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11/24/87

ORDINANCE NO. 1404

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON,
AMENDING PROVISIONS OF THE REDMOND COMMUNITY
DEVELOPMENT GUIDE RELATING TO SUBDIVISION
REQUIREMENTS BY AMENDING SECTION 20F.20.050(10),
20F.20.150(15), 20F.20.150(25), 20F.20.150(27),
20F.20.150(35), 20F.20.150(50), AND
20F.20.150(55) TO CONFORM TO CHANGES IN
THE STATE LAW; AND ESTABLISHING AN EFFECTIVE
DATE.

WHEREAS, the State legislature amended several provisions of State law relating to subdivision requirements during the recent legislative session; and

WHEREAS, the City Council finds that the Redmond Community Development Guide should be amended correspondingly to reflect the changes in State law, and

WHEREAS, these changes are administrative in nature and exempt from review by the Planning Commission pursuant to section 20F.20.240(15) of the Redmond Community Development Guide, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 20F.20.050(10) of the Redmond Community Development Guide is hereby amended to read as follows:

20F.20.050(10) Application Requirements - The chart entitled "Application Requirements" lists the submittals required with each type of application and is included as a part of this subsection. Application requirements for site plan review and building permit applications for signs shall be established by the Technical Committee and included in the Appendix to the Community Development Guide. Application requirements for building permit applications for the construction of a structure are contained in chapter 3 of the Uniform Building Code.

Section 2. Section 20F.20.150(15) of the Redmond Community Development Guide is hereby amended to read as follows:

20F.20.150(15) Exceptions - The provisions of this section shall not apply to:

- a. Cemeteries and burial plats;
- b. Divisions made by testamentary provisions or the laws of dissent;
- c. Division for sale or lease of commercial or industrially zoned property provided a binding site plan has been approved and recorded;
- d. Divisions for purposes of lease when no residential structure or other than mobile homes or travel

- trailers are permitted, provided a binding site plan has been approved and recorded;
- e. A division made for the purposes of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site; and
 - f. A division made under the provisions of the Horizontal Properties Regimes Act (RCW 64.32) provided a binding site plan has been approved.

Section 3. Section 20F.20.150(25) of the Redmond Community Development Guide is hereby amended to read as follows:

20F.20.150(25) Subdivision vacation - Whenever any person is interested in the vacation of any subdivision or portion thereof, or any area designed or dedicated for public use, that person shall file an application for vacation with the City Council. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which are filed at the time of approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.

The Hearing Examiner shall give notice as provided in 20F.20.070(15)(b) "Notice Requirements" and shall conduct a public hearing on the application for a vacation and may approve or deny the application for vacation of the subdivision after determining the public use and interest to be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the City, shall be deeded to the City unless the City Council adopts written findings that the public use would not be served in retaining title to those lands. Title to vacated property shall be governed by chapter 58.17 RCW.

Section 4. Section 20F.20.150(27) of the Redmond Community Development Guide is hereby amended to read as follows:

20F.20.150(27) Subdivision alterations - When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in 20F.20.150(5)(d) that person shall submit an application to request the alteration to the City Council. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of

the subdivision or portion thereof.

The processing of the alteration application shall follow the procedures of the General Development Permit, section 20F.20.030 "Development Permits and Procedures". After approval of the alteration, the applicant shall submit to the City a revised drawing of the approved alteration of the subdivision, which after signature of the approving authority, shall be filed with the County Auditor to become the lawful plat of the property. The revised drawing shall be surveyed and prepared by a Washington State licensed land surveyor.

Section 5. Section 20F.20.150(35) of the Redmond Community Development Guide is hereby amended to read as follows:

20F.20.150(35) Short Subdivisions - Restrictions - The area included in an approved and recorded short subdivision shall not be further divided within a period of five (5) years from the date of final approval without meeting the requirements for a subdivision or resubdivision. Except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries.

Section 6. Section 20F.20.150(50) of the Redmond Community Development Guide is hereby amended to read as follows:

20F.20.150(50) Final Plat Corrections - Amendments, alterations, modifications and changes to recorded final plats and short plats shall be accomplished only by one of the following methods:

- a. Modify the subdivision by following procedures of subparagraph (25) or (27) of this section; or
- b. File a new plat for the lots in question by following the full subdivision procedures of this Chapter; or
- c. File a short plat for lots in question by following the procedures of this Chapter provided that short plats occurring in final subdivisions approved under the provisions of the Development Guide do not exceed the density allowed under the zoning existing at the time the plat was approved, or are not inconsistent with other provisions of the plats; or
- d. File a minor modification or boundary line adjustment. This method may be used to correct or adjust short plats or final plats, provided the proposed changes are minor and do not create new lots, or to consolidate two or more existing lots. A final plat or short plat mylar shall be filed with the normal and required signature attachments and a cross-reference to the original final or short plat and fees only for technical review. Normal and required signatures shall mean only the signatures of owners of lots affected by a minor modification or boundary line adjustment.

Section 7. Section 20F.20.150(55) of the Redmond Community Development Guide is hereby amended to read as follows:

20F.20.150(55) Divisions Requiring Binding Site Plans -

A subdivision of land which is exempt from the subdivision regulations but requires that a binding site plan be approved shall be processed through the general development permit procedure, Sections 20F.20.030 and 20F.20.170. The following requirements shall apply to proposals submitted under this section.

- a. Applications submitted shall comply with the requirements for subdivisions and subsection 20F.20.050(10), "Application Requirements";
- b. Site plans are required and shall be drawn at a scale no smaller than one inch equals 100 feet;
- c. Approved site plans shall be recorded with the King County Auditor;
- d. Approved site plans shall be binding and shall be enforced as provided in Section 20F.10.050 "Enforcement". All provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any person acquiring a lease or other ownership interest of any lot, parcel or tract created pursuant to the binding site plan. A sale, transfer, or lease of any lot, tract or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding plan approval, shall be considered a violation of this Chapter and shall be restrained by injunctive action and shall be illegal as provided in Chapter 58.17 RCW;
- e. All developments shall be in conformity with the approved site plans;
- f. Amendments to or vacations of an approved site plan shall be made through the process of this paragraph;
- g. Approved site plans may contain any easements, restrictions, covenants, or conditions as would a subdivision approved by the City.

Section 8. If any section, sentence, clause or phrase of this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 9. This Ordinance, being an administrative action, is not subject to referendum and shall take effect five (5) days after publication of the attached summary which is hereby approved.

CITY OF REDMOND:


MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

Doris A. Schaible
CITY CLERK, DORIS A SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: Long C. Martin

FILED WITH THE CITY CLERK: 11-30-87
PASSED BY THE CITY COUNCIL: 1-5-88
SIGNED BY THE MAYOR: 1-8-88
PUBLISHED: 1-10-88
EFFECTIVE DATE: 1-15-88
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