

CITY OF MAPLE VALLEY, WASHINGTON

ORDINANCE NO. O-14-566

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, ADOPTING A ZONING ORDINANCE TO AMEND MAPLE VALLEY'S SUBDIVISION CODE, SPECIFICALLY SECTION 18.90.020, TO EXEMPT LARGE LOT TRANSFERS TO GOVERNMENT ENTITIES; PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE AND PROVIDING FOR CORRECTIONS.

WHEREAS, RCW 58.17.040(2) exempts from the state subdivision law “[d]ivisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions;” and

WHEREAS, the exemption set forth in RCW 58.17.040(2) is generally known as the “large lot exemption;” and

WHEREAS, the City of Maple Valley’s subdivision code expressly incorporates most of the exemptions set forth in RCW 58.17.040, but does not expressly incorporate the “large lot exemption” within the exemptions contained in MVMC 18.90.020; and

WHEREAS, the City of Maple Valley would like to exempt certain, but not all, large lot transfers from the provisions of its subdivision code; and

WHEREAS, the City of Maple Valley adopted an interim zoning ordinance pursuant to RCW 36.70A.390, that exempted intergovernmental transfers of parcels at least 20 acres in size from the city’s subdivision code; and

WHEREAS, the Planning Commission considered both the original twenty acre interim ordinance as well as a five acre version of this ordinance and held public hearings on both versions;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 18.90.020 of the Maple Valley Municipal Code, entitled “Land division,” is hereby amended to read as follows (new language is shown in underline and deleted language is shown in ~~striketrough~~):

18.90.020 Land division.

A. Scope.

1. Applicability. This chapter shall regulate all divisions of land for sale or lease, except as provided in subsection (A)(2) of this section.
2. Exceptions. The provisions of this chapter do not apply to:
 - a. Cemeteries and other burial plots while used for that purpose;
 - b. Divisions made by testamentary provision, or the law of descent;
 - c. Divisions of land into lots or tracts classified for business park or commercial use, when the City has approved a binding site plan for the use of the land in accordance with its local regulations; provided, that when a binding site plan authorizes a sale or other transfer of ownership of a lot, parcel, or tract, the binding site plan is filed for record in the County Auditor's office on each lot, parcel, or tract created pursuant to the binding site plan;
 - d. A division for the purpose of lease when no residential structure other than mobile homes are permitted to be placed upon the land when the City has approved a binding site plan for the use of the land in accordance with local regulations;
 - e. A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet minimum requirements for width and area for a building site;
 - f. A division that is made by subjecting a portion or a parcel or a tract of land to Chapter [64.32](#) RCW if the City has approved a binding site plan for all such land; and
 - g. Divisions of land into lots or tracts no smaller than five acres when done for the purpose of allowing fee simple purchase or deeding of such lots or tracts to a public agency, municipal corporation, school district, special purpose district or other unit of local government.

B. Control and Authority for Approval of Subdivision or Short Subdivision. Divisions of land into two or more lots shall comply with provision of this chapter. No person, firm, or corporation, proposing to make, or having made, a subdivision or short subdivision shall enter into any contract for sale any lot, tract, parcel, or any part thereof, until the City has approved the final plat or short plat in accordance with the rules and regulations contained in the chapter.

Section 2. Severability. If 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 preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary non-substantive corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THIS 8TH DAY OF DECEMBER 2014.

William T. Allison, Mayor

ATTEST:

Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

City Attorney

Date of Publication: December 9, 2014

Effective Date: December 14, 2014