



Legislation Text

File #: 2019-0209, **Version:** 2

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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 created. 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.

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

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

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

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

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

a. an approved sewage disposal;

b. an approved water system; or

c. a road that was:

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

(2) 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;

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

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

5. If created through the following alternative means of lot segregation provided for by state statute or county code:

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

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

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

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

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

C. 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.

D. 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.

E. 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)) 19A.04.060. Testamentary lots created after December 31, 1999, and before January 1, 2019, are exempt from meeting the minimum lot area requirements in K.C.C. 21A.12.030 and 21A.12.040 for the applicable zoning district, if all other federal, state and local statutes and regulations are met. All other testamentary lots shall be required to meet all federal, state and local statutes and regulations, including minimum lot area requirements in K.C.C. 21A.12.030 and 21A.12.040.

F. 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.