



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19010

Proposed No. 2019-0209.2

Sponsors Dunn

1 AN ORDINANCE relating to testamentary lot division;
2 and amending Ordinance 13694, Section 42, as amended,
3 and K.C.C. 19A.08.070.

4 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 SECTION 1. Ordinance 13694, Section 42, as amended, and K.C.C. 19A.08.070
6 are each hereby amended to read as follows:

7 A. A property owner may request that the department determine whether a lot was
8 legally created. The property owner shall demonstrate to the satisfaction of the department
9 that a lot was created in compliance with applicable state and local land segregation statutes
10 or codes in effect at the time the lot was created.

11 B. A lot shall be recognized as a legal lot:

12 1. If before October 1, 1972, it was:

13 a. conveyed as an individually described parcel to separate, noncontiguous
14 ownerships through a fee simple transfer or purchase; or

15 b. recognized as a separate tax lot by the county assessor;

16 2. If created by a recorded subdivision before June 9, 1937, and it was served by
17 one of the following before January 1, 2000:

18 a. an approved sewage disposal;

19 b. an approved water system; or

20 c. a road that was:

21 (1) accepted for maintenance by the King County department of transportation;

22 or

23 (2) located within an access easement for residential use or in a road right-of-

24 way and consists of a smooth driving surface, including, but not limited to, asphalt,

25 concrete, or compact gravel, that complied with the King County road standards in effect at

26 the time the road was constructed;

27 3. If created by an approved short subdivision, including engineers subdivisions;

28 4. If created by a recorded subdivision on or after June 9, 1937; or

29 5. If created through the following alternative means of lot segregation provided

30 for by state statute or county code:

31 a. at a size five acres or greater, created by a record of survey recorded between
32 August 11, 1969, and October 1, 1972, and that did not contain a dedication;

33 b. at a size twenty acres or greater, created by a record of survey recorded before
34 January 1, 2000, and not subsequently merged into a larger lot;

35 c. at a size forty acres or greater created through a larger lot segregation made in
36 accordance with RCW 58.18.010, approved by King County and not subsequently merged
37 into a larger lot. Within the F zone, each lot of tract shall be of a size that meets the
38 minimum lot size requirements of K.C.C. 21A.12.040.A;

39 d. through testamentary provisions or the laws of descent after August 10, 1969;

40 or

41 e. as a result of deeding land to a public body after April 3, 1977.

42 C. In requesting a determination, the property owner shall submit evidence,

43 deemed acceptable to the department, such as:

- 44 1. Recorded subdivisions or division of land into four lots or less;
- 45 2. King County documents indicating approval of a short subdivision;
- 46 3. Recorded deeds or contracts describing the lot or lots either individually or as
- 47 part of a conjunctive legal description (e.g., Lot 1 and Lot 2); or
- 48 4. Historic tax records or other similar evidence, describing the lot as an
- 49 individual parcel. The department shall give great weight to the existence of historic tax
- 50 records or tax parcels in making its determination.

51 D. Once the department has determined that the lot was legally created, the

52 department shall continue to acknowledge the lot as such, unless the property owner

53 reaggregates or merges the lot with another lot or lots in order to:

- 54 1. Create a parcel of land that would qualify as a building site, or
- 55 2. Implement a deed restriction or condition, a covenant or court decision.

56 E. The department's determination shall not be construed as a guarantee that the lot

57 constitutes a building site as defined in K.C.C. (~~(19A.04.050)~~) 19A.04.060. Testamentary

58 lots created after December 31, 1999, and before January 1, 2019, are exempt from meeting

59 the minimum lot area requirements in K.C.C. 21A.12.030 and 21A.12.040 for the

60 applicable zoning district, if all other federal, state and local statutes and regulations are

61 met. All other testamentary lots shall be required to meet all federal, state and local statutes

62 and regulations, including minimum lot area requirements in K.C.C. 21A.12.030 and

63 21A.12.040.

64 F. Reaggregation of lots after January 1, 2000, shall only be the result of a

65 deliberate action by a property owner expressly requesting the department for a permanent

66 merger of two or more lots through a boundary line adjustment under K.C.C. chapter
67 19A.28.
68

Ordinance 19010 was introduced on 5/15/2019 and hearing held/closed and passed as amended by the Metropolitan King County Council on 11/13/2019, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci



KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

A handwritten signature in black ink, appearing to read "Rod Dembowski", written over a horizontal line.

Rod Dembowski, Chair

ATTEST:

A handwritten signature in blue ink, appearing to read "Melani Pedroza", written over a horizontal line.

Melani Pedroza, Clerk of the Council

APPROVED this 25 day of NOVEMBER 2019.

A handwritten signature in black ink, appearing to read "Dow Constantine", written over a horizontal line.

Dow Constantine, County Executive

Attachments: None

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CLERK
KING COUNTY COUNCIL