



Signature Report

November 12, 2009

Ordinance 16687

Proposed No. 2009-0509.2

Sponsors Hague

1 AN ORDINANCE relating to recognizing lots; and  
2 amending Ordinance 13694, Section 42, as amended, and  
3 K.C.C. 19A.08.070.  
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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  
8 was legally segregated. The property owner shall demonstrate to the satisfaction of the  
9 department that, a lot was created, in compliance with applicable state and local land  
10 segregation statutes or codes in effect at the time the lot was created, including, but not  
11 limited to, demonstrating that the lot was created:

- 12 1. ~~((Prior to))~~ Before June 9, 1937, and ((has been)):  
13 a. not later than January 1, 2000, was provided with:  
14 (1) approved sewage disposal ((or));  
15 (2) an approved water system((s)); or  
16 (3) a road((s)), not including a forest road as defined in WAC 222-16-010 or  
17 in an easement for commercial road use for managing or hauling timber, that was:

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

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

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

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

29                    2 Through a review and approval process recognized by the county for the  
30 creation of four lots or less from June 9, 1937, to October 1, 1972, or the subdivision  
31 process on or after June 9, 1937;

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

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

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

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

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

41 d. at a size twenty acres or greater, recognized (~~(prior to)~~) by King County  
42 before January 1, 2000, (~~(provided, however, for remnant lots not less than seventeen~~  
43 acres and no more than one per quarter section)) and not subsequently merged into a  
44 larger lot;

45 e. upon a court order entered between August 11, 1969, to July 1, 1974;

46 f. through testamentary provisions or the laws of descent after August 10,  
47 1969;

48 g. through an assessor's plat made in accordance with RCW 58.18.010 after  
49 August 10, 1969;

50 h. as a result of deeding land to a public body after April 3, 1977, and that is  
51 consistent with King County zoning code, access and board of health requirements so as  
52 to qualify as a building site pursuant to K.C.C. 19A.04.050; or

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

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

57 1. Recorded subdivisions or division of land into four lots or less;

58 2. King County documents indicating approval of a short subdivision;

59 3. Recorded deeds or contracts describing the lot or lots either individually or as  
60 part of a conjunctive legal description (e.g. Lot 1 and Lot 2); or

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

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

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

69 D. The department's determination shall not be construed as a guarantee that the  
70 lot constitutes a building site as defined in K.C.C. 19A.04.050.

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

75 SECTION 2. If any provision of this ordinance or its application to any person or  
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**Ordinance 16687**

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

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Ordinance 16687 was introduced on 8/24/2009 and passed by the Metropolitan King County Council on 10/26/2009, by the following vote:

Yes: 9 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn

No: 0

Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Dow Constantine, Chair

ATTEST:

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Anne Noris, Clerk of the Council

APPROVED this 3rd day of November, 2009.

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Kurt Triplett, County Executive

**Attachments**      None