



Signature Report

September 21, 2009

Ordinance

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.
4

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:

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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;

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- 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.

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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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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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KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dow Constantine, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, _____.

Kurt Triplett, County Executive

Attachments None