

ORDINANCE NO. 13-2019

AN ORDINANCE OF THE CITY OF COVINGTON, WASHINGTON, AMENDING CMC 14.30.040, DECISION TYPES; CMC 14.30.050, REQUIREMENTS BY DECISION TYPE; CHAPTER 17.10 CMC, DEFINITIONS; CHAPTER 17.15 CMC, ADMINISTRATION; CHAPTER 17.20 CMC, SUBDIVISIONS AND SHORT SUBDIVISIONS; AND CHAPTER 17.25 CMC, FINAL PLAT AND FINAL SHORT PLAT MAPS FOR PRELIMINARY APPROVED SUBDIVISIONS AND SHORT SUBDIVISIONS.

WHEREAS, the City Council has an ongoing interest to streamline land use decision making, lower City and customer costs, and to take advantage of enhanced efficiencies; and

WHEREAS, while the City Council strives to implement simplifications and efficiency enhancements, modifications must not sacrifice quality of decision making or public input opportunities; and

WHEREAS, on April 27, 2017 the Governor signed into law SB 5674 which amended RCW 58.17.100 to allow local governments to delegate authority for final plat approvals; and

WHEREAS, final plat approvals must be made by the legislative body, or the legislative body may by ordinance delegate that authority to “an established planning commission or agency, or to such other administrative personnel in accordance with state law or local charter” (RCW 58.17.100); and

WHEREAS, the final plat approval is in the nature of a ministerial, non-discretionary process; that is, if the applicant meets the terms of preliminary approval and the plan conforms with state law and local ordinances, final approval must be granted (RCW 58.17.170(1)). There is no public hearing for a final plat approval; and

WHEREAS, the Covington Municipal Code (CMC) currently establishes codified procedures for processing final plats with the final decision resting with City Council; and

WHEREAS, the City Council of the City of Covington finds it is in the best interests of the City and its residents to amend the final plat procedure to allow for final plat approval administratively rather than by council approval; and

WHEREAS, the CMC allows a short subdivision up to four lots where state law allows cities to expand this number to nine lots; and

WHEREAS, the CMC currently allows a minimum of five lots to be created as part of a subdivision and desires to increase the allowance to the minimum of ten lots or more; and

WHEREAS, the Title 17 CMC provides a brief selection of definitions while Chapter 18.20 CMC provides an extensive list of definitions the City desires to be applicable to the provisions of Title

17 CMC, and provides guidance when definitions conflict or when the term can be used as reflected in common language; and

WHEREAS, a legal notice of public hearing for the proposed amendments was published August 16, 2019 in the Covington/Maple Valley Reporter as well as posted on the City's website and at City Hall; and

WHEREAS, the Planning Commission is required to hold a noticed public hearing and make a recommendation to the City Council as to whether the proposed amendments meet the criteria set forth in *CMC 14.27.040 Decision criteria*; and

WHEREAS, Pursuant to the State Environmental Policy Act (SEPA) and WAC 191-11, a Determination of Nonsignificance (DNS) for non-project action was issued and noticed on August 16, 2019 for the proposed amendment; and

WHEREAS; Pursuant to WAC 197-11-340(2), the Department provided a 14-day comment period for the Determination of Nonsignificance (DNS) issued on the proposed amendments with an appeal and comment period ending August 30, 2019. No appeals or comments were received; and

WHEREAS, on August 14, 2019, City Staff transmitted a copy of the proposed code amendments to the Washington State Department of Commerce for review and comment, pursuant to RCW 36.70A.106. Expedited Review of the proposed code amendments was granted on August 28, 2019; and

WHEREAS, the Covington Planning Commission is responsible for the review of amendments to the City's subdivision ordinance and for recommending modifications thereto; and

WHEREAS, the Planning Commission reviewed the proposed amendments at their regularly scheduled meetings on August 15, 2019 and on September 5, 2019; and

WHEREAS, on September 19, 2019, the Planning Commission held a public hearing on the proposed amendments, heard from City staff and public comment, after notice of a public hearing was properly sent, and an opportunity for written comment was provided; and

WHEREAS, after the public hearing and review by the Planning Commission, it recommended that the City Council adopt the amendments, as proposed to the CMC to allow administrative personnel to sign and approval final plats, as evidenced in its Recommendations to the Covington City Council for Amendments to CMC 14.30.040, CMC 14.30.050, and Title 17 Subdivisions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, DO ORDAIN as follows:

Section 1. **Findings of Fact.** The "whereas" provisions listed above shall constitute Findings of Fact and are incorporated by reference as if fully set forth herein.

Section 2. **Amendments to CMC 14.30.040.** CMC 14.30.040 is hereby amended to read as follows:

14.30.040 Decision types.¹

Type 1	Type 2	Type 3	Type 4
Building Permit (15.05)	Short Plat <u>Subdivision</u> (Including Revisions and Alterations) (17.20)	Preliminary <u>Subdivision</u> Plat (17.20)	Final <u>Subdivision</u> ⁴ (17.25)
Grading Permit (14.60)	Design and Construction Standards Variance (12.60)	Plat Alterations (17.25)	Shoreline Environment Redesignations (16.05)
Boundary Line Adjustment (17.40)	Clearing and Grading Design Variance (14.60)	Preliminary Plat <u>Subdivision</u> Revisions (17.20)	Plat or Short Plat Vacations (17.25)
Right-of-Way Use Permit (12.35)	Design Departure from the City of Covington Design Guidelines and Standards (18.31)	Zoning Variance (18.125)	Street Vacations (12.55)
Design and Construction Standards Deviation (12.60)	Downtown Permitted Use Determination (18.31)	Conditional Use Permits (18.125)	
Clearing and Grading Design Deviation (14.60)	Temporary Use (18.85)	New Wireless Communication Facility Towers and Height Modifications (18.70)	
Shoreline Exemption (16.05)	Shoreline Substantial Development Permit ² (16.05)		
Code Interpretation (14.30)	SEPA Threshold Determination ³		
Miscellaneous Administrative Decisions	Commercial Site Development Permit (18.31 and 18.110)		
Minor Tree Removal (18.45)	Re-use of Facilities (18.85)		
WCF Collocation on a Transmission Structure or WCF Tower (18.70)	Critical Areas Reasonable Use Exceptions (18.65)		
<u>Final Subdivision</u> ⁴ (17.25)	Binding Site Plan (17.30)		
<u>Final Short Subdivision</u> (17.25)	Major Tree Removal (18.45)		

Type 1	Type 2	Type 3	Type 4
	Stormwater Manuals Variance (13.25) Wireless Communication Facilities Collocations (18.70)		

¹ If a conflict between this chart and the text of the CMC exists, the text of the CMC controls.

² When applications for shoreline permits are combined with other permits requiring Type 3 or 4 land use decisions, the Examiner, not the Director, makes the decision. All shoreline permits, including shoreline variances and conditional uses, are appealable to the State Shorelines Hearings Board and not to the Hearing Examiner.

³ Appeal to Examiner is limited to the SEPA threshold determination for a project permit. The decision on the Type 1 permit itself is appealable to Superior Court.

⁴ ~~Final subdivisions are submitted directly to the City Council for final decision without a recommendation by the Hearing Examiner.~~ Final subdivisions are submitted to the Department for review and are approved by City Manager or by his or her designee.

(Ord. 17-16 § 11; Ord. 08-13 § 3 (Exh. A); Ord. 06-13 § 2 (Exh. A); Ord. 09-12 § 2 (Exh. B); Ord. 10-10 § 3 (Exh. C); Ord. 13-09 § 17; Ord. 02-09 § 2)

Section 3. Amendments to CMC 14.30.050. CMC 14.30.050 is hereby amended to read as follows:

14.30.050 Requirements by decision type.¹

	Type 1	Type 2	Type 3	Type 4
Recommendation made by:	n/a	n/a	Director	Hearing Examiner
Final decision made by:	Director	Director	Hearing Examiner	City Council
Notice of permit application:	No	Yes	Yes	Yes
Notice of final decision:	No	Yes	Yes	Yes
Open record public hearing:	No	No	Yes, before the Hearing Examiner	Yes, before the Hearing Examiner
Open record appeal hearing:	No	Yes, before the Hearing Examiner regarding project proposals	No	No
Judicial (closed record) appeal:	King County Superior Court	King County Superior Court	King County Superior Court	King County Superior Court

¹ If a conflict between this chart and the text of the CMC exists, the text of the CMC controls.

(Ord. 07-19 § 1; Ord. 17-16 § 12; Ord. 02-09 § 2)

Section 4. Amendment Chapter 17.10 CMC. Chapter 17.10 CMC is hereby amended to read as follows:

**Chapter 17.10
DEFINITIONS**

Sections:

- 17.10.010 Acre.**
- 17.10.020 Alteration.**
- 17.10.030 Applicant.**
- 17.10.040 Binding site plan.**
- 17.10.050 Building envelope.**
- 17.10.060 Building site.**
- 17.10.070 Civil engineer.**
- 17.10.080 Condominium.**
- 17.10.090 Dedication.**
- 17.10.100 Department.**
- 17.10.110 Development Engineer.**
- 17.10.120 Director.**
- 17.10.130 Easement.**
- 17.10.140 Engineered preliminary drainage plan.**
- 17.10.150 Financial guarantee.**
- 17.10.160 General site plan.**
- 17.10.170 Homeowners' association.**
- 17.10.180 Improvements.**
- 17.10.190 Innocent purchaser.**
- 17.10.200 Land surveyor.**
- 17.10.210 Lot.**
- 17.10.215 Lot, flag.**
- 17.10.220 Nonbuilding lot.**
- 17.10.230 Ownership interest.**
- 17.10.240 Parent parcel.**
- 17.10.250 Plat, final.**
- 17.10.260 Plat, preliminary.**
- 17.10.270 Revisions.**
- 17.10.280 Segregation.**
- 17.10.290 Short plat, final.**

17.10.300 Short plat, preliminary.

17.10.310 Short subdivision.

17.10.320 Subdivision.

17.10.330 Tract.

17.10.335 Definitions not listed.

17.10.010 Acre.

“Acre” means an area of land equal to 43,560 square feet. (Ord. 53-02 § 2 (19A.04.010))

17.10.020 Alteration.

“Alteration” means the modification of a previously recorded plat, short plat, binding site plan, or any portion thereof that results in modifications to conditions of approval, the addition of new lots or more land, or the deletion of existing lots or the removal of plat or lot restrictions or dedications that are shown on the recorded plat. (Ord. 53-02 § 2 (19A.04.020))

17.10.030 Applicant.

“Applicant” means a property owner, or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such easement pursuant to RCW [8.12.090](#), or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval. (Ord. 53-02 § 2 (19A.04.030))

17.10.040 Binding site plan.

“Binding site plan” means a plan drawn to scale processed in accordance with CMC [17.30.010](#) through [17.30.060](#) and Chapter [58.17](#) RCW. (Ord. 53-02 § 2 (19A.04.040))

17.10.050 Building envelope.

“Building envelope” means the area of a lot that delineates the limits of where a building may be placed on a lot. (Ord. 53-02 § 2 (19A.04.050))

17.10.060 Building site.

“Building site” means a parcel, consisting of one or more lots or portions thereof, that is capable of being developed under current Federal, State, and local statutes, including zoning and use provisions, dimensional standards, minimum lot area for construction, minimum lot width, shoreline master program provisions, sensitive area provisions, health and safety provisions. (Ord. 53-02 § 2 (19A.04.060))

17.10.070 Civil engineer.

“Civil engineer” means an individual registered and licensed as a professional civil engineer in the State of Washington, pursuant to Chapter [18.43](#) RCW. (Ord. 53-02 § 2 (19A.04.070))

17.10.080 Condominium.

“Condominium” means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions as defined in Chapters [64.32](#) and [64.34](#) RCW. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners and unless a declaration, survey map and plans have been recorded pursuant to Chapter [64.32](#) or [64.34](#) RCW. (Ord. 53-02 § 2 (19A.04.080))

17.10.090 Dedication.

“Dedication” means the deliberate conveyance of land by an owner for any general and public uses, reserving no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been conveyed. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or binding site plan showing the dedication thereon or quit claim deed. The acceptance by the public shall be evidenced by the approval of such plat, short plat, binding site plan or quit claim deed for filing by the City. (Ord. 53-02 § 2 (19A.04.090))

17.10.100 Department.

“Department” means the Community Development Department. (Amended at request of department 2/08; Ord. 53-02 § 2 (19A.04.100))

17.10.110 Development Engineer.

“Development Engineer” means the Director of the Community Development Department or his or her designee, authorized to oversee the review, conditioning, inspection and acceptance of right-of-way use permits, road and drainage projects constructed pursuant to permits administered by the Community Development Department and required pursuant to this title. (Amended at request of department 2/08; Ord. 53-02 § 2 (19A.04.110))

17.10.120 Director.

“Director” means the Director of the Community Development Department or his or her designee. (Amended at request of department 2/08; Ord. 53-02 § 2 (19A.04.120))

17.10.130 Easement.

“Easement” means a right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes that may include, but are not limited to,

road access, pedestrian or bicycle pathways, minerals, utility easements, drainage and open space. (Ord. 53-02 § 2 (19A.04.130))

17.10.140 Engineered preliminary drainage plan.

“Engineered preliminary drainage plan” means a preliminary plan, consistent with the stormwater manuals adopted pursuant to Chapter 13.25 CMC, that shows the locations, types and approximate sizes of the proposed drainage and conveyance facilities, including any required bioswales, wetponds or other water quality facilities. (Ord. 13-09 § 22; Ord. 53-02 § 2 (19A.04.140))

17.10.150 Financial guarantee.

“Financial guarantee” means a form of financial security posted to ensure timely and proper completion of improvements, compliance with this code or to warrant materials, workmanship of improvements and design and maintenance of same. Financial guarantees include assignments of funds, cash deposits, surety bonds and other forms of financial security acceptable to the Director. (Ord. 53-02 § 2 (19A.04.150))

17.10.160 General site plan.

“General site plan” means a site plan approved pursuant to this title that is not based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites or a site development permit issued for the entire site. (Ord. 53-02 § 2 (19A.04.160))

17.10.170 Homeowners’ association.

“Homeowners’ association” means any combination or grouping of persons or any association, corporation or other entity that represents homeowners residing on property created by a short subdivision, subdivision or binding site plan. A homeowners’ association need not have any official status as a separate legal entity under the laws of the State of Washington. (Ord. 53-02 § 2 (19A.04.170))

17.10.180 Improvements.

“Improvements” means constructed appurtenances, including but not limited to road and drainage construction, utility installation, recreational features, lot grading prior to a building permit, plat monument signs, survey monuments. (Ord. 53-02 § 2 (19A.04.180))

17.10.190 Innocent purchaser.

“Innocent purchaser” means an individual who has found by the City’s Hearing Examiner to have purchased real property for value and is also found to have had no knowledge of or complicity in the creation of a lot in violation of the provisions of this title. A purchaser applying

for “innocent purchaser” status must provide the City with a statement, under oath, that he or she had no knowledge at any time prior to or during the sale that the lot had been or is being created in violation of the provisions of this title. (Ord. 53-02 § 2 (19A.04.190))

17.10.200 Land surveyor.

“Land surveyor” means an individual licensed as a land surveyor, in the State of Washington, pursuant to Chapter [18.43](#) RCW. (Ord. 53-02 § 2 (19A.04.200))

17.10.210 Lot.

“Lot” means a physically separate and distinct parcel of property that has been created pursuant to the provisions of this title, or pursuant to any previous laws governing the subdivision, short subdivision or segregation of land. (Ord. 53-02 § 2 (19A.04.210))

17.10.215 Lot, flag.

“Lot, flag/panhandle” means an interior lot which gains public road access by means of a lot extension. (Ord. 03-04 § 1)

17.10.220 Nonbuilding lot.

“Nonbuilding lot” means a lot created and defined as a nonbuilding lot on the face of the plat or short plat for which improvements for the purpose of human habitation or occupancy are prohibited. (Ord. 53-02 § 2 (19A.04.220))

17.10.230 Ownership interest.

“Ownership interest” means having property rights as a fee owner or contract purchaser. (Ord. 53-02 § 2 (19A.04.230))

17.10.240 Parent parcel.

“Parent parcel” means each existing lot that is located within the perimeter of a proposed boundary line adjustment application. (Ord. 53-02 § 2 (19A.04.240))

17.10.250 Plat, final.

“Final plat” means the final drawing of the subdivision and dedication prepared for filing with the County Office of Records and Elections and containing all elements and requirements set forth in this title and in Chapter [58.17](#)RCW. (Ord. 53-02 § 2 (19A.04.250))

17.10.260 Plat, preliminary.

“Preliminary plat” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, blocks and other elements of a subdivision required by this

title and Chapter [58.17](#) RCW. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision. (Ord. 53-02 § 2 (19A.04.260))

17.10.270 Revisions.

“Revisions” means a change prior to recording of a previously approved preliminary ~~plat~~subdivision, preliminary short ~~plat~~subdivision or binding site plan that includes, but is not limited to, the addition of new lots, tracts or parcels. (Ord. 53-02 § 2 (19A.04.270))

17.10.280 Segregation.

“Segregation” means a division of land by any of the following means: subdivision, short subdivision, or binding site plan. (Ord. 53-02 § 2 (19A.04.280))

17.10.290 Short plat, final.

“Final short plat” means the final drawing of the short subdivision and dedication prepared for filing with the County Office of Records and Elections and containing all elements and requirements set forth in this title and in Chapter [58.17](#) RCW. (Ord. 53-02 § 2 (19A.04.290))

17.10.300 Short plat, preliminary.

“Preliminary short plat” means a neat and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, blocks and other elements of a short subdivision required by this title and Chapter [58.17](#) RCW. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a subdivision. (Ord. 53-02 § 2 (19A.04.300))

17.10.310 Short subdivision.

“Short subdivision” means a division or redivision of land into ~~four~~nine or fewer lots, tracts, parcels or sites for the purpose of sale, lease or transfer of ownership. (Ord. 53-02 § 2 (19A.04.310))

17.10.320 Subdivision.

“Subdivision” means a division or redivision of land into ~~five~~ten or more lots, tracts or parcels for the purpose of sale, lease or transfer of ownership. (Ord. 53-02 § 2 (19A.04.320))

17.10.330 Tract.

“Tract” means land reserved for specified uses including, but not limited to, reserve tracts, recreation, open space, sensitive areas, surface water retention, utility facilities and access. Tracts are not considered lots or building sites for purposes of residential dwelling construction. (Ord. 53-02 § 2 (19A.04.330))

17.10.335 Definitions not listed.

Certain words and phrases used in this chapter, unless otherwise clearly indicated by their context, mean as follows. Unless otherwise defined in this chapter the definitions provided in Chapter 18.20 CMC shall be applicable. If there is a conflict, the definitions in Chapter 18.20 CMC shall govern. If a term is not defined within this chapter or defined within Chapter 18.20 CMC, the usual and customary meaning shall apply.

Section 5. Amendments to Chapter 17.15 CMC. Chapter 17.15 CMC is hereby amended to read as follows:

**Chapter 17.15
ADMINISTRATION**

Sections:

- 17.15.010** Scope of chapter.
- 17.15.020** Adverse possession lawsuit – Consent or judgment required.
- 17.15.030** Transfer of land or granting of an easement to a public agency.
- 17.15.040** Exemptions – Subdivision and short subdivision.
- 17.15.050** Recording map and legal descriptions.
- 17.15.060** Review for conformity with other codes, plans and policies.
- 17.15.070** Determining and maintaining legal status of a lot.
- 17.15.080** Removing limitations on nonbuilding lots.
- 17.15.090** Determining innocent purchaser status.
- 17.15.100** Public street rights-of-way.
- 17.15.110** Limitations within future road corridors.
- 17.15.120** Affidavit of correction.
- 17.15.130** Vertical and horizontal survey controls.
- 17.15.140** Financial guarantees.
- 17.15.145** Subdivision review fees.
- 17.15.150** Application requirements for preliminary **platsubdivisions**, preliminary short **platsubdivisions**, boundary line adjustments/lot consolidations and preliminary binding site plans.
- 17.15.160** Minimum subdivision and short subdivision improvements.
- 17.15.170** Violations and enforcement.
- 17.15.180** Circumvention of zoning density prohibited.
- 17.15.190** Rules.
- 17.15.200** Electronic version – Required.

17.15.010 Scope of chapter.

This chapter contains provisions general to the administration of land segregation. Any segregation of land is subject to the provisions of this title except as stated herein. (Ord. 53-02 § 2 (19A.08.010))

17.15.020 Adverse possession lawsuit – Consent or judgment required.

Applications for segregation allowed by this title concerning lands on which there is a pending lawsuit for adverse possession will not receive final approval without the consent of the adverse possession claimant or until a trial court judgment settling the lawsuit is entered. (Ord. 53-02 § 2 (19A.08.020))

17.15.030 Transfer of land or granting of an easement to a public agency.

The transfer of land or granting of an easement to a public agency for road and utility purposes shall not be considered a segregation of land. (Ord. 53-02 § 2 (19A.08.030))

17.15.040 Exemptions – Subdivision and short subdivision.

The subdivision and short subdivision provisions of this title shall not apply to:

- (1) Divisions of lands for cemeteries and other burial plots while used for that purpose.
- (2) Divisions of land into lots or tracts each one of which is one-sixteenth of a section of land or larger, or 40 acres or larger if the land is not capable of description as a fraction of a section of land; provided, that for purposes of computing the size of a lot that borders on a street or road, the lot size shall be expanded to include that area that would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line; and further provided, that within the resource zones, each lot or tract shall be of a size that meets the minimum lot size requirements of CMC [18.30.040\(A\)](#) for the respective zone.
- (3) Divisions of land into lots or tracts that are one-one-hundred-twenty-eighth of a section, or five acres or larger only for the purpose of allowing fee simple purchase or deeding of such lots or tracts to public agencies.
- (4) Divisions of land into lots or tracts consistent with RCW [58.17.040\(7\)](#) for which a condominium binding site plan has been recorded in accordance with the binding site plan provisions set forth in this title.
- (5) An adjustment of boundary lines in accordance with the provisions of this title.
- (6) Divisions of land for the purpose of lease when no residential structures other than mobile homes are permitted to be placed upon the land and for which the Director has approved a binding site plan for the use of the land as a mobile home park.
- (7) Divisions of land by binding site plan into lots or tracts classified for industrial or commercial use consistent with the binding site plan provisions of this title.

(8) Divisions of land by a public roadway or freeway, as defined by the City of Covington roadway functional classification system, that is planned, established, financed and constructed by a State or County or City agency after January 1, 2002. (Ord. 53-02 § 2 (19A.08.040))

17.15.050 Recording map and legal descriptions.

The final recording map and legal description of a plat, short plat, boundary line adjustment or binding site plan shall be prepared by a land surveyor in accordance with Chapter [58.09](#) RCW and Chapter [332-130](#) WAC, Surveys and Recording, and be recorded with the County Office of Records and Elections as required by this title. (Ord. 53-02 § 2 (19A.08.050))

17.15.060 Review for conformity with other codes, plans and policies.

Applications for approvals pursuant to this title shall be reviewed in accordance with the applicable procedures of any combination of this title and Chapters [2.25](#), [14.30](#), [14.35](#), [14.40](#), and [14.45](#) CMC. Furthermore, applications for subdivisions, short subdivisions and binding site plans may be approved, approved with conditions or denied in accordance with the following adopted City and State rules, regulations, plans and policies including, but not limited to:

- (1) Chapter [43.21C](#) RCW (SEPA);
- (2) Chapter [58.17](#) RCW (Subdivisions);
- (3) Chapters [36.70A](#) and [36.70B](#) RCW (Growth Management and Project Review);
- (4) County Office of Records and Elections;
- (5) CMC Title [13](#), Public Utilities;
- (6) *Repealed by Ord. 13-09*;
- (7) CMC Title [12](#) (Streets, Sidewalks and Bridges);
- (8) Chapter [15.20](#) CMC (Fire Code);
- (9) Chapter [16.10](#) CMC (SEPA);
- (10) CMC Title [18](#) (Zoning);
- (11) Chapter [1.30](#) CMC (Code Enforcement);
- (12) Chapter [16.05](#) CMC (Shoreline Master Program);

- (13) Administrative rules adopted pursuant to this title;
- (14) King County Board of Public Health rules and regulations;
- (15) Approved utility comprehensive plans;
- (16) City of Covington comprehensive plan;
- (17) This title;
- (18) CMC Title 14. (Ord. 06-17 § 5 (Exh. C); Ord. 13-09 § 23; Ord. 02-09 § 7; Ord. 01-09 § 17; Ord. 20-07 § 93; Ord. 53-02 § 2 (19A.08.060))

17.15.070 Determining and maintaining legal status of a lot.

(1) A property owner may request that the Department determine whether a lot was legally segregated. A request for such a determination shall be accompanied by the fee for a Type 1 decision letter as set forth in the current fee resolution. 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:

- (a) Prior to June 9, 1937, and the lot has been:
 - (i) Provided with approved sewage disposal or water systems or roads; or
 - (ii) Conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase prior to October 1, 1972;
 - (iii) Recognized prior to October 1, 1972, as a separate tax lot by the County Assessor;
- (b) 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;
- (c) Through the short subdivision process on or after October 1, 1972; or
- (d) Through the following alternative means allowed by State statute or County code:

- (i) For the raising of agricultural crops or livestock, in parcels greater than 10 acres, between September 3, 1948, and August 11, 1969;
- (ii) For cemeteries or other burial plots, while used for that purpose, on or after August 11, 1969;
- (iii) At a size five acres or greater, recorded between August 11, 1969, and October 1, 1972, and did not contain a dedication;
- (iv) At a size 20 acres or greater, recognized prior to the effective date of this title; provided, however, for remnant lots not less than 17 acres and no more than one per quarter section;
- (v) Upon a court order entered between August 11, 1969, to July 1, 1974;
- (vi) Through testamentary provisions or the laws of descent after August 10, 1969;
- (vii) Through an assessor's plat made in accordance with RCW [58.18.010](#) after August 10, 1969;
- (viii) As a result of deeding land to a public body after April 3, 1977, and that is consistent with City Code, access and Board of Health requirements (where applicable) so as to qualify as a building site pursuant to CMC [17.10.050](#); or
- (ix) By a partial fulfillment deed pursuant to a real estate contract recorded prior to October 1, 1972, and no more than four lots were created per the deed.

(2) In requesting a determination, the property owner shall submit evidence, deemed acceptable to the Department, such as:

- (a) Recorded subdivisions or division of land into four lots or less;
- (b) King County documents indicating approval of a short subdivision;
- (c) 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
- (d) 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.

(3) 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 re-aggregates or merges the lot with another lot or lots in order to:

- (a) Create a parcel of land that would qualify as a building site; or
- (b) Implement a deed restriction or condition a covenant or court decision.

(4) The Department's determination shall not be construed as a guarantee that the lot constitutes a building site as defined in CMC [17.10.050](#).

(5) Re-aggregation of lots shall only be the result of a deliberate action by a property owner expressly requesting a permanent merger of two or more lots. (Ord. 20-07 § 94; Ord. 53-02 § 2 (19A.08.070))

17.15.080 Removing limitations on nonbuilding lots.

Limitations placed on a nonbuilding lot may be removed and the lot recognized by the City as a building lot by approval of a subdivision, short subdivision, binding site plan or alteration of a plat, short plat or binding site plan. (Ord. 53-02 § 2 (19A.08.080))

17.15.090 Determining innocent purchaser status.

(1) An innocent purchaser of a parcel divided in violation of City of Covington subdivision requirements who files a notarized affidavit of innocent purchase with the Department on forms approved by the Director may seek to establish the parcel's eligibility for development approvals and for lawful future conveyance; provided, that nothing herein is intended to exempt development on innocent purchaser lots from compliance with development standards of CMC Title [18](#). A request for such a determination shall be accompanied by the fee for a Type 1 decision letter as set forth in the current fee resolution.

(2) All contiguous parcels divided in violation of this title that are under common ownership at the time of application for innocent purchaser status shall be recognized only as a single lot.

(3) Innocent purchaser status shall not be granted to any individual or group more than once. (Ord. 20-07 § 95; Ord. 53-02 § 2 (19A.08.090))

17.15.100 Public street rights-of-way.

Dedication or deeding to the City of right-of-way or a portion thereof for public streets shall be required within or along the boundaries of all binding site plans, subdivisions and short subdivisions or of any lot or lots within them, under the following circumstances, where facts

support that such dedication is reasonably necessary as a result of the impact created by the proposed development or any future development:

- (1) Where the six-year capital improvement plan or transportation needs report indicates the necessity of a new right-of-way or portion thereof for street purposes;
- (2) Where necessary to extend or to complete the existing or future neighborhood street pattern;
- (3) Where necessary to provide additions of right-of-way to existing right-of-way;
- (4) Where necessary to comply with City street standards and/or City street plans;
- (5) Where necessary to provide a public transportation system that supports future development of abutting property consistent with the City of Covington comprehensive plan or City of Covington zoning code; provided, that the right-of-way shall:
 - (a) Provide for vehicular and pedestrian circulation within and between neighborhoods;
 - (b) Provide local traffic alternatives to the use of arterial streets;
 - (c) Reduce potential traffic impacts to existing residential access streets; and
 - (d) Provide future connectivity of transportation corridors. (Ord. 53-02 § 2 (19A.08.100))

17.15.110 Limitations within future road corridors.

In order to allow for the development of future road corridors that would complete the public circulation system or that would provide a sole source of access for an abutting property, the City may limit improvements within specific areas of a proposed binding site plan, subdivision or short subdivision. These limitations may preclude the construction of buildings, driveways, drainage facilities or other improvements within the specified areas. (Ord. 53-02 § 2 (19A.08.110))

17.15.120 Affidavit of correction.

(1) Any map page or document recorded with the County Office of Records and Elections, or its successor agency, under the provisions of this title that contains an error in fact or omission may be amended by an affidavit of correction. The following types of errors may be corrected by affidavit:

- (a) Any courses, distances or elevations omitted from the recorded document;

- (b) An error in any courses, distances or elevations shown on the recorded document;
- (c) An error in the description of the real property shown on the recorded document;
- (d) An error in the field location of any shown easement; or
- (e) Any other error or omission where the error or omission is ascertainable from the data shown on the recorded document.

(2) Nothing in this section shall be construed to permit changes in courses, distances or elevations for the purpose of redesigning lot or tract configurations.

(3) The affidavit of correction shall contain the seal and signature of the land surveyor making the correction.

(4) The affidavit of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The notarized signatures of the owners shall be required, if deemed necessary by the Department.

(5) The affidavit of correction form, as provided by the Department, shall be submitted to the Department for review and approval and shall include signatures of the Development Engineer, the Director of the Department, the King County Assessor and the Manager of the King County Records and Elections Division, or its successor agency. After Department approval, the affidavit shall be recorded with the King County Recorder's Office or its successor agency. Submittals shall include payment of a fee as set forth in the current fee resolution, which shall include compensation for review and recording.

(6) Should a nonsurvey-related error occur on the recorded document as a result of information required to be placed on the document by the Department, ~~the~~ an alternate land surveyor, as approved by the Director, may prepare the affidavit providing the original land surveyor has no objections. The seal and signature of the alternate land surveyor making the correction shall be affixed to the affidavit. A copy of the affidavit shall be mailed by the Department to the original land surveyor following recording. (Ord. 20-07 § 96; Ord. 53-02 § 2 (19A.08.120))

17.15.130 Vertical and horizontal survey controls.

(1) Vertical Requirements. The vertical datum on all engineering plans, plats, binding site plans and short plats shall be the North American Vertical Datum of 1988 and shall be tied to at least one King County or City of Covington survey control network benchmark. The benchmark will be shown on the plans. If a County or City survey control network benchmark does not exist

within one-half mile of the subject property, or 250 feet or greater of total vertical difference exists between the starting benchmark and the project, an alternate vertical datum may be used.

(2) Horizontal Requirements. The horizontal component of all platsubdivisions, binding site plans and short platsubdivisions shall have the North American Datum of 1983/91 as its coordinate base and basis for bearings. All horizontal control for these projects shall be referenced to a minimum of two King County or City of Covington survey horizontal control monuments. If two horizontal control monuments do not exist within one mile of these projects, an alternate coordinate base and basis of bearings may be used. (Ord. 53-02 § 2 (19A.08.130))

17.15.140 Financial guarantees.

Notwithstanding any other provision of this title, the Director is authorized to require all applicants that are issued permits or approvals under the provisions of this title to post financial guarantees consistent with the provisions of CMC Title [14](#). Pursuant to RCW [58.17.130](#), an applicant may request recording of a subdivision prior to the completion of the construction of required improvements subject to the posting of a performance financial guarantee. Performance guarantees for subdivisions which record prior to completing all improvements shall be subject to the following requirements:

- (1) A performance guarantee shall be posted with the Department in an amount equal to the Director's estimate for such improvements as assurance that the applicant will, within two years from the date of recording of the final subdivision, complete the improvements in accordance with the requirements and to the satisfaction of the Development Engineer (as defined in this title or its successor);
- (2) Requests for performance guarantees shall be in writing, shall be correlated with the original terms and conditions of preliminary approval, and shall be accompanied by a detailed schedule for completion of the improvements and conditions;
- (3) Performance guarantees for improvements required pursuant to this title (or its successor) shall be sufficient to cover the cost of conformance with conditions of the preliminary approval and approved construction plans, including corrective work necessary to protect the public health, safety, and welfare;
- (4) Maintenance guarantees and defect guarantees shall be posted with the Director:

(a) Prior to final construction approval and recording of the final plat when the applicant has constructed improvements in accordance with the approval of the Director and the Development Engineer; or

(b) Prior to final construction approval and the release of performance guarantees when the applicant has previously recorded the plat;

(5) Maintenance guarantees and defect guarantees shall be released following a final maintenance and defect inspection and, if applicable, acceptance of the facilities for City maintenance. (Ord. 20-07 §§ 84, 97; Ord. 53-02 § 2 (19A.08.140); Ord. 43-02 § 2)

17.15.145 Subdivision review fees.

(1) Fees shall be collected to compensate the Department for reviewing subdivision, short subdivision, boundary line adjustments, and binding site plan applications (including commercial binding site plans) pursuant to the provisions of this title and the current fee resolution. Review fees may be collected for both initial review and for revisions.

(2) A fee, as outlined in the current fee resolution, shall be charged to help defray the costs associated with the traffic engineering review for all applications that increase trips or internal circulation to a project.

(3) Engineering Plan Review. Engineering plan review includes engineering plan screening and intake; review of engineering plans for consistency with adopted design standards, guidelines, and conditions of preliminary approval; establishment of construction bond amounts; and administrative support for file updating and maintenance. Initial engineering plan review fees cover plan screening/intake and the first detailed engineering review of plans. Corrections and additions requiring additional engineering review shall be charged a resubmittal fee composed of a base handling fee and an hourly review fee. Post engineering approval revisions requiring plan resubmittal and additional engineering review shall be charged a resubmittal fee. Initial engineering review fees shall be collected upon plan submittal. The base handling portion of resubmittal fees shall be collected upon plan resubmittal. Hourly resubmittal fees shall be collected at the completion of engineering review and prior to engineering approval.

(4) Construction Inspection Fees. Construction inspection fees shall compensate the Department for the inspection of facilities required for final construction approval. Initial construction inspection fees shall cover inspections during the first 12 months from engineering plan approval and are payable upon engineering approval. Initial fees shall be based upon City of Covington's estimate of construction costs. Annual construction inspection fees shall be charged an hourly

rate for the inspection of facilities required after the first 12 months from engineering plan approval and until final construction approval. Annual construction inspection fees shall be charged only where the delay in final construction approval is not attributable to unwarranted delay by the Department. Supplemental inspection fees shall be charged for reinspection of facilities if the time period from construction approval to final facility acceptance exceeds 60 days. Supplemental inspection fees shall combine a base fee to cover file administration and hourly inspection fees, and shall be collected prior to facility acceptance. Supplemental construction inspection fees shall be charged only where the delay in final acceptance is not attributable to unwarranted delay by the Department.

(5) Final Approval Fees. Final approval fees compensate the Department for engineering review of the final recording forms and for final application review to assure compliance with all conditions of approval, including construction or bonding of required improvements, dedications, and drainage or sensitive areas depictions. Separate review fees shall be charged for any alterations to final approvals authorized by either this title or the current fee resolution.

(6) Post-Approval Site Maintenance Fees. Post-approval site maintenance fees compensate the Department for inspections necessary to assure that adequate post-approval maintenance of facilities has occurred and that facilities to be accepted for future City maintenance are free of defects. The maintenance/defect bond inspection fee shall consist of a base fee to cover file administration and updating, and a variable fee based on the bond amount to cover actual inspections.

(7) Additional Review Fees. In addition to the subdivision products review fees set forth in this section, other fees may also be applicable to individual subdivision product applications. Such fees include, but are not limited to, shoreline management, SEPA, right-of-way use, grading, drainage, or critical areas review fees. (Ord. 20-07 §§ 72, 79; Ord. 43-02 § 2 (27.28.010). Formerly 14.75.010; 14.100.040)

17.15.150 Application requirements for preliminary platsubdivisions, preliminary short platsubdivisions, boundary line adjustments/lot consolidations and preliminary binding site plans.

The following application requirements shall be required in addition to those application requirements described in CMC [14.35.020](#):

(1) A title report issued within 30 days of application, showing all persons having an ownership interest, a legal description describing the exterior boundary of the application site and listing all encumbrances affecting the site.

(2) A map prepared by a land surveyor showing the following:

(a) Location of all physical and legal description encroachments affecting the boundary between the application site and the adjoining parcels. Encroachments may be from the application site onto the adjoining parcels or from the adjoining parcels onto the application site;

(b) Contours based upon topographic field survey. Contour intervals shall be at two-foot intervals when slopes are 15 percent or less and five-foot intervals for slopes exceeding 15 percent. The preliminary map shall contain notes indicating that contours are based upon field survey. A field topographic base map shall accompany the application. If approved by the Department, field survey may be waived for large areas of open space or extensive sensitive area tracts. Two temporary benchmarks must be shown within the application site along with the appropriate elevation and datum;

(c) A legal description of application site as shown in the title report;

(d) The proposed layout of lots, tracts, rights-of-way and easements, along with existing utilities and areas of proposed dedications;

(e) The purpose of any tracts and dedications proposed within the application site;

(f) All easements, listed in the title report, capable of being plotted on the map;

(g) Field-verified survey of location of all known sensitive areas including, but not limited to, streams, wetlands and steep slopes that may affect the proposal. Show the approximate 100-year floodplain of sensitive areas, where applicable;

(h) Name and full description of the proposal, including but not limited to a full description of all proposed land uses;

(i) North arrow, scale and date of map and revisions when applicable;

(j) Location of adjoining parcels and buildings within 100 feet of the site shall be shown and delineated by dashed lines. The zoning of the parcels shall also be identified;

(k) Name and location of all existing adjoining right-of-way along with the name and location of any adjoining or internal right-of-way proposed to be vacated with the proposal;

(l) A vicinity map; and

(m) An engineered preliminary drainage plan.

(3) A proposed binding site plan shall be deemed to have satisfied the requirements of subsection (2) of this section when the binding site plan is based on a recorded final planned unit development, building permit, as-built site plan for developed sites or a site development permit for the entire site. (Ord. 02-09 § 8; Ord. 53-02 § 2 (19A.08.150))

17.15.160 Minimum subdivision and short subdivision improvements.

(1) Prior to final recording of a plat or short plat, the following minimum improvements shall be constructed consistent with the approved plans, except that the Director of Community Development may allow posting of a financial guarantee per this title and CMC Title [14](#), for that portion not completed, in the event that expiration of the plat or short plat is imminent or other extraordinary circumstances prevent the construction of such improvements:

(a) Drainage facilities and erosion control measures consistent with Chapter [13.25](#) CMC;

(b) Water mains and hydrant installed and fire flow available, as required;

(c) Streets graded to all lots within the subdivision or short subdivision and capable of providing access per the City of Covington Design and Construction Standards adopted in Chapter [12.60](#) CMC, current edition;

(d) Specific site improvements required by the preliminary ~~plat~~subdivision approval ordinance or preliminary short ~~plat~~subdivision approval decision;

(e) Delineation of sensitive areas that are to remain undeveloped;

(f) Temporary control monuments set by a land surveyor, located in conformance with this title, and in place at final inspection. Permanent monuments and control points shall be set and verified by a land surveyor within 90 days of the final lift of asphalt; and

(g) Improvements without which the Director determines a safety hazard would exist.

(2) The City shall have right of entry onto any lot, tract, easement or parcel that is part of the final plat or short plat to ensure compliance with the minimum subdivision improvements

required in this title. (Ord. 27-16 § 11; amended at request of department 2/08; Ord. 20-07 § 98; Ord. 53-02 § 2 (19A.08.160))

17.15.170 Violations and enforcement.

Any person or entity who violates any provision of this title shall, in addition to any remedies and sanctions provided for under State law, be subject to the enforcement provisions of Chapter 1.30 CMC. (Ord. 10-07 § 9; Ord. 53-02 § 2 (19A.08.170))

17.15.180 Circumvention of zoning density prohibited.

A legal lot, which has been subject to a boundary line adjustment or created through a legally recognized land segregation process and is of sufficient land area to be subdivided at the density applicable to the lot, may be further segregated. However, such further segregation of the lot shall not be permitted if the total number of lots contained within the external boundaries of the lots subject to the original boundary line adjustment or the total number of lots contained within the external boundary of the parcel subject to the original land segregation exceed the density allowed under current zoning. (Ord. 53-02 § 2 (19A.08.180))

17.15.190 Rules.

The Director is authorized to adopt rules to implement the provisions of this title. (Ord. 53-02 § 2 (19A.08.190))

17.15.200 Electronic version – Required.

An electronic version of the approved plans and as-builts, in current version of CAD on a compact disk, is required for all final plat, final short plats, and binding site plans. (Ord. 53-02 § 2 (19A.08.200))

Section 6. Amendments to Chapter 17.20 CMC. Chapter 17.20 CMC is hereby amended to read as follows:

**Chapter 17.20
SUBDIVISIONS AND SHORT SUBDIVISIONS**

Sections:

- 17.20.010 Purpose.**
- 17.20.020 Preliminary approval of subdivision.**
- 17.20.030 Revisions of preliminary subdivisions.**
- 17.20.040 Preliminary short subdivision – Approval time.**
- 17.20.050 Limitations for short subdivisions.**
- 17.20.060 Revisions of preliminary short subdivisions.**

17.20.010 Purpose.

The purpose of this chapter is to specify requirements for the segregation of land into short subdivisions, which are ~~four~~nine or fewer lots, and subdivisions, which are ~~five~~ten or more lots, in accordance with applicable Washington State and City of Covington laws, rules and regulations, including permit processing procedures required by Chapters 14.30 through 14.45 CMC. (Ord. 02-09 § 9; Ord. 53-02 § 2 (19A.12.010))

17.20.020 Preliminary approval of subdivision.

- (1) Preliminary subdivision approval shall be effective for a period of 60 months. The permit applicant may apply for a single one-year extension to the preliminary approval, upon written application for an extension, payment of the fee for a request for extension as set forth in the current fee resolution, and being found to have fully complied with the conditions and requirements of the original approval. The application for extension may be made only after the first 48 months of the original preliminary subdivision approval, and no later than 60 days prior to its expiration.
- (2) Preliminary subdivision approval shall be considered the basis upon which the applicant may proceed toward development of the subdivision and preparation of the final plat subject to all the conditions of the preliminary subdivision approval.
- (3) If the final plat is being developed in divisions, and final plats for all of the divisions have not been recorded within the time limits provided in this section, preliminary subdivision approval for all unrecorded divisions shall become void. The preliminary subdivision for any unrecorded divisions must again be submitted to the Department with a new application, subject to the fees

and regulations applicable at the time of submittal. (Ord. 06-13 § 2 (Exh. A); Ord. 20-07 § 99; Ord. 53-02 § 2 (19A.12.020))

17.20.030 Revisions of preliminary subdivisions.

Applications to revise subdivisions that have received preliminary approval shall comply with the following:

(1) Major Revisions. Major revisions are those that result in any substantial changes as determined by the Department. An application for a major revision shall be treated as a new application for purposes of vesting, shall be accompanied by the required fee as set forth in the current fee resolution, and shall be reviewed as a Type 3 land use decision pursuant to CMC [14.30.020](#). For the purpose of this section, substantial change includes the creation of additional lots, the elimination of open space or changes to conditions of approval on an approved preliminary subdivision.

(2) Minor Revisions. Approval of the following modifications by the Department shall be considered minor revisions, are not subject to additional fees, and shall not require a public hearing:

- (a) Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary subdivision approval;
- (b) Changes in lot dimensions that are consistent with CMC Title [18](#);
- (c) A decrease in the number of lots to be created so long as the decrease allows for future compliance with the minimum density provisions of CMC Title [18](#), if applicable. (Ord. 20-07 § 100; Ord. 53-02 § 2 (19A.12.030))

17.20.040 Preliminary short subdivision – Approval time.

Preliminary approval of a short subdivision shall be effective for a period of 60 months. The permit applicant may apply for a single one-year extension to the preliminary approval, upon written application for an extension, payment of the fee for a request for extension as set forth in the current fee resolution, and being found to have fully complied with the conditions and requirements of the original approval. The application for extension may be made only after the first 48 months of the original preliminary approval, and no later than 60 days prior to its expiration. (Ord. 20-07 § 101; Ord. 53-02 § 2 (19A.12.040))

17.20.050 Limitations for short subdivisions.

(1) A maximum of ~~four~~nine lots may be created by a single application.

(2) An application for further segregation may not be submitted within a period of five years after recording, except through the filing of a subdivision application, or unless the short ~~plat~~subdivision contains fewer than ~~four~~nine lots, in which case an alteration application may be submitted to create a cumulative total of up to ~~four~~nine lots within the original short plat boundary.

(3) A maximum of ~~eight~~nine lots may be created from two or more contiguous parcels with any common ownership interest. (Ord. 53-02 § 2 (19A.12.050))

17.20.060 Revisions of preliminary short subdivisions.

Applications to revise short subdivisions that have received preliminary approval shall comply with the following:

(1) Major Revisions. Major revisions are those that result in any substantial changes as determined by the Department. An application for a major revision shall be treated as a new application for purposes of vesting, shall be accompanied by the required fee as set forth in the current fee resolution, and shall be reviewed as a Type 2 land use decision pursuant to CMC [14.30.020](#). For the purpose of this section, substantial change includes the creation of additional lots, the elimination of open space or changes to conditions of approval on an approved preliminary short subdivision.

(2) Minor Revisions. Approval of the following modifications by the Department shall be considered minor revisions, are not subject to additional fees:

(a) Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary short subdivision approval;

(b) Changes in lot dimensions that are consistent with CMC Title [18](#);

(c) A decrease in the number of lots to be created so long as the decrease allows for future compliance with the minimum density provisions of CMC Title [18](#), if applicable. (Ord. 20-07 § 102; Ord. 53-02 § 2 (19A.12.060))

Section 7. Amendments to Chapter 17.25 CMC. Chapter 17.25 CMC is hereby amended to read as follows:

**Chapter 17.25
FINAL PLAT AND FINAL SHORT PLAT MAPS FOR PRELIMINARILY APPROVED
SUBDIVISIONS AND SHORT SUBDIVISIONS**

Sections:

- 17.25.010 Purpose.**
- 17.25.020 Phased development.**
- 17.25.030 Final plat and final short plat review procedures.**
- 17.25.040 Final plat and final short plat engineering plan review requirements.**
- 17.25.050 Contents of final plat and final short plat.**
- 17.25.060 Final forms.**
- 17.25.070 Alterations of final plats.**
- 17.25.080 Alterations of final short plats.**
- 17.25.090 Vacations of a final plat or final short plat.**

17.25.010 Purpose.

The purpose of this chapter is to specify provisions that must be satisfied prior to the final approval and recording of final plat and final short plat maps for preliminarily approved subdivisions and short subdivisions. (Ord. 53-02 § 2 (19A.16.010))

17.25.020 Phased development.

Portions of an approved preliminary subdivision may be processed separately by the Department for the purpose of recording divisions. All divisions shall be approved within the prescribed time limits for the preliminary subdivision, and all conditions of approval for each particular division must be met. (Ord. 53-02 § 2 (19A.16.020))

17.25.030 Final plat and final short plat review procedures.

(1) Following submittal and approval of the engineering plans, and upon the City's inspection and determination that the site improvements required by CMC 17.15.160 have been substantially completed pursuant to the approved engineering plans, a final plat or final short plat shall be surveyed by a land surveyor and submitted to the Department for review and approval by the Development Review Division prior to recording. If more than one sheet is required, an index sheet shall be included that must show the entire segregation with road names and lot numbers;

(2) All final plats and final short plats shall conform to the conditions of preliminary subdivision or short subdivision approval;

(3) Plat certificates or owner's duplicate certificates for land registered pursuant to Chapter 65.12 RCW shall be provided to the Department prior to recording along with a copy of the last real estate transaction for all adjoining unplatted parcels. Supplemental plat certificates shall be provided to the Department if the final plat or final short plat is not recorded within 30 days of the original certificate or supplemental certificate date;

(4) All applicable processing fees as set forth in the current fee resolution and any civil penalty assessed pursuant to Chapter 1.30 CMC against a site being reviewed under this section shall be paid prior to recording;

(5) A deposit to cover anticipated taxes and assessments is required for final plats pursuant to Chapter 58.08 RCW. A deposit, however, shall not be required for the filing of a final short plat. The applicant shall also provide certification from the King County Office of Finance that property taxes for the subject property are not delinquent prior to the issuance of a final approval;

(6) Proof of sewer and water availability, including any required water rights, shall be submitted to the Department and final Health Department approval shall be obtained prior to recording, if applicable;

(7) Upon approval by the Department, the final plat or short plat shall be recorded with the County Records and Elections Division; and

(8) A typewritten copy of protective deed covenants shall accompany the final plat or short plat, if applicable. (Ord. 20-07 § 103; Ord. 10-07 § 10; Ord. 03-04 § 2; Ord. 53-02 § 2 (19A.16.030))

17.25.040 Final plat and final short plat engineering plan review requirements.

(1) Engineering plans for roads, drainage controls and other proposed or conditioned improvements shall be prepared, submitted and reviewed for approval by the Development Engineer prior to the commencement of on-site clearing or construction activities.

(2) Approval of the engineering details of the proposed sanitary sewer and water systems and other proposed public facilities by the applicable utility agency, Development Engineer and the King County Department of Public Health will be required prior to the approval of the final plat.

(3) Plans and technical information reports shall be submitted to the Department and prepared consistent with the requirements of the City of Covington Street Standards, Chapter 12.60 CMC,

the stormwater manuals adopted pursuant to Chapter [13.25](#) CMC, and conditions of preliminary approval. Each plan set or document shall be stamped, signed and dated by a civil engineer.

(4) Prior to approval of engineering plans, the applicant shall post a site restoration guarantee consistent with the provisions of this title and CMC Title [14](#), and shall pay all applicable fees pursuant to this title and the current fee resolution. (Ord. 13-09 § 24; Ord. 20-07 § 104; Ord. 53-02 § 2 (19A.16.040))

17.25.050 Contents of final plat and final short plat.

The following information shall be shown on a final plat or final short plat:

- (1) Name of subdivision and Department file number for final plats or Department file number for final short plats;
- (2) Location by section, township and range, and by legal description;
- (3) The signature and seal of the land surveyor;
- (4) Survey map requirements as specified in Chapter [332-130](#) WAC and Chapter [58.09](#) RCW;
- (5) Boundary of plat or short plat based on relative accuracy procedures or field traverse standards, and meeting or exceeding those standards specified in WAC [332-130-090](#);
- (6) Exact location, width and name of all streets within and adjoining the plat or short plat, the address of each lot, and the exact location and widths of all alleys. The naming of a street shall conform to the City's process for naming streets;
- (7) Courses and distances to the nearest established street lines or official monuments that shall accurately describe the location of the plat or short plat;
- (8) Municipal, township, County or section lines accurately tied to the lines of the plat or short plat distances and courses;
- (9) All easements for rights-of-way, access and utility easements, NGPA areas, slope easements, flood elevations, wetland buffers, and building setback boundary lines (BSBL);
- (10) Lots designated by number on the plat or short plat within the area of the lot, and tracts similarly designated by letter. Each tract shall be clearly identified with the ownership, purpose and maintenance responsibility;

(11) Blocks in numbered additions to plats bearing the same name may be numbered or lettered consecutively through the several additions;

(12) Accurate location of all existing and proposed permanent control monuments at each corner of the subdivision or short subdivision consistent with RCW [58.17.240](#) and at all road intersections and curve control points that fall within the pavement;

(13) A traverse line established along the shore not more than 20 feet landward of the ordinary high water line when a subdivision or short subdivision borders on a body of water. This line shall be labeled “plat traverse line” or “short plat traverse line,” as applicable, on the final plat or short plat documents;

(14) Accurate boundary delineation for any areas to be dedicated or reserved for public use, along with the purposes of the use indicated thereon, and the accurate delineation of any areas to be reserved by deed covenant for common uses of all property owners;

(15) The boundary description of the property being ~~platted~~subdivided or short ~~platted~~subdivided matching the description recorded in the most recent real estate transfer document encompassing the property. If the description is incorrect, a true and exact description shall be shown upon the plat or short plat together with the original description. The original description shall be labeled “original description” and the true and exact description shall be labeled “surveyor’s corrected description.” The surveyor’s corrected description shall be preceded by the verbiage: “The intent of the original description is to encompass all of the property described within the surveyor’s corrected description”;

(16) Dedication with notarized acknowledgments by all parties having an ownership interest, as required by RCW [58.17.165](#) and [19A.04.230](#), acknowledging the adoption of the plat and the dedication of streets and other public areas. Dedications by corporations shall include corporate acknowledgment and dedications by individuals shall include individual acknowledgment;

(17) Restrictions, title encumbrances and notes required by the conditions of approval;

(18) Certification by a land surveyor to the effect that the plat or short plat correctly represents a survey made by the surveyor, or under the surveyor’s direction, and that the existing monuments are located as shown on the final plat or final short plat;

(19) Approval and signature blocks for the Department, the County Office of Records and Elections;

(20) Approval of the City ~~Council~~ Manager or Director, as applicable, to the extent such approval is required; and

(21) Recording certificate required for the signature of the King County Records and Elections Division. (Ord. 06-17 § 5 (Exh. C); Ord. 53-02 § 2 (19A.16.050))

17.25.060 Final forms.

(1) A final plat or final short plat shall be prepared on forms 18 inches by 24 inches in size, allowing for a two-inch border on one of the 18-inch sides, to allow for binding, and one-half-inch borders on the other three sides. The two-inch border will typically be on the top or left side depending on the configuration of the drawing.

(2) Forms shall be printed with materials acceptable for filing as specified in WAC [332-130-050](#) and be formatted consistent with forms provided by the Department. (Ord. 53-02 § 2 (19A.16.060))

17.25.070 Alterations of final plats.

(1) Alterations shall be processed in accordance with RCW [58.17.215](#) through [58.17.218](#) and shall comply with regulations in effect at the time the alteration application was submitted. Alteration applications and recording documents shall contain the signatures of the majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject subdivision to be altered or any portion to be altered. Requests for alterations shall be subject to a fee as set forth in the current fee resolution to compensate for review and recording.

(2) If the subdivision is subject to restrictive covenants that 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.

(3) Notice of alterations shall comply with the notice provisions of CMC Title [14](#). Mailing notification shall also include owners of each lot or parcel of property within the subdivision to be altered.

(4) An application shall be processed as a Type 3 permit pursuant to Chapter [14.30](#) CMC.

(5) After approval of an alteration, the applicant shall produce a revised drawing of the approved alteration of the final plat, to be processed in the same manner as set forth for final plats in this title. (Ord. 20-07 § 105; Ord. 53-02 § 2 (19A.16.070))

17.25.080 Alterations of final short plats.

An applicant may request an alteration of a final short plat, subject to a fee as set forth in the current fee resolution to compensate for review and recording. Such alterations shall be consistent with the following requirements:

(1) Alterations shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new short ~~plat~~subdivision application, as set forth in this chapter.

(2) Alteration applications and recording documents shall contain the signatures of the majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject short plat to be altered or any portion to be altered.

(3) If the short subdivision is subject to restrictive covenants that were filed at the time of the approval of the short 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 short subdivision or portion thereof.

(4) Notice of alterations shall comply with the notice provisions of CMC Title 14.

(5) An alteration may be allowed to remove nonbuilding lot status on short subdivisions; provided, that no public dedications are required and original conditions of approval do not prohibit conversion of a nonbuilding lot to a building lot. Approval of such alteration requires completion of the original conditions of approval, and the application of new conditions for the lot, consistent with current standards, preparation of a new map page prepared by a land surveyor for recording and payment of all fees required for such review. (Ord. 20-07 § 106; Ord. 53-02 § 2 (19A.16.080))

17.25.090 Vacations of a final plat or final short plat.

(1) Plat and short plat vacations shall be processed as follows and in accordance with the provisions of RCW 58.17.212, subject to a fee for a request for vacation as set forth in the current fee resolution.

(2) All plat and short plat vacation applications shall be referred to the Hearing Examiner for public hearing and consideration.

(3) Applications for vacations of City streets may be processed pursuant to this chapter only when such vacations are proposed in conjunction with the vacation of the plat. Vacations limited to streets shall be processed in accordance with Chapter [35.79](#) RCW. (Ord. 20-07 § 107; Ord. 53-02 § 2 (19A.16.090))

Section 8. **Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 9. **Corrections.** Upon approval of the city attorney, the city clerk and/or code codifier is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of clerical errors, including scrivener's errors; references to other local, state, or federal laws, codes, rules, regulations; or section/subsection numbering.

Section 10. **Effective Date.** This Ordinance shall become effective five days following its passage and publication of this ordinance or a summary thereof.

PASSED BY THE CITY COUNCIL OF THE CITY OF COVINGTON THIS 22nd DAY OF October 2019.



Mayor Jeff Wagner

ATTESTED:



Sharon Scott, City Clerk

APPROVED AS TO FORM:



Kathy Hardy, City Attorney

PUBLISHED: October 25, 2019

EFFECTIVE: October 30, 2019