the planning department within ten (10) calendar days of distribution. The department or agency is presumed to have no comments if comments are not received within the specified time period.

Sec. 12.04.940. Approval criteria.

- A. A proposed lot line adjustment shall not be approved unless the city finds that:
1. Appropriate provisions have been made for:
 - a. setbacks from existing buildings to proposed new property lines;
 - b. existing and proposed utilities and utility easements;
 - c. existing and proposed access to the parcels, adjacent streets and access easements;
 - d. lot dimension and area conforming to city code requirements;
 - e. location of on-site parking, landscaping and other significant site features affected by the proposed new property lines;
 - f. the public health, safety and general welfare of the community;
 - g. protection of environmentally sensitive lands and habitat;
 2. The city has considered all other relevant facts; and
 3. The public use and interest will be served by the adjustment of such property lines.

4. The lot line adjustment is consistent with the principles of acceptability per Section 12.04.920.

Sec. 12.04.945. Decision on lot line adjustments.

A. The planning department will review and approve the proposed lot line adjustment after receiving a completed application and providing an opportunity for comment from other city departments and affected agencies . The planning director may approve, approve with modifications, or deny the application for a lot line adjustment. If approved all copies of the lot line adjustment maps shall be stamped "approved" and signed and dated by the planning director. The applicant shall be notified in writing of the decision. Additional copies of the approval notification and map shall be distributed to the King County assessor's office and to the city property management department.

B. If modifications are deemed necessary by the planning director, they may be added to the original lot line adjustment map or a revised map may be required. The applicant will be notified of the requirements for any such modification action. If a modification of the original lot line adjustment map, legal description or other information is necessary, the projected approval date may be extended.

C. If denied, the lot line adjustment shall be marked "denied" and the applicant shall be notified in writing of the decision, stating the reasons.

Sec. 12.04.950. Appeal of decision on lot line adjustments. The decision of the planning director shall be final, unless an appeal is made by a party of record to the hearing examiner within fourteen (14) calendar days after the written decision. The appeal shall be in writing and shall be processed pursuant to Ch. 2.32 KCC. The decision of the hearing examiner shall represent final action of the city and is appealable only to superior court.

Sec. 12.04.955. Appeal to superior court. The decision of the hearing examiner is final, unless appealed to the superior court. Such an appeal must be filed with the superior court within twenty-one (21) calendar days from the date the decision was issued.

Sec. 12.04.960. Recording lot line adjustments. A lot line adjustment does not become effective until it and the appropriate deeds are is recorded with the King County assessor's office. The city shall submit the approved map and new legal descriptions to King County for recording. The city shall return a copy of the recorded documents to the applicant. The recording of a lot line adjustment does not constitute a transfer of title. If the title to an area of land is changing ownership, separate deeds to this effect must be recorded with the King County assessor's office.

SECTION 4. – Severability. If any one or more section, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

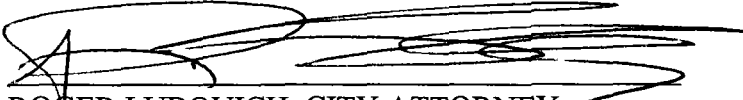
SECTION 5. – Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.


JIM WHITE, MAYOR

ATTEST:


BRENDA JACOBEB, CITY CLERK

APPROVED AS TO FORM:


ROGER LUBOVICH, CITY ATTORNEY

PASSED: 16 day of May, 2000.

APPROVED: 16 day of May, 2000.

PUBLISHED: 19 day of May, 2000.

I hereby certify that this is a true copy of Ordinance No. 3511 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

 (SEAL)
BRENDA JACOBBER, CITY CLERK

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