

**CITY OF SAMMAMISH  
WASHINGTON  
ORDINANCE NO. O2010-284**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH, REPLACING  
TITLE 19 (SUBDIVISIONS) OF THE SAMMAMISH MUNICIPAL  
CODE WITH A REVISED TITLE 19A (LAND DIVISION)**

WHEREAS, pursuant to the provisions of state law, Chapter 35A.63 of the Revised Code of Washington (RCW) and Chapter 36.70A RCW, the Sammamish City Council has adopted the Sammamish Municipal Code (SMC), including Title 19 which regulates land division; and

WHEREAS, the City Council finds it in the interest of the City of Sammamish to amend the City Code to replace the existing Title 19, adopted under Ordinance 2003-132, with a revised Title 19A, as set forth in Attachment "A" to this Ordinance, to improve clarity and completeness and make appropriate revisions to the provisions governing land division in the City; and

WHEREAS, the Planning Commission considered the proposed revisions to the Sammamish Municipal Code during their regular meetings on March 4, March 18 and April 8, 2010; and

WHEREAS, the Department of Community Development sent the Washington State Department of Commerce copies of the proposed amendments and was granted expedited review on April 14, 2010, and was informed that the City was in compliance with RCW 36.70A; and

WHEREAS, an Environmental Checklist for the proposed amendments, a non-project action, was prepared pursuant to Washington Administrative Code Chapter 197-11 and City of Sammamish Municipal Code Chapter 20.15, and a Determination of Non-Significance (DNS) was issued on April 1, 2010, with the comment period ending on April 15, 2010; and

WHEREAS, the Planning Commission held public hearings on March 18 and April 8, 2010, to consider the proposed amendments to the Sammamish Municipal Code; and

WHEREAS, the Planning Commission, after due consideration, recommended amendments to Title 19, to be re-named Title 19A, of the Sammamish Municipal Code to the City Council; and

WHEREAS, after providing public notice, the City Council held a public hearing on June 1, 2010, and continued to June 15, 2010, to consider amending the Sammamish Municipal Code in accordance with the proposed amendments; and

WHEREAS, the City Council finds the proposed amendments to the Sammamish Municipal Code to be consistent with and necessary to implement the intent of the City's Comprehensive Plan;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH WASHINGTON, DO ORDAIN AS FOLLOWS:**

SECTION 1. Repeal of Existing Title 19. Title 19 of the Sammamish Municipal Code as adopted under Ordinance 2003-132 is hereby repealed.

SECTION 2. Adoption of Revised Title 19A. Title 19A, as set forth in Attachment "A" to this Ordinance, is hereby adopted.

SECTION 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

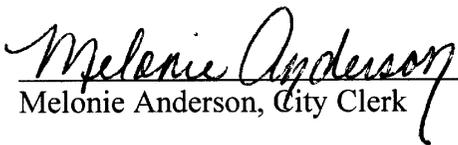
SECTION 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 15<sup>th</sup> DAY OF JUNE, 2010.**

CITY OF SAMMAMISH

  
\_\_\_\_\_  
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Melonie Anderson, City Clerk

Approved as to form:

  
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Bruce L. Disend, City Attorney

Filed with the City Clerk:	May 26, 2010
Public Hearing:	June 1, 2010
First Reading:	June 1, 2010
Public Hearing:	June 15, 2010
Passed by the City Council:	June 15, 2010
Date of Publication:	June 18, 2010
Effective Date:	June 23, 2010

**Title 19A  
LAND DIVISION**

**Chapters:**

**19A.01 Purpose**

**19A.04 Definitions**

**19A.08 Administration**

**19A.12 Subdivisions and Short Subdivision**

**19A.16 Final Plat and Final Short Plat Maps for Preliminarily Approved Subdivisions and Short Subdivisions**

**19A.20 Binding Site Plans**

**19A.24 Boundary Line Adjustments**

**Chapter 19A.01  
PURPOSE**

**19A.01.010 Purpose.** The purpose of this title is to:

- A. Establish the authority and procedures for dividing land in the City of Sammamish.
- B. Define and regulate divisions of land that are exempt from the short subdivision or subdivision requirements.
- C. Ensure consistency with and implement the City of Sammamish Comprehensive Plan as amended in accordance with the Washington State Growth Management Act, RCW 36.70A.120.
- D. Ensure uniform monumenting of land subdivisions and conveyance by accurate legal description.
- E. Protect and preserve the public health, safety and general welfare in accordance with the standards established by City of Sammamish and the State of Washington.
- F. Ensure consistency with Chapter 58.17 RCW.

**Chapter 19A.04  
DEFINITIONS**

**Sections:**

- 19A.04.010 Acre
- 19A.04.020 Alteration
- 19A.04.030 Applicant
- 19A.04.040 Binding site plan
- 19A.04.050 Building envelope
- 19A.04.060 Building site
- 19A.04.070 Civil engineer
- 19A.04.075 City Engineer
- 19A.04.080 Condominium
- 19A.04.090 Dedication
- 19A.04.100 Department
- 19A.04.110 Development review engineer
- 19A.04.120 Director
- 19A.04.130 Easement
- 19A.04.140 Engineered preliminary drainage plan
- 19A.04.150 Financial Guarantee
- 19A.04.170 Homeowners' Association (HOA)
- 19A.04.180 Improvements
- 19A.04.19A0 Innocent Purchaser
- 19A.04.200 Land surveyor
- 19A.04.210 Lot area
- 19A.04.220 Non-building lot

19A.04.230 Ownership interest  
19A.04.250 Plat, final  
19A.04.260 Plat, preliminary  
19A.04.270 Revisions  
19A.04.280 Separate lot  
19A.04.290 Short plat, final  
19A.04.300 Short plat, preliminary  
19A.04.310 Short subdivision  
19A.04.320 Street  
19A.04.330 Subdivision  
19A.04.340 Tract  
19A.04.350 Definitions not listed

**19A.04.010 Acre:** an area of land equal to forty-three thousand, five hundred sixty (43,560) square feet.

**19A.04.020 Alteration:** 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, except as otherwise allowed by law.

**19A.04.030 Applicant:** 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.

**19A.04.040 Binding site plan:** a plan drawn to scale which (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography, water bodies, drainage features, and building envelopes; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the Director or Hearing Examiner; and (c) contains provisions requiring any development be in conformity with the site plan; processed in accordance with SMC19AA.20.010 through 19AA.20.060 and chapter 58.17 RCW.

**19A.04.050 Building envelope:** the area of a lot that delineates the limits of where a building may be placed on a lot.

**19A.04.060 Building site:** an area of land, consisting of one or more lots or portions of lots, that is:  
A. Capable of being developed under current federal, state, and local statutes, including zoning and use provisions, dimensional standards, minimum lot width, shoreline master program provisions, critical area provisions and health and safety provisions; or  
B. Currently legally developed.

**19A.04.070 Civil engineer:** an individual registered and licensed as a professional civil engineer pursuant to chapter 18.43 RCW.

**19A.04.075 City Engineer:** the individual appointed as the City Engineer for the City of Sammamish or his or her designee.

**19A.04.080 Condominium:** 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.

**19A.04.090 Dedication:** 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 deed. The acceptance by the public shall be evidenced by the approval of such plat, short plat, binding site plan or deed for filing.

**19A.04.100 Department:** the City of Sammamish Department of Community Development and/or the Department of Public Works as appropriate.

**19A.04.110 Development review engineer:** the Director of the Department of Public Works or his or her designee.

**19A.04.120 Director:** the Director of the City of Sammamish Department of Community Development or Department of Public Works, as appropriate, or his or her designee.

**19A.04.130 Easement:** 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.

**19A.04.140 Engineered preliminary drainage plan:** a preliminary plan, consistent with the City's adopted drainage manual, that shows the locations, types and approximate sizes of the proposed drainage and conveyance facilities, including any required detention pond, bioswales, wetponds or other water quality facilities.

**19A.04.150 Financial guarantee:** a form of financial security posted to ensure timely and proper completion of improvements, compliance with the City of Sammamish Code or to warrant materials, workmanship of improvements and design. Financial guarantees include assignments of funds, surety bonds and other forms of financial security acceptable to the Director.

**19A.04.170 Homeowners' Association (HOA):** any combination or grouping of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision or binding site plan.

**19A.04.180 Improvements:** constructed appurtenances, including but not limited to road and drainage construction, utility installation, recreational features, lot grading prior to a building permit, street trees, landscaping, critical areas signage, sidewalks, plat monument signs, survey monuments.

**19A.04.19A0 Innocent Purchaser:** an individual who has purchased real property for value, has not received actual notice that the lot has not been legally created as a separate lot, and has not previously been granted innocent purchaser status by the City.

**19A.04.200 Land surveyor:** an individual licensed as a land surveyor pursuant to Chapter 18.43 RCW.

**19A.04.210 Lot area:** the total area contained within the boundaries of the lot, excluding submerged land.

**19A.04.220 Non-building lot:** a lot identified as a non-building lot on the face of the plat or short plat, for which improvements for the purpose of human habitation or occupancy are prohibited.

**19A.04.230 Ownership interest:** having property rights as a fee owner, contract purchaser, mortgagee, or deed of trust beneficiary or grantor.

**19A.04.250 Plat, final:** the final drawing of the subdivision and dedication prepared for filing with the county auditor and containing all elements and requirements set forth in this title and in Chapter 58.17 RCW and Chapter 332-130 WAC.

**19A.04.260 Plat, preliminary:** a true and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, tracts, 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.

**19A.04.270 Revisions:** a change prior to recording of a previously approved preliminary plat, preliminary short plat or binding site plan that includes, but is not limited to, the addition of new lots, tracts or parcels.

**19A.04.280 Separate lot:** a physically separate and distinct parcel of property, which has been created through one of the following processes:

A. The lot was created in compliance with the subdivision or short subdivision laws in effect at the time of creation of the lot;

B. The lot has been recognized by the department as a lot pursuant to SMC 19A.08.070 (determining and maintaining legal lot status), SMC 19A.08.080 (removing limitations on non-building lots), SMC 19A.08.090 (lots created in violation of this title); or

C. The lot is a portion of a lot created through the processes cited in subsection (A) or (B) of this section that is separated from the remainder of the lot by one of the following:

1. A public road right-of-way; or

2. Shorelines as defined in SMC 25.10.450; or

3. Another separate lot, or a tract as defined in this title, including railroad or public utility owned rights-of-way, publicly owned property, or other parcels recognized by the department pursuant to SMC 19A.08.040.

**19A.04.290 Short plat, final:** the final drawing of the short subdivision and dedication prepared for filing with the county auditor and containing all elements and requirements set forth in this title and in Chapter 58.17 RCW and Chapter 332-130 WAC.

**19A.04.300 Short plat, preliminary:** a true and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, 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 short subdivision.

**19A.04.310 Short subdivision:** a division or redivision of land into nine or fewer lots, tracts, parcels or sites for the purpose of sale, lease or transfer of ownership.

**19A.04.320 Street:** a public or recorded private thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property.

**19A.04.330 Subdivision:** a division or redivision of land into two or more lots, tracts or parcels for the purpose of sale, lease or transfer of ownership, except as provided by the short subdivision of two to nine lots. A subdivision can also be known as a "long subdivision".

**19A.04.340 Tract:** land encompassed by a separate property boundary and reserved on the final plat, final short plat, or binding site plan for specified uses including, but not limited to, reserve tracts, recreation, open space, critical areas, storm water facilities, utility facilities and access. Tracts are not considered lots or building sites for purposes of residential dwelling or commercial/institutional construction.

**19A.04.350 Definitions not listed:** For words not defined in this chapter, the definitions of Chapter 21A SMC shall control. For words not defined in either Chapter 19A or 21A SMC, the usual and customary meaning shall apply.

**Chapter 19A.08  
ADMINISTRATION**

**Sections:**

- 19A.08.010 Scope of chapter
- 19A.08.030 Transfer of land or granting of an easement to a public agency.
- 19A.08.040 Exemptions – subdivision and short subdivision
- 19A.08.050 Recording map and legal descriptions
- 19A.08.060 Review for conformity with other codes, plans and policies
- 19A.08.070 Determining and maintaining legal status of a lot
- 19A.08.080 Removing limitations on non-building lots
- 19A.08.090 Lots created in violation of this title
- 19A.08.100 Public street rights-of-way
- 19A.08.110 Limitations within future road corridors
- 19A.08.120 Public trail rights-of-way
- 19A.08.130 Adequacy of access
- 19A.08.140 Affidavit of correction
- 19A.08.150 Vertical and horizontal survey controls
- 19A.08.160 Financial guarantees
- 19A.08.170 Application requirements for preliminary plats, preliminary short plats and preliminary binding site plans
- 19A.08.180 Violations and enforcement
- 19A.08.19A0 Circumvention of zoning density prohibited
- 19A.08.200 Rules

**19A.08.010 Scope of chapter.** Any division of land is subject to the provisions of this title except as stated herein.

**19A.08.030 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 division of land.

**19A.08.040 Exemptions – subdivision and short subdivision.** The subdivision and short subdivision provisions of this title shall not apply to:

- A. Divisions of lands for cemeteries and other burial plots while used for that purpose.
- B. Divisions of land into lots or tracts each one of which is twenty acres or larger.
- C. 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.
- D. Divisions of land made by testamentary provisions or laws of descent.
- E. 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.
- F. An adjustment of boundary lines in accordance with the provisions of this title.
- G. 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 a binding site plan for the use of the land as a mobile home park has been approved by the Director.
- H. Divisions of land by binding site plan into lots or tracts classified for commercial use consistent with the binding site plan provisions of this title.
- I. A parcel that is a portion of a lot that is separated from the remainder of the lot by one of the following: a public road right-of-way; shorelines as defined in SMC 25.10.450; or another separate lot; or a tract as defined in SMC 19A.04.340, including railroad or public utility owned rights-of-way, publicly owned property, or other parcels recognized by the department pursuant to this title.
- J. A division meeting the provisions of RCW 58.17.040(8) for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.

K. A division of land meeting the provisions of RCW 58.17.040(9) into lots or tracts of less than three acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities.

**19A.08.050 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 King County Office of Records and Elections as required by this title.

**19A.08.060 Review for conformity with other codes, plans and policies.** Applications for approvals pursuant to this title shall be reviewed in accordance  the set forth in this title and SMC Title 20. A preliminary subdivision, short subdivision or binding site plan may be approved, approved with conditions or denied based on findings in accordance with city, special district and state rules, regulations, plans and policies including, but not limited to:

- A. Chapter 43.21C RCW (SEPA)
- B. Chapter 58.17 RCW (Subdivisions), including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.
- C. Chapters 36.70A and 36.70B RCW (Growth Management and Project Review)
- D. SMC Titles 14 and 14A (Public Works and Transportation, Public Facilities)
- E. SMC Title 15 (Environment)
- F. SMC Title 16 (Buildings and Construction)
- G. SMC Title 20 (Administrative Procedures/Environmental Policy)
- H. SMC Title 21A (Development Code)
- I. SMC Title 21B (Town Center)
- J. SMC Title 23 (Code Enforcement)
- K. Applicable shoreline master program, including SMC Title 25
- L. City of Sammamish Public Works Standards
- M. Administrative rules adopted pursuant to SMC Chapter 2.55
- N. King County Board of Public Health rules and regulations
- O. Applicable water/sewer district requirements
- P. City of Sammamish Comprehensive Plan
- Q. City of Sammamish Stormwater Comprehensive Plan
- R. SMC Title 27A (Financial Guarantees)
- S. This title.

**19A.08.070 Determining and maintaining legal lot status**

A. A property owner may request that the department determine whether a lot was legally created. The property owner shall demonstrate to the satisfaction of the department that, a lot was created, in compliance with applicable state and local land use statutes or codes in effect at the time the lot was created.

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

- 1. Recorded subdivisions, or division of land into four lots or less;
- 2. King County or City of Sammamish documents indicating approval of a short subdivision;
- 3. Recorded deeds or contracts describing the lot or lots either individually or as part of a conjunctive legal description (e.g. Lot 1 and Lot 2);
- 4. Tax records or other evidence, describing the lot as an individual parcel. The department shall give weight to the existence of historic tax records or tax parcels in making its determination.

C. 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 aggregates or merges the lot with another lot or lots in order to:

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

D. The department's determination shall not be construed as a guarantee that the lot constitutes a building site as defined in SMC 19A.04.060.

**19A.08.080 Removing limitations on non-building lots.** Limitations placed on a non-building lot may be removed and the lot recognized by the City of Sammamish 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.

**19A.08.090 Lots created in violation of this title.**

A. All contiguous lots created in violation of this title and that are under the same ownership at the time of application for innocent purchaser status shall be recognized only as a single lot.

B. A lot that has been determined to meet the requirements for innocent purchaser status by the City, including filing of a notarized affidavit of innocent purchase with the department on forms satisfactory to the Director, shall be treated as follows for purposes of determining zoning compliance and for establishing eligibility for building permits and future subdivisions:

1. A lot recognized pursuant to this innocent purchaser provision will be treated the same as a legally subdivided lot if the parcel meets current zoning requirements for access, lot area and lot width;
2. Innocent purchaser lots that do not meet current zoning requirements, but that did meet zoning requirements in effect at the time that they were created, will be treated the same as legally created substandard lots as provided in the City's development code;
3. Innocent purchaser lots that do not meet current zoning requirements and that did not meet the zoning requirements in effect at the time of their creation will be treated the same as legally created lots for purpose of conveyance, but will not be eligible for building permits; and
4. A determination by the department of innocent purchaser status of a lot shall not relieve a property owner or applicant from compliance with all other codes, requirements and restrictions applicable to the lot.

**19A.08.100 Public street rights-of-way.** The City Engineer shall have the authority to make determinations under this section whether dedication or deeding of right-of-way is required. Right-of-way widths shall comply with current Public Works Standards. 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:

A. Where the current six-year Transportation Improvement Program (TIP), or projects identified in the City's adopted comprehensive plan transportation element will require a new right-of-way or portion thereof for street purposes; or

B. Where necessary to extend or to complete the existing or future neighborhood street pattern, including connection to existing adjacent right-of-way stubs; or

C. Where necessary to provide additional or new right-of-way to existing city right-of-way network; or

D. Where necessary to comply with the city's current Public Works Standards; or

E. Where necessary to provide a public transportation system that supports future development of abutting property consistent with the City of Sammamish Comprehensive Plan or Title 21A SMC, provided that the right-of-way shall:

1. Provide for vehicular and pedestrian circulation within and between neighborhoods; or
2. Provide local traffic alternatives to the use of arterial streets.

**19A.08.110 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.

**19A.08.120 Public trail rights-of-way.** In conformance with SMC 21A.30.200 (Trail corridors-Applicability), a dedication, deeding or easement to the City for public trail purposes shall be required where a binding site plan, subdivision, or short subdivision or portion thereof is located on properties that include trail corridors shown within an adopted City parks or trails plan. The trail corridor dedication, deeding, or easement shall be in an appropriate location and of sufficient width and dimension to meet the requirements of SMC 21A.30.210 (Trail corridors-Development standards) and the Trails, Bikeways and Paths Plan.

**19A.08.130 Adequacy of access.**

Each lot within the subdivision, short subdivision, or binding site plan shall have acceptable access conforming to the current Public Works Standards. In order to assure safe and adequate access, the City Engineer:

1. May limit direct access to certain streets and require on-site public streets in lieu of private streets, individual driveways or access panhandles, in accordance with the City street standards as set forth in the current Public Works Standards;
2. May require off-site improvements to public or private streets as necessary to provide access from the subdivision, short subdivision or binding site plan to a road acceptable to the City engineer;
3. May require off-site mitigation of identified significant impacts to neighborhood streets; and
4. May assure that the number of lots, units or commercial space to be served by the street system complies with the street standards as set forth in the current Public Works Standards.

**19A.08.140 Affidavit of correction.**

A. Any map page or document recorded with the King County Records and Elections division, 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:

1. Any courses, distances or elevations omitted from the recorded document;
2. An error in any courses, distances or elevations shown on the recorded document;
3. An error in the description of the real property shown on the recorded document;
4. An error in the field location of any shown easement; or
5. Any other error or omission where the error or omission is ascertainable from the data shown on the recorded document.

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

C. The affidavit of correction shall contain the seal and signature of the land surveyor making the correction.

D. 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.

E. The affidavit of correction form, as provided by the department, shall be submitted to the department for review and approval. After department approval, the affidavit shall be recorded with the King County Records and Elections Division, or its successor agency.

**19A.08.150 Vertical and horizontal survey controls.**

A. 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 (NAVD 88) and shall be tied to at least one King County Survey Control Network benchmark. The benchmark will be shown on the plans.

B. Horizontal requirements. The horizontal component of all plats, binding site plans and short plats shall have the North American Datum of 1983/91 (NAD 83/91) as its coordinate base and basis for bearings. All horizontal control for these projects shall be referenced to a minimum of two King County Survey horizontal control monuments. The basis of bearing shall be shown on the plans.

**19A.08.160 Financial guarantees.**

Notwithstanding any other provision of this title, the Director is authorized to require all applicants issued permits or approvals under the provisions of this title to post financial guarantees consistent with the provisions of SMC Title 27A.

**19A.08.170 Application requirements for preliminary plats, preliminary short plats and preliminary binding site plans.** The application requirements shall be set forth in an official application packet approved by the Director, and shall identify all items necessary for a complete application. The determination that an application is complete shall not preclude the department from requesting additional information in order to determine compliance with applicable standards and regulations.

**19A.08.180 Violations and enforcement.** Any person or entity violating 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 SMC Title 23.

**19A.08.19A0 Circumvention of zoning density prohibited.** A legal lot, which has been created through a legally recognized process and is of sufficient land area to be subdivided at the density applicable to the lot, may be further subdivided. However, such further division of the lot shall not be permitted if the total number of lots contained within the external boundaries of the original short subdivision, subdivision or binding site plan exceeds the density allowed under current zoning.

**19A.08.200 Rules.** The Director is authorized to adopt rules to implement the provisions of this title pursuant to SMC Chapter 2.55.

## **Chapter 19A.12 SUBDIVISIONS AND SHORT SUBDIVISIONS**

### **Sections:**

19A.12.010 Purpose

19A.12.020 Preliminary approval of short subdivisions and subdivisions-filing of final plat or short plat

19A.12.030 Limitations for short subdivisions

19A.12.040 Revisions of preliminary short subdivisions and subdivisions

**19A.12.010 Purpose.** The purpose of this chapter is to specify the requirements for the division of land through short subdivisions and subdivisions, in accordance with applicable Washington State and City of Sammamish laws, rules and regulations, including permit processing procedures required by SMC Title 20.

### **19A.12.020 Preliminary approval of short subdivisions and subdivisions-Filing of final plat or final short plat.**

A. Preliminary short subdivision approval shall be effective for a period of 60 months. Preliminary subdivision approval shall be effective for a period of 84 months for any plats receiving preliminary approval between January 1, 2004 and December 31, 2014 and for 60 months thereafter. If any condition is not satisfied and/or the final plat or short plat is not recorded within the approval period the subdivision or short subdivision shall be null and void. If all conditions have been satisfied and all required documents have been submitted within the approval period, the department may grant a single extension of up to 90 days to obtain additional information or for the processing and recording of the final documents.

B. Preliminary subdivision or short subdivision approval shall be considered the basis upon which the applicant may proceed toward development of the short subdivision or subdivision and preparation of the final short plat or plat subject to all the conditions of the preliminary approval.

C. 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.

**19A.12.030 Limitations for short subdivisions.**

- A. A maximum of nine lots may be created by a single application.
- B. An application for further division may not be submitted within five years after recording, except through the filing of a subdivision application or unless the short plat contains fewer than nine lots, in which case an alteration application may be submitted to create a cumulative total of up to nine lots within the original short plat boundary.
- C. A maximum of nine lots may be created from two or more contiguous parcels with any common ownership interest.

**19A.12.040 Revisions of preliminary short subdivisions and subdivisions.**

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

- A. Revisions that result in any substantial changes, as determined by the Department, shall be treated as a new application for purposes of vesting. Short subdivisions shall be reviewed as a Type 2 land use decision and subdivisions as a Type 3 land use decision pursuant to SMC 20.05.020. For the purpose of this section, substantial change includes the creation of additional lots, the elimination of open space, substantial change in access, or changes to conditions of approval on an approved preliminary short subdivision or subdivision.
- B. Approval of the following modifications by the department shall not be considered revisions:
  - 1. Engineering design, unless the proposed design alters or eliminates features required as a condition of preliminary approval.
  - 2. Changes in lot or tract dimensions that are consistent with SMC Title 21A.
  - 3. 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 SMC Title 21A, if applicable.
- C. The department shall have the authority to administratively review and approve modifications described in B above through review procedures established by the department.

**Chapter 19A.16  
FINAL PLAT AND FINAL SHORT PLAT MAPS FOR  
PRELIMINARILY APPROVED SUBDIVISIONS AND SHORT SUBDIVISIONS**

**Sections:**

- 19A.16.010 Purpose
- 19A.16.020 Phased development
- 19A.16.030 Final plat and final short plat engineering plan review requirements
- 19A.16.040 Minimum subdivision and short subdivision improvements
- 19A.16.045 Final plat and final short plat review procedures
- 19A.16.050 Contents of final plat and final short plat
- 19A.16.060 Final forms
- 19A.16.070 Alterations of final plats
- 19A.16.080 Alterations of final short plats
- 19A.16.090 Vacations of a final plat or final short plat

**19A.16.010 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, also referred to herein as plats and short plats.

**19A.16.020 Phased development.** Portions of an approved preliminary subdivision may be processed separately by the department for the purpose of recording in phases. All phases shall be approved within the prescribed time limits for the preliminary subdivision, and all conditions of approval for each particular phase must be met. The department may require certain features, including but not limited to storm water facilities, open space or access, be included in the first phase or in subsequent phases as necessary to assure compliance with applicable standards and regulations.

**19A.16.030 Construction plan review requirements.**

A. Construction plans for streets, drainage controls and other proposed or conditioned improvements shall be prepared, submitted and reviewed for approval prior to the issuance of a site development permit. No on-site clearing or construction activities shall occur prior to issuance of a site development permit.

B. Construction plans shall conform to the requirements of the department as set forth in the adopted Surface Water Design Manual and current Public Works Standards. Plans and technical information reports shall be submitted to the City and prepared consistent with the requirements of the Sammamish Municipal Code, City of Sammamish current Public Works Standards, adopted Surface Water Design Manual, and conditions of preliminary approval. Each plan set or document shall be stamped, signed and dated by a civil engineer licensed in the State of Washington.

C. Approval of the engineering details of the proposed sanitary sewer and water systems and other proposed public facilities by the applicable water/sewer district will be required prior to the approval of the construction plans. Approval of the King County department of public health will be required when applicable.

D. Prior to approval of construction plans, and issuance of a site development permit, the applicant shall post a site restoration guarantee consistent with the provisions of SMC Title 27A, and shall pay any mitigation and/or impact fee amounts due, and all applicable fees due as set forth in the City fee resolution.

**19A.16.040 Minimum subdivision and short subdivision improvements.**

A. Prior to final recording of a plat or short plat, the following minimum improvements shall be constructed consistent with the approved plans, and shall be approved by the City, or in the case of water and sewer facilities, by the applicable district, unless otherwise approved by the City Engineer.

1. Public drainage facilities and erosion control measures consistent with the adopted surface water design manual;
2. Water mains and hydrant(s) installed and fire flow available, if required by water and sewer district;
3. Sewer mains installed if served by public sewer;
4. Streets graded and paved, with the exception of the final lift of asphalt, to all lots within the subdivision or short subdivision and capable of providing access by passenger vehicle;
5. Specific site improvements required by the preliminary plat approval or preliminary short plat approval decision, if the decision requires completion prior to plat recording;
6. Delineation and required signage and fencing of critical areas;
7. 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 ninety days of the final lift of asphalt; and
8. Improvements without which the Director determines a safety hazard would exist.

B. 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 improvements required in subsection A of this section.

**19A.16.045 Final plat and final short plat review procedures.**

A. Upon substantial completion of the site improvements required by SMC 19A.16.040, a final plat or final short plat shall be surveyed by a land surveyor and submitted to the department for review and approval. Substantial completion of site improvements, for purposes of final plat or final short plat submittal, shall mean street and lot rough grading has been completed and water, sewer, stormwater, and natural gas utilities have been installed.

B. All final plats and final short plats shall demonstrate conformance to the conditions of preliminary approval in a compliance matrix, as well as Chapter 58.17 RCW and Chapter 332-130 WAC.

C. 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. Supplemental plat certificates shall be provided to the department if the final plat or final short plat is not recorded within thirty days of the original certificate or supplemental certificate date.

D. All applicable processing fees specified by City fee resolution, applicable mitigation and impact fee amounts, and any civil penalty assessed pursuant to SMC Title 23 against a site being reviewed under this section shall be paid, and all required financial guarantees posted prior to recording.

E. Prior to recording, all required site improvements shall be complete and approved by the city. Applicable performance bonds and written final approval from the applicable water/sewer district and health department shall be obtained, if required.

F. A copy of protective deed covenants shall accompany the final plat or short plat, if applicable.

G. Upon approval by the department, the City Council shall consider the final plat at a public meeting to confirm the conformance of the final plat to the conditions of preliminary approval imposed by the hearing examiner. Upon approval, the final plat or short plat shall be recorded with the county records and elections division.

**19A.16.050 Contents of final plat and final short plat.** The final plat or short plat shall comply with the requirements of RCW Chapter 58.17 and be in a form prescribed by the department and shall include all information as described in an official application packet approved by the Director.

**19A.16.060 Final forms.**

A. A final plat or final short plat shall be prepared on forms eighteen inches by twenty-four inches in size, allowing for a two-inch border on one of the eighteen-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.

B. 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.

**19A.16.070 Alterations of final plats.**

A. Alterations shall be processed in accordance with RCW 58.17.215 through 58.17.218 and shall comply with the regulations in effect at the time the alteration application is 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 portion to be altered.

B. 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 applicant shall submit with the application an agreement, signed by all parties subject to the covenants, to terminate or alter the relevant covenants in order to accomplish the proposed alteration.

C. An application shall be processed as a Type 3 permit pursuant to SMC Chapter 20.05.020, except that a public hearing is not required unless requested by a person receiving notice within fourteen days of receipt of the notice. The application may be approved if the proposed alteration is consistent with the required findings of SMC 20.10.200 and SMC 20.10.220.

D. After approval of an alteration, the applicant shall submit 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.

**19A.16.080 Alterations of final short plats.**

Alteration of a final short plat may be approved by the department when consistent with the following requirements:

A. Alterations shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new short plat application.

B. 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 portion to be altered.

C. 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 applicant shall submit with the application an agreement, signed by all parties subject to the covenants, to terminate or alter the relevant covenants in order to accomplish the proposed alteration.

D. An application shall be processed as a Type 2 permit pursuant to SMC Chapter 20.05.020.

E. An alteration may be allowed to remove non-building lot status on short subdivisions provided that no public dedications are required and original conditions of approval do not prohibit conversion of a non-building 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.

**19A.16.090 Vacations of a final plat or final short plat.**

A. Plat and short plat vacations shall be processed as follows and in accordance with the provisions of RCW 58.17.212.

B. All plat and short plat vacation applications shall be referred to the hearing examiner for public hearing and consideration pursuant to SMC 20.10.240. Following the public hearing, the hearing examiner shall determine if the proposed vacation is consistent with the requirements of SMC 20.10.210. If the proposal is found to be consistent, the hearing examiner may recommend that the City Council approve the application.

C. Applications for vacations of City roads may be processed pursuant to this chapter only when such road vacations are proposed in conjunction with the vacation of a plat. Vacations limited to City roads shall be processed in accordance with Chapter 36.87 RCW and the current Public Works Standards.

**Chapter 19A.20  
BINDING SITE PLANS**

**Sections:**

19A.20.010 Purpose

19A.20.020 Applicability

19A.20.030 Requirements and limitations

19A.20.040 Alterations

19A.20.050 Vacations

19A.20.060 Recording

**19A.20.010 Purpose**

The purposes of this chapter are:

A. To provide an alternative method for division of land for commercial zoned property or condominiums;

B. To allow the Director to modify interior lot-based or lot line requirements contained within the zoning, building, fire and other similar codes adopted by the City and allow use of the entire site for the purpose of satisfying these requirements;

C. To allow the Director to authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan; and

D. To specify administrative requirements for binding site plans in addition to the procedural requirements of SMC 20.05 and in accordance with applicable Washington State and City of Sammamish laws, rules and regulations.

**19A.20.020 Applicability**

A. Any person seeking the use of a binding site plan process to divide property for the purpose of sale, lease or transfer of ownership of commercial zoned property, or creation of condominium units, is required to have an approved binding site plan prior to any property division, as provided for in Chapter 58.17, 64.32 or 64.34 RCW, and as required by this chapter. A binding site plan for a condominium shall be based on a building permit, an as-built site plan for developed sites, a site development permit issued for the entire site, or an approved site plan showing the anticipated development plan for the entire site, notwithstanding the provisions of SMC 21A.95.

B. An application for a binding site plan approval shall be processed as a Type 2 permit pursuant to SMC 20.05.020.

C. The site that is subject to the binding site plan shall consist of one or more contiguous lots.

D. The site that is subject to the binding site plan may be reviewed independently for developed sites, concurrently with or subsequent to a site development permit application for undeveloped land or concurrently with or subsequent to a building permit application.

E. The binding site plan process creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.

**19A.20.030 Requirements and limitations**

A. The binding site plan shall ensure that the collective lots continue to function as one site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance and parking.

B. The binding site plan shall:

1. Identify the areas and locations of all streets, roads, improvements, utilities, water and sewer facilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography for preliminary map, water bodies and drainage features, and building envelopes;
2. Contain inscriptions or attachments setting forth such limitations and conditions for the use of the land as are established by the Director or the hearing examiner; and
3. Contain provisions requiring any development or division of land to be in conformance with the approved site plan.

C. Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements shall be identified and enforced by covenants, easements or other similar mechanisms.

**19A.20.040 Alterations**

A. Alteration of a binding site plan shall be accomplished by following the same process required for a new application as set forth in this chapter.

B. Changes to a building permit, subdivision, short subdivision, or site development permit within a binding site plan area shall also require alteration of the binding site plan unless the Director determines that such changes are consistent with the approved binding site plan.

**19A.20.050 Vacations**

A. Vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application, as set forth in this chapter. If a portion of a binding site plan is vacated, the property subject to the vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision or short subdivision or another binding site plan.

B. If a building permit or commercial site development permit is revised or expires, then the binding site plan shall be vacated unless the Director determines that the revision or expiration is consistent with the approved binding site plan.

**19A.20.060 Recording**

A. Plat certificates or owner's duplicate certificates for registered land pursuant to chapter 65.12 RCW shall be provided to the department by the owner.

B. Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a land surveyor. A final binding site plan shall be prepared in a format prescribed by the department.

C. The binding site plan shall contain all information as set forth in an official submittal checklist signed by the Director.

D. Lots, parcels or tracts created through the binding site plan procedure shall be legal lots of record. All provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

E. No person shall sell, transfer or lease any lot, tract or parcel created pursuant to the binding site plan that does not conform to the requirements of the binding site plan.

F. The binding site plan shall set forth limitations and conditions, including irrevocable dedications of property and contain a provision that any development of the site shall be in conformity with the approved binding site plan.

**Chapter 19A.24**  
**BOUNDARY LINE ADJUSTMENTS**

**Sections:**

- 19A.24.010 Purpose
- 19A.24.020 Procedures and limitations of the boundary line adjustment process
- 19A.24.030 Final approval and recording required
- 19A.24.040 Boundary line agreement

**19A.24.010 Purpose.**

The purpose of this chapter is to provide procedures and criteria for the review and approval of adjustments to boundary lines of legal lots or tracts in order to rectify defects in legal descriptions, to allow the enlargement or merging of lots to improve or qualify as a building site, to achieve increased setbacks from property lines or sensitive areas, to correct situations wherein an established use is located across a lot line, or for other similar purposes.

**19A.24.020 Procedures and limitations of the boundary line adjustment process.** Adjustment of boundary lines between adjacent lots shall be consistent with the following review procedures and limitations:

- A. Applications for boundary line adjustments shall be reviewed as a Type 1 permit as provided in SMC chapter 20.05. The review shall include examination for consistency with SMC Title 21A, shoreline master program including SMC Title 25 and for developed lots building and fire codes and may include review by the applicable agency for department of health regulations and water and sewer district requirements;
- B. Any adjustment of boundary lines must be approved by the department prior to the transfer of property ownership between adjacent legal lots;
- C. May require modification or sharing of access from public works to be approved by the City Engineer;
- D. A boundary line adjustment proposal shall not:
  - 1. Result in the creation of an additional lot;
  - 2. Result in a lot that does not qualify as a building site pursuant to this title;
  - 3. Reduce conforming lot dimensions such as area or width to non-conforming dimensions;
  - 4. Reduce the overall area in a plat or short plat devoted to open space;
  - 5. Result in a lot that previously met sewer/water district standards for sewer/water service no longer meeting district standards;
  - 6. Be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat;
  - 7. Involve lots which do not have a common boundary; or
  - 8. Circumvent the subdivision or short subdivision procedures set forth in this title. Factors which indicate that the boundary line adjustment process is being used in a manner inconsistent with statutory intent include: numerous and frequent adjustments to the existing lot boundary, a proposal to move a lot or building site to a different location, and a large number of lots being proposed for a boundary line adjustment;
- E. The elimination of lines between two or more lots for the purpose of creating a single lot that meets requirements as a building site shall be considered an adjustment of boundary lines and shall not be subject to the subdivision and short subdivision provisions of this title; and
- F. Recognized lots in an approved site plan for a conditional use permit, special use permit or commercial site development permit shall be considered a single site and no lot lines on the site may be altered by a boundary line adjustment to transfer density or separate lots to another property not included in the original site plan of the subject development without additional conditional use permit, special use permit or commercial site development review and approval.

**19A.24.030 Final approval and recording required.**

- A. A title insurance certificate updated not more than thirty days prior to recording of the adjustment, which includes all parcels within the adjustment, must be submitted to the department with boundary line adjustment final review documents. All persons having an ownership interest within the boundary line adjustment shall sign the final recording document in the presence of a notary public.
- B. Final boundary line adjustment documents shall be in a form prescribed by the department and be reviewed and approved by the department prior to recording with the King County auditor. Lot lines within

lots under the same ownership will be adjusted upon the recording of the boundary line adjustment and submittal to the city of the recorded boundary line adjustment documents. Lot lines within lots under different ownership shall be adjusted upon submittal to the city of the recorded boundary line adjustment and real estate conveyance documents transferring ownership of the adjusted land area. Approved boundary line adjustment approvals shall expire if the approved boundary line adjustment and real estate documents transferring property ownership are not recorded and a copy submitted to the city within one year from the date of approval.

C. Final record-of-survey document must be prepared by a land surveyor in accordance with Chapter 332-130 WAC and Chapter 58.09 RCW. The document must contain a land surveyor's certificate and a recording certificate.

D. The final map page shall contain the following approval blocks:

1. The King County Department of Assessments; and
2. The City of Sammamish Department of Community Development.

**19A.24.040 Boundary line agreement.** Whenever a point or line determining the boundary between two or more parcels of real property cannot be identified from the existing public record, monuments, and landmarks, or is in dispute, as evidenced by survey performed by a land surveyor as defined by SMC  15.240 that demonstrates the following:

A. The current legal description incorrectly identifies a property line location that is inconsistent with a location recognized by property owners through established use; or

B. There is a defect in the recorded legal description that creates gaps or overlaps between existing lot lines, the landowners affected by the determination of the point or line may resolve any dispute and fix the boundary point or line by the procedure below, in conformance with RCW 58.04.007.

If all of the affected landowners agree to a description and marking of a point or line determining a boundary, they shall document the agreement in a written instrument, using appropriate legal descriptions and including a survey map, filed in accordance with Chapter 58.09 RCW. The written instrument shall be signed and acknowledged by each party in the manner required for a conveyance of real property. The agreement is binding upon the parties, their successors, assigns, heirs and devisees and runs with the land. The agreement shall be recorded with King County, and a copy of the recorded boundary line correction and/or agreement shall be submitted to the city for the record.