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SHORT SUBDIVISION ORDINANCE

Revisions to KCC Chapter 16.48

16.48.010 Title.

The ordinance codified in this chapter shall be known as the "Kitsap County Short Subdivision Ordinance."

(Ord. [108-E \(1991\)](#) § 1, 1986)

16.48.020 Definitions.

The following words or terms are defined as follows:

A. "Access Tract" means a tract of land for the ingress and egress of vehicular and/or pedestrian traffic. Such tracts shall not be calculated in the lot totals of the short subdivision.

B. "Board" means the legislative authority of Kitsap County.C. "Buffer" means a protected and relatively undisturbed area of preserved and defined open space which provides one or more of the following functions (buffer functions):

1. Screening between different densities and land uses;
2. Controlling natural silt and erosion between lots;
3. Preserving rural aesthetic qualities;
4. Softening noises from public roads and other sources;
5. Protecting wildlife and wetlands;
6. Helping establish and preserve neighborhood identities;
7. Affording residential privacy;
8. Contributing to a larger greenbelt and/or passive recreational uses;

A buffer will be required in all rural zones. Short subdivisions within large lot subdivisions and/or agricultural land may be exempted from the buffer requirement by the director.

The buffer should be native vegetation which may be augmented or selectively thinned upon review and approval of the plan by the director.

The minimum buffer area shall be equal to the lesser of:

- a. An area equal to twenty-five feet times seventy-five percent of the outside perimeter of the entire short subdivision; or
- b. Fifteen percent of the net short subdivision area excluding areas otherwise required to be protected, such as environmentally sensitive area or areas with slopes thirty percent or greater.

The buffer shall include an area twenty-five feet wide along arterial roads and county-maintained neighborhood collector roads, except that area needed for ingress, egress and utilities.

At the discretion of the subdivider, a creative alternative to the perimeter design of the buffer in a short subdivision, including use of combined neighborhood plans with adjoining lots, may be proposed to achieve optimum implementation of the buffer functions.

- D. "Comprehensive Plan" means the current Comprehensive Plan of Kitsap County approved by the board pursuant to state law.
- E. "Contiguous land" means lots adjoining with a common boundary line; except that where two or more lots adjoin only at the corner or corners, they shall not be considered abutting unless the common property line between the lots measures ten (10) feet or more in a single direction.
- F. "County" means Kitsap County.
- G. "Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a short subdivision showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such short subdivision for filing by the county.
- H. "Director" means the director of the county's department of community development.
- I. "Easement" means a use of land granted by a property owner to specific persons or to the public for a specific purpose or purposes.
- J. "Engineer" means the county's engineer.
- K. "Environmentally sensitive area" (or "ESA") means those areas of significant value in terms of special features or as natural systems such as, but not limited to, lakes, ponds, creeks, streams, marshes, swamps, bogs and sensitive biological habitat.
- L. "Final short plat" means the final drawing of the short subdivision and dedication prepared for filing and recording with the county auditor and containing all the elements and requirements as set forth in this chapter.
- M. "Hearing examiner" means the individual or board appointed as review authority pursuant to Title 21 of this code, the Land Use and Development Procedures Ordinance.
- N. "Lot" means a platted or unplatted parcel of land which has the required minimum area, setbacks, widths and open space for occupancy by a principal use and meets the access requirements of Kitsap County Code.
- O. "Lot area" means the horizontal area within the boundary lines of a lot excluding public and private streets, tidelands, shorelands and the panhandle of a flag lot if the panhandle is less than thirty feet in width.
- P. "Owner" means the holder of a fee title or contract purchaser's interest in land.
- Q. "Passive recreational uses" means occasional use of the buffer area which may require only minor modification of the natural characteristics of the site.
1. Examples of acceptable uses include, but are not limited to, the following:
 - a. Nature trails;
 - b. Animal feeding stations; and
 - c. Benches.
 2. Examples of unacceptable uses include, but are not limited to, the following:
 - a. Vehicle parking;
 - b. Play equipment;
 - c. Drainfields;
 - d. Accessory buildings; and
 - e. Garbage dumping.
- R. "Person" means an individual owner (regardless of relationship or legal capacity), partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture or other such affiliated ownership.
- S. "Preliminary short plat" means a neat and approximate drawing of a proposed short subdivision showing the general layout of roads, lots, and blocks, to be applicable to the short subdivision, and other elements which shall furnish a basis for the approval or

disapproval of the general layout of the short subdivision.

T. "Plat certificate" means a certificate from a title company showing, for a particularly described proposed short subdivision, the record owners and all encumbrances.

U. "Road maintenance covenant" means a covenant associated with the short subdivision that addresses the responsibility of road maintenance.

V. "Short plat" means a map or representation of a short subdivision showing on it the division into lots, blocks, streets, or other dedicated amenities.

W. "Short subdivision" inside Urban Growth Areas, means a division or redivision of land into nine or fewer lots for the purpose of development, sale, lease or transfer of ownership; outside of Urban Growth Areas, means a division or redivision of land into four or fewer lots for the purposes of development, sale, lease or transfer of ownership..

X. "Staff" means employee(s) of the county's department of community development charged by the director with administration of short subdivisions.

Y. "Slopes" means the upward and/or downward slant or inclination of the surface of the ground expressed in percentage of vertical distance to horizontal distance for the portion of any slope required to be identified by this chapter.

Z. "Street" means all roads, streets, highways, freeways, easements and public rights-of-way used or designed for vehicular access or use.

AA. "Subdivider" means a person, including a corporate person, who undertakes to create a subdivision.

BB. "Wetlands" means those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adopted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas. The federal manual for identifying and delineating wetlands, in effect at the time of application submittal, will be used for identifying and delineating wetland for the purposes of this chapter.

(Ord. [108-E \(1991\)](#) § 2, 1991)

16.48.030 Compliance required.

All short subdivisions shall comply with this chapter.

(Ord. [108-E \(1991\)](#) § 3, 1991)

16.48.040 Exclusions.

This chapter shall not apply to:

A. Cemeteries and other burial plots while used for that purpose;

B. Divisions of land occurring outside any urban growth area which create lots each of which is greater than or equal to five acres in size or 1/128th of a section. (Note: Divisions occurring outside UGAs into lots or tracts each of which is equal to 1/128 of a section or larger (five acres), but less than 1/32 of a section (twenty acres) must proceed in compliance with Chapter [16.52](#));

C. Divisions made by testamentary provisions, or the laws of descent;

D. Divisions of land into lots or tracts classified for industrial or commercial use when

the county has approved a binding site plan for the use of the land in accordance with local regulations;

E. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land and when the county has approved a binding site plan for the use of the land in accordance with local regulations;

F. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site; and

G. Divisions of land into lots or tracts if the division of land into lots or tracts under the state condominium statutes qualify for an exemption in RCW 58.17.040(7).

H. Divisions of land made for the purpose of transferring land to a governmental entity, and/or nonprofit land trust to accomplish any public purpose.

(Ord. [311 \(2003\)](#) [Attachment 7 (part)], 2003; Ord. [108-E \(1991\)](#) § 4, 1991)

16.48.050 Applications.

A. All short subdivision applications shall be made to the director.

B. All proposed short plats shall be prepared by a land surveyor registered pursuant to RCW 18.43. Survey is required prior to final approval.

(Ord. [108-E \(1991\)](#) § 5, 1991)

16.48.060 Preliminary application.

A preliminary application for a short subdivision shall contain:

A. Name, address and telephone number of the owner of record of the real property;

B. A legal description of the real property to be divided;

C. Ten copies of the preliminary short plat showing the elements described in Section [16.48.070](#);

D. The signature of the owners of record of the real property within the boundaries of the short subdivision;

E. Proposed source of water and means of sewage disposal, if applicable;

F. A vicinity map showing the location of the proposed short subdivision;

G. Proposed restrictions or covenants running with the land.

(Ord. [108-E \(1991\)](#) § 6, 1991)

16.48.070 Preliminary short plat.

The preliminary short plat shall show the following:

A. Map drawn on a minimum eleven inch by seventeen inch paper to scale no less than one inch to two hundred feet which scale shall be shown on the drawing;

- B. Buffers when required;
 - C. North point;
 - D. Lots labeled alphabetically;
 - E. The approximate location of structures;
 - F. The location of all existing and proposed streets, rights-of-way, easements, within and adjacent to the proposal and, where possible, labeling each of the foregoing by width;
 - G. The location of all property to be dedicated;
 - H. The approximate location of any lakes, ponds, wetlands, streams, creeks, shorelines, and marshes;
 - I. Slopes approximately thirty percent or greater, top and toe of slopes and percentage of slope. If slopes from fifteen percent to thirty percent contain soils designated unstable by the soils survey of Kitsap County and/or other reference material available, the staff shall request that the slopes be delineated.
 - J. Soil logs, if required.
- (Ord. [108-E \(1991\)](#) § 7, 1991)

16.48.080 Preliminary application fee.

Upon submittal of the preliminary short subdivision the applicant shall pay the director a fee per the Kitsap County Development Permit Fee Schedule (Section [21.06.100](#)). Fees charged by the health department shall be paid to it.
 (Ord. [291 \(2002\)](#), § 7, 2002; Ord. [108-E \(1991\)](#) § 8, 1991)

16.48.090 Review of Preliminary Application by director.

- A. The director shall review the application to ascertain if it conforms to the following:
 - 1. Kitsap County Comprehensive Plan and Countywide Planning Policies;
 - 2. KCC Title 12 Stormwater Drainage;;
 - 3. KCC Title 14 Buildings and Construction;;
 - 4. KCC Title 15 Flood Hazard Areas;
 - 5. KCC Title 17 Zoning Ordinance;
 - 6. KCC Title 18 Environment;
 - 7. KCC Title 19 Critical Areas;
 - 8. KCC Title 20 Transportation;
 - 9. KCC Title 21 Land Use and Development Procedures; and
 - 10. KCC Title 22 Shoreline Master Program.
- B. The director shall determine if the streets in the proposal align with and are otherwise coordinated with streets serving adjacent properties;
- C. The director shall determine if the streets as proposed are adequate to accommodate anticipated traffic;

D. The director, in coordination with the county engineer, shall determine if road connectivity between the short subdivision and adjacent properties is required. If the director's determination requires road connectivity, all ingress/egress accesses must be dedicated to the public and developed consistent with Kitsap County Road Standards.

E. If the director finds in favor of the preliminary application with respect to those items in subdivisions (A) - (D), and Section [16.48.100](#) the director shall signify his or her approval by providing a letter to the applicant and the surveyor which will include any conditions of approval.

F. If the director disapproves the application he or she shall provide a written explanation thereof to the applicant and surveyor.

G. The director has ninety calendar days in which to review a complete application. If no action can be taken to approve or disapprove the application within the ninety calendar days, the director must notify the applicant and surveyor the reasons for the delay and steps necessary to complete the short subdivision. If at any time during the application process it appears that the ninety-day review time can not be met, it shall be the responsibility of the director to advise the applicant and surveyor of the reasons for the delay.

(Ord. [290 \(2002\)](#) § 6, 2002: Ord. [108-E \(1991\)](#) § 9, 1991)

16.48.095 Additional requirements for short subdivisions of five (5) to nine (9) lots.

On short subdivisions of five or more lots, the director shall determine whether all applications conform to the following standards:

A. All ingress/egress accesses shall be in the form of separate access tracts;

B. All access tracts shall be a minimum of thirty (30) feet in width;

C. Each access tract shall be developed to the minimum standards of the Fire Marshal consistent with KCC Title 14;

D. Access tracts shall be paved or use low-impact all-weather surfacing techniques;

E. A sidewalk or other pedestrian pathway shall be provided within the access tract and outside of the vehicle-traveled surface. Such sidewalk or pathway shall be at least four (4) feet wide, shall be developed on at least one side of the access tract, and shall be physically separated by an extruded curb or other such vehicular impediment;

F. A ten-foot utility easement shall be located along lot frontages within the short subdivision abutting access tracts;

G. A homeowners association is required with covenant, conditions and restrictions that provide ownership and maintenance of the access tract(s).

The director may increase or decrease these requirements based upon topography, critical areas or public safety issues

16.48.100 Review by health department.

- A. No later than two working days following receipt of the application, the director shall transmit a copy of the application to the health department.
 - B. The health department shall review the application to ascertain whether:
 - 1. The proposal conforms to current standards regarding domestic water supply and sewage disposal; and
 - 2. If the proposal is not to be served by public sewers, if each lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system.
 - C. The health department has seventy-five calendar days to approve or disapprove an application. If at any time during the application process it appears that the seventy-five-day review time can not be met, it shall be the responsibility of the health department to advise the director of the reasons for the delay.
 - D. If the health department finds in favor of the application with respect to those items in subdivisions (B)(1) and (2), the health department shall so advise the director.
 - E. If the health department disapproves the application it shall provide a written explanation thereof to the director.
- (Ord. [108-E \(1991\)](#) § 10, 1991)

16.48.110 (Repealed)*

16.48.120 Preliminary Short Subdivision Approval - Authorization.

Approval of the preliminary short subdivision shall constitute authorization for the subdivider to develop the subdivision's facilities and improvements in strict accordance with standards established by this chapter and any conditions imposed.

(Ord. [108-E \(1991\)](#) § 12, 1991)

16.48.130 Preliminary Short Subdivision Approval - Expiration.

The approval given to a preliminary short subdivision shall automatically expire unless within five years following approval, a proposed final short subdivision in proper form is submitted to the director; provided, however, that an extension may be granted by the director. Notice of preliminary approval shall include an expiration date and procedures for extensions.

(Ord. [108-E \(1991\)](#) § 13, 1991)

16.48.140 Filing period.

At any time within five years following the notice of preliminary approval, the subdivider may submit the original of a proposed final short subdivision to the director.

(Ord. [108-E \(1991\)](#) § 14, 1991)

16.48.150 Final short subdivision - Submittal

The final short subdivision submittal shall include the following:

- A. A short plat certificate for the real property;
- B. Seven copies of the final short plat showing the elements described in Section [16.48.160](#);
- C. Covenants, conditions and restrictions (C.C. & R's), if applicable, for separate recording with a cross reference on the face of the short plat;
- D. A road maintenance agreement for separate recording with a cross reference on the short plat or a road maintenance agreement condition addressed on the face of the short plat, unless waived by the director; and;
- E. Perimeter lot closures for all lots, tracts and the exterior boundary of the short subdivision..

(Ord. [108-E \(1991\)](#) § 15, 1991)

16.48.160 Final short plat.

The final short plat shall be as follows and shall show the following:

- A. The short plat shall be an original that is drawn in black ink on mylar and is suitable for producing legible prints through scanning, microfilming or other standard copying procedures. Sheets shall be eighteen inches by twenty-four inches in size. A line shall border each sheet having a two-inch margin on the left side (which shall be an eighteen-inch side) and a one-half inch margin on the remaining three sides. The first sheet shall have a vertical tile block on the right side as required by Ordinance 108-E-1991.
- B. Drawn to scale no less than one inch to two hundred feet which scale shall be shown on the drawing;
- C. The perimeter (which shall be shown by heavier lines) of the proposal, together with all internal lots and blocks;
- D. The dimensions of the perimeter and all lots;
- E. Ties to permanent monuments;
- F. Controlling reference points or monuments;
- G. The bearing and length of lines;
- H. Buffer when required;
- I. North point and origin of meridian or basis of bearings;
- J. Lots labeled alphabetically;
- K. The names and locations of adjacent subdivisions;
- L. The approximate location of all existing structures;
- M. The location of all existing and proposed streets, rights-of-way and easements within and adjacent to the proposal and, where possible, labeling each of the foregoing by width;
- N. The location of all property to be dedicated and a textual declaration of the dedication;
- O. The approximate location of any lakes, ponds, wetlands, streams, creeks,

shorelines, and marshes;

P. Slopes approximately thirty percent or greater, top and toe and percentage of slope;

Q. The declarations described in Section 16.48.250 and [16.48.260\(c\)](#);

R. Signature and datelines for certification by the registered land surveyor described in Section [16.48.170\(c\)](#);

S. Signature and datelines for certification by county treasurer that real property taxes are current;

T. Signature and datelines for approval by director;

U. A declaration by all persons having interest in the subdivided land, with name(s) printed and signed by said person(s) and acknowledged by them before a Notary Public, consenting to the subdivision of land;

V. Notes depicting articles of encumbrances as noted in schedule B of the plat certificate;

W. Land use conditions relevant to the development of the lots;

X. A legal description of the real property to be divided;

Y. Soil logs; and

Z. Other Health District conditions
(Ord. [108-E \(1991\)](#) § 16, 1991)

16.48.170 Survey duties

A. All final short plats shall be prepared by a land surveyor registered pursuant to RCW 18.43 and WAC 332-130 and shall be surveyed in accordance with current state regulations.

B. Each short plat shall contain the following certificate:

I, _____, registered as a professional land surveyor by the State of Washington, certify that this Short Plat is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of _____, 20__, through _____, 20__; that the distances, courses, and angles are shown hereon correctly; and the lot corners have been staked on the ground as depicted hereon.

C. The lot corners shall be marked by three-quarter inch galvanized iron pipe or like permanent marker and wooden locator stakes. The material used to mark the corners shall be described upon the plat.

(Ord. [108-E \(1991\)](#) § 17, 1991)

16.48.190 Review by director.

A. Before deciding approval or denial of a final short subdivision, the director shall determine whether:

1. The final short subdivision meets all standards established by state law and this chapter;

2. The final short plat bears the certificates and statements of approval required by this chapter; and

3. The final short subdivision is in compliance with the conditions of preliminary approval for the short subdivision.

B. If the final short subdivision does conform the director shall signify his or her approval by subscribing the approval line on the face of the plat.

C. If the director disapproves the final short subdivision he or she shall provide a written explanation thereof to the applicant and surveyor.

D. The director has twenty working days in which to approve or disapprove a final short subdivision.

(Ord. [108-E \(1991\)](#) § 19, 1991)

16.48.200 Approval time.

The final short subdivision shall be approved, disapproved or returned to the applicant within twenty working days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(Ord. [108-E \(1991\)](#) § 20, 1991)

16.48.205 Approval - Expiration

A final short plat approval shall automatically expire if the final short subdivision is not recorded within one year of the written approval date.

16.48.210 Final Short Subdivision Standards.

A. A short subdivision shall conform to the applicable zoning standards of the Kitsap County zoning ordinance and shall be in keeping with the general guidelines of the county's Comprehensive Plan.

B. Each lot in a short subdivision shall be provided with satisfactory access by means of a street leading to an existing developed publicly owned street.

C. The width of an easement, access tract or street shall be consistent with the preliminary short subdivision approval, unless an exception is granted or required by the engineer.

D. A proposed short subdivision shall not be approved unless the director makes written findings that:

1. Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation,

playgrounds, schools and school grounds and all other relevant fact, including sidewalks and other planning features that assure safe walking condition for students who only walk to and from school; and

2. The public use and interest will be served by the platting of such short subdivision.

(Ord. [108-E \(1991\)](#) § 21, 1991)

16.48.220 Amendment of proposal.

When an application is disapproved, an applicant shall have one hundred eighty working days following transmittal of the reasons for disapproval in which to file an amended application to remedy the matters which lead to the disapproval. Upon receipt of such an amended application the application shall be reviewed as set forth in Sections [16.48.090](#) - 16.48.100. If an applicant files no such amended application within the period allowed, the application shall be considered denied.

(Ord. [108-E \(1991\)](#) § 22, 1991)

16.48.230 Treasurer certification.

Upon request at the recording of a short subdivision or short subdivision amendment, if no property taxes are owing upon the real property, the county treasurer shall so certify by subscribing the certification line upon the face of the plat.

(Ord. [108-E \(1991\)](#) § 23, 1991)

16.48.240 Filing requirements.

No short subdivision shall be presented to or accepted for filing with county auditor unless the face of the plat contains the approval of the director pursuant to Section [16.48.190](#)(4), and the certification of treasurer pursuant to Section [16.48.230](#).

(Ord. [108-E \(1991\)](#) § 24, 1991)

16.48.250 Street disclaimer.

Streets within a short subdivision shall not be constructed or maintained by the county unless such streets have been improved to current county standards and have been accepted into the county road system. Therefore, unless so improved and accepted, the responsibility for maintenance shall lie with the owners of the lots. In such case the face of each short plat shall contain the following disclaimer:

Responsibility and expense for maintenance of roads leading to or serving lots within this Short Subdivision (unless such roads have been accepted into county's road system) shall rest with the lot owners. (Ord. [108-E \(1991\)](#) § 25, 1991)

16.48.260 Declaration regarding further subdivision.

A. Land in a short subdivision may not be further divided in any manner within a period of five years after the recording of the final short plat without the filing of a final plat pursuant to KCC 16.16; except, that when the short plat contains fewer than the maximum allowable lots, nothing in this section shall prevent the owner who filed the original plat from filing an alteration within the five-year period to create:

1. Up to a total of four lots within the original short plat boundaries if outside an Urban Growth Area; or

2. Up to a total of nine lots within the original short plat boundaries if inside of an Urban Growth Area.

B. Short subdivisions shall not be used, either by a person alone or by persons acting together, at one time or over a period of time, as a means to circumvent compliance with the more stringent plat subdivision requirements (contained in the subdivision ordinance, codified in Chapters [16.04](#) through [16.44](#) of this code) which control the subdivision of land. When an application for a short subdivision is filed within five years after the approval of a short subdivision on a contiguous lot, a rebuttable presumption of an attempt to circumvent plat subdivision requirements may be invoked by the director as a basis of further investigation to assure compliance with the intent of this provision.

C. No lot in a short subdivision can be divided further without following Kitsap County Code.

(Ord. [108-E \(1991\)](#) § 26, 1991)

16.48.270 Dedications.

In order to meet the public interest, the director or engineer may condition approval of the short subdivision upon dedications for drainage ways, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools, school grounds, and other needs of the public.

(Ord. [108-E \(1991\)](#) § 27, 1991)

16.48.280 Appeal.

Any person wishing to appeal the granting or denial of an application for short subdivision shall follow the appeal procedure set forth in the Land Use and Development Procedures Ordinance (Title 21 of this code).

(Ord. [108-E \(1991\)](#) § 28, 1991)

16.48.290 Amendment to approved document.

A short subdivision which has been approved and recorded may be amended upon application of the owners of all lots which are being affected by the amendment. Actions that require an amendment may include, but are not limited to, creating, modifying or extinguishing access easements or reconfiguring or removing buffer areas or open space. The application fee shall be per the Kitsap County Development Permit Fee

Schedule (Section [21.06.100](#)). The contents and procedure for an amended application shall be that for an application in the first instance.

(Ord. [291 \(2002\)](#) § 8, 2002; Ord. [108-E \(1991\)](#) § 29, 1991)

16.48.300 Development of illegally divided land.

No building permit or development permit of any sort shall be issued for lots created in violation of this chapter; provided, an innocent purchaser for value may obtain permits needed for development upon application to the county board of commissioners after notice where such purchaser shows the following;

- A. The lot was purchased at a market value not reflecting the illegal division;
- B. The purchaser exercised reasonable diligence but did not know of the illegal division;
- C. The public interest will not suffer.
- D. "Notice," unless otherwise stated, means written notice of the date, time and place of the proposed action mailed by first-class mail at least ten days prior to the date thereof to the owners of record of the lots adjacent to the short subdivision.

(Ord. [108-E \(1991\)](#) § 30, 1991)

16.48.310 Penalty.

Any person, firm or corporation violating any provision of the ordinance codified in this chapter or amendment to it shall be guilty of a misdemeanor and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this chapter is committed, continued or permitted. Upon conviction of any violation of this chapter such person, firm or corporation shall be punished by a fine of not more than two hundred and fifty dollars nor by imprisonment for more than ninety days or by both such fine and imprisonment.

(Ord. [108-E \(1991\)](#) § 31, 1991)

16.48.320 Enforcement by civil action.

A. Any divisions of land contrary to the provisions of this chapter or amendments thereto, shall be, and the same are declared to be unlawful and a public nuisance and compliance with this chapter or amendments thereto may be enforced by mandatory injunction brought by the owner or owners of land in proximity to the land with the proscribed condition or the prosecuting attorney may immediately commence action or actions, proceeding or proceedings, for abatement, removal and enjoinder thereof, in a manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove the illegal division.

B. In addition to or as an alternative to any other penalty provided in this chapter or by law, any violation of this chapter shall constitute a Class I civil infraction. Each violation shall constitute a separate infraction for each and every day or portion thereof during which the violation is committed, continued or permitted. Infractions shall be processed in accordance with the provisions of the Civil Enforcement Ordinance

(Chapter [2.116](#) of this code).

(Ord. [108-F \(1997\)](#) § 1, 1997: Ord. [108-E \(1991\)](#) § 32, 1991)

16.48.330 Construction.

The ordinance codified in this chapter shall be liberally interpreted and construed to secure the public health, safety, morals and welfare and the rule of strict construction shall have no application.

(Ord. [108-E \(1991\)](#) § 33, 1991)

Revisions to KCC 16.08

These changes are only to ensure consistency between the Subdivision chapter and the Short Subdivision chapter of Title 16. There are no other substantive changes or effects.

16.08.170 Subdivision.

“Subdivision” inside Urban Growth Areas, means a division or redivision of land into ten or more lots for the purpose of development, sale, lease or transfer of ownership; outside of Urban Growth Areas, means a division or redivision of land into five or more for the purpose of development, sale, lease or transfer of ownership. ~~is the division or redivision of land into five ore more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership except as provided in KCC 16.04.020~~