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Title: AN ORDINANCE relating to recognizing lots; and amending Ordinance 13694, Section 42, as amended, and K.C.C. 19A.08.070.

Sponsors: Jane Hague

Indexes: DDES/DPER, Transportation

Code sections: 19A.08.070 -

Attachments: 1. 16687.pdf, 2. 2009-0509 Adoption Notice.doc, 3. 2009-0509 Att 2 - DDES code interpretation.pdf, 4. 2009-0509 Checklist Dated July 22, 2009.DOC, 5. 2009-0509 Fiscal Note.xls, 6. 2009-0509 Hearing notice.doc, 7. 2009-0509 Hearing Notice.doc, 8. 2009-0509 Letter from Ike Nwankwo to Harry Reinert Dated March 30, 2009.pdf, 9. 2009-0509 Lot Recognition Ordinance Summary.doc, 10. 2009-0509 Notice of Hearing.DOC, 11. 2009-0509 Regulatory Note--Checklist of Criteria.doc, 12. 2009-0509 Staff Report - pre1937 lots.doc, 13. 2009-0509 Transmittal Letter.doc

Date	Ver.	Action By	Action	Result
10/26/2009	2	Metropolitan King County Council	Passed	Pass
9/9/2009	1	Physical Environment Committee	Amended	Pass
9/9/2009	2	Physical Environment Committee	Recommended Do Pass Substitute	Pass
8/24/2009	1	Metropolitan King County Council	Introduced and Referred	

Clerk 09/16/2009

AN ORDINANCE relating to recognizing lots; and amending Ordinance 13694,
Section 42, as amended, and K.C.C. 19A.08.070.

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

A. A property owner may request that the department determine whether a lot was legally segregated. The property owner shall demonstrate to the satisfaction of the department that, a lot was created, in compliance with applicable state and local land segregation statutes or codes in effect at the time the lot was created, including, but not limited to, demonstrating that the lot was created:

1. (~~Prior to~~) Before June 9, 1937, and (~~has been~~):

a. not later than January 1, 2000, was provided with:

(1) approved sewage disposal ~~((or))~~;

(2) an approved water system~~((s))~~; or

(3) a road~~((s))~~, not including a forest road as defined in WAC 222-16-010 or in an easement for

commercial road use for managing or hauling timber, that was:

(A) accepted for maintenance by the King County department of transportation; or

(B) located within an access easement for residential use or in a road right-of-way and consists of a smooth driving surface, including, but not limited to, asphalt, concrete, or compact gravel, that complied with the King County road standards in effect at the time the road was constructed; and

b.(1) was conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase ~~((prior to))~~ before October 1, 1972; or

(2) was recognized ~~((prior to))~~ before October 1, 1972, as a separate tax lot by the county assessor;

2 Through a review and approval process recognized by the county for the creation of four lots or less from June 9, 1937, to October 1, 1972, or the subdivision process on or after June 9, 1937;

3. Through the short subdivision process on or after October 1, 1972; or

4. Through the following alternative means ~~((allowed))~~ of lot segregation provided for by ~~((the))~~ state statute or county code:

a. for the raising of agricultural crops or livestock, in parcels greater than ten acres, between September 3, 1948, and August 11, 1969;

b. for cemeteries or other burial plots, while used for that purpose, on or after August 11, 1969;

c. at a size five acres or greater, recorded between August 11, 1969, and October 1, 1972, and did not contain a dedication;

d. at a size twenty acres or greater, recognized ~~((prior to))~~ by King County before January 1, 2000, ~~((provided, however, for remnant lots not less than seventeen acres and no more than one per quarter section))~~

and not subsequently merged into a larger lot;

- e. upon a court order entered between August 11, 1969, to July 1, 1974;
- f. through testamentary provisions or the laws of descent after August 10, 1969;
- g. through an assessor's plat made in accordance with RCW 58.18.010 after August 10, 1969;
- h. as a result of deeding land to a public body after April 3, 1977, and that is consistent with King

County zoning code, access and board of health requirements so as to qualify as a building site pursuant to K.C.C. 19A.04.050; or

i. by a partial fulfillment deed pursuant to a real estate contract recorded (~~((prior to))~~ before October 1, 1972, and no more than four lots were created per the deed.

B. In requesting a determination, the property owner shall submit evidence, deemed acceptable to the department, such as:

- 1. Recorded subdivisions or division of land into four lots or less;
- 2. King County documents indicating approval of a short subdivision;
- 3. Recorded deeds or contracts describing the lot or lots either individually or as part of a conjunctive

legal description (e.g. Lot 1 and Lot 2); or

4. Historic tax records or other similar evidence, describing the lot as an individual parcel. The department shall give great weight to the existence of historic tax records or tax parcels in making its determination.

C. Once the department has determined that the lot was legally created, the department shall continue to acknowledge the lot as such, unless the property owner reaggregates or merges the lot with another lot or lots in order to:

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

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

building site as defined in K.C.C. 19A.04.050.

E. Reaggregation of lots after January 1, 2000, shall only be the result of a deliberate action by a property owner expressly requesting the department for a permanent merger of two or more lots through a boundary line adjustment under K.C.C. chapter 19A.28.

SECTION 2. If any provision of this ordinance or its application to any person or

circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.