

Department of Community and Economic Development  
Planning Division  
**ADMINISTRATIVE POLICY/CODE INTERPRETATION**

**ADMINISTRATIVE  
POLICY/CODE**

**INTERPRETATION #:** CI-116

**MUNICIPAL**

**CODE SECTIONS:** RMC 4-11-120 Definitions L

**REFERENCE:**

N/A

**SUBJECT:**

Definition of a Legal Lot

**BACKGROUND:**

**Note:** Based on public comment received on this Code Interpretation, amendments have been made to allow for the segregation of lots where structures had been constructed over the lot line, provided that the underlying lots comply with the minimum lot size, width, and depth requirements at the time of segregation.

The City of Renton currently has several lots, under common ownership, throughout the City where structures have been constructed over lot lines. Typically, these are older lots that do not meet the City's current development standards (i.e. minimum lot size, width, and/or depth). Structures are not permitted to be constructed over lot lines and any structure constructed over a lot line would not comply with setback requirements. In addition, the construction of a structure over a lot line results in lots functioning as a single lot or one lot as opposed to two or more underlying lots.

**JUSTIFICATION:**

Any lots with structures constructed over the lot lines, shall be considered one lot, unless the applicant can demonstrate that the underlying lots comply with current minimum lot size, width, and depth requirements based on the applicable zoning. By allowing property owners to utilize the underlying lot lines on lots that do not comply with the current minimum area and dimensional requirements, the City is permitting the circumvention of its subdivision regulations (Chapter 7), which allows for the development of new homes that do not meet current development standards, frontage improvement requirements, landscaping requirements, tree retention requirements, etc. The City's current Legal Lot definition needs to be updated and revised to explicitly clarify that any structure constructed over a lot line results in an elimination of that lot line regardless of annexation history.

**DECISION:** Amend the definition of a Legal Lot and Lot Combination as specified below.

**ADMINISTRATOR  
APPROVAL:**

\_\_\_\_\_  
C. E. "Chip" Vincent

**EFFECTIVE DATE:**

\_\_\_\_\_

**APPEAL  
PROCESS:**

To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE  
AMENDMENTS  
NEEDED TO  
IMPLEMENT  
DETERMINATIONS: CHAPTER 11 DEFINITIONS**

**LOT, LEGAL:**

~~A. A lot created in compliance with applicable State and local land segregation statutes or codes in effect at the time the lot was created and meets the following requirements:~~

~~1. The lot was created prior to the effective date of the property's annexation to the City of Renton and meets the following criteria:~~

~~a. A lot created before October 1, 1972, shall be recognized as a legal lot:~~

~~i. If before October 1, 1972, it was:~~

~~(a) Conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase; or~~

~~(b) Recognized as a separate tax lot by the County Assessor; and~~

~~ii. If the lot was created before June 9, 1937, it was served by one of the following before January 1, 2000:~~

~~(a) Approved sewage disposal;~~

~~(b) An approved water system; or~~

~~(c) A road that was:~~

~~(1) Accepted for maintenance by the King County Department of Transportation; or~~

~~(2) Located within an access easement for residential use or in a road right of way and consists of a smooth driving surface, including, but not limited to, asphalt, concrete, or compact gravel, that complied with the King County road standards in effect at the time the road was constructed.~~

~~b. A lot created on or after October 1, 1972, shall be recognized as a legal lot if it was created:~~

~~i. Through the subdivision or short subdivision process; or~~

~~ii. Through the following alternative means of lot segregation provided for by State statute or County code:~~

~~(a) At a size twenty (20) acres or greater, created by a record of survey recorded before January 1, 2000, and not subsequently merged into a larger lot;~~

~~(b) At a size forty (40) acres or greater created through a larger lot segregation made in accordance with RCW 58.18.010, Assessor's plat—Requisites, filing, index, etc.—When official plat, approved by King County and not subsequently merged into a larger lot;~~

~~(c) Through testamentary provisions or the laws of descent after August 10, 1969; or~~

~~(d) As a result of deeding land to a public body after April 3, 1977.~~

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

~~i. Recorded subdivisions or division of land into four (4) lots or less;~~

~~ii. King County documents indicating approval of a short subdivision;~~

~~iii. Recorded deeds or contracts describing the lot or lots either individually or as part of a conjunctive legal description (e.g., Lot 1 and Lot 2); or~~

~~iv. Historic tax records or other similar evidence, describing the lot as an individual parcel. The Department shall give great weight to the existence of historic tax records or tax parcels in making its determination.~~

~~2. The lot was created within the corporate limits of the City, and~~

~~a. Before March 17, 1937 (Platting: Washington Session Laws of 1937 Ch. 186), and on or before July 22, 1958, the lot was:~~

~~i. Conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase; and~~

~~ii. Recognized as a separate tax lot by the County Assessor; and~~

~~iii. No residential structure (house or garage) has been over the lot boundaries which constitutes a de facto lot combination as defined in this Section; or~~

~~b. Between March 17, 1937, and July 22, 1958, inclusive, the lot was created in compliance with State segregation statutes and codes; or~~

~~c. The lot was created after July 22, 1958, through a review and approval process recognized by the City for the creation of two (2) or more lots or via a process recognized as exempt from platting by State law; or~~

~~d. The lot has not been merged via a lot combination as defined in this Section.~~

~~3. Each portion of a legal lot meeting the criteria above subsequently split by a right-of-way under threat of condemnation shall be considered a legal lot.~~

~~B. A legal lot under this definition is not necessarily a buildable or developable site.~~

LOT, LEGAL: A lot, which is not necessarily a buildable or developable site, that has not been combined with another lot, complies with the current minimum lot size, width, and depth requirements of the applicable zone, and was created in compliance with applicable State and local land segregation statutes or codes in effect at the time, as cited below:

A. If the lot was created before June 9, 1937, it was served by one of the following before January 1, 2000:

1. Approved sewage disposal;

2. An approved water system; or

3. A road that was:

a. Accepted for maintenance by the King County Department of Transportation; or

b. Located within an access easement for residential use or in a road right-of-way and consists of a smooth driving surface, including, but not limited to, asphalt, concrete, or compact gravel, that complied with the King County road standards in effect at the time the road was constructed.

B. Between March 17, 1937, and July 22, 1958, dates inclusive, the lot was created in compliance with State segregation statutes and codes; or

C. The lot was created after July 22, 1958, through a review and approval process recognized by the City for the creation of two (2) or more lots or via a process recognized as exempt from platting by State law.

D. The lot was created before October 1, 1972, and:

1. Conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase; or

2. Recognized as a separate tax lot by the County Assessor.

E. The lot was created on or after October 1, 1972, and:

1. Through the subdivision or short subdivision process; or

2. Through the following alternative means of lot segregation provided for by State statute or County code:

a. At a size twenty (20) acres or greater, created by a record of survey recorded before January 1, 2000, and not subsequently merged into a larger lot;

b. At a size forty (40) acres or greater created through a larger lot segregation made in accordance with RCW 58.18.010, Assessor's plat – Requisites, filing, index, etc. – When official plat, approved by King County and not subsequently merged into a larger lot;

c. Through testamentary provisions or the laws of descent after August 10, 1969;

d. As a result of deeding land to a public body after April 3, 1977;

F. Each portion of a legal lot created through a process described above subsequently split by a right-of-way under threat of condemnation shall be considered a legal lot.

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

i. Recorded subdivisions or division of land into four (4) lots or less;

ii. King County documents indicating approval of a short subdivision;

iii. Recorded deeds or contracts describing the lot or lots either individually or as part of a conjunctive legal description (e.g., Lot 1 and Lot 2); or

iv. Historic tax records or other similar evidence, describing the lot as an individual parcel. The Department shall give great weight to the existence of historic tax records or tax parcels in making its determination.

**LOT COMBINATION:** The merger or aggregation of lots via either:

1. The construction of a dwelling unit over an existing lot boundary upon a lot line shared by an abutting lot under common ownership at the time of construction; or

2. A request by the property owner for a permanent merger of two (2) or more lots by the completion, approval and subsequent recording of a Declaration of Lot Combination or Lot Line Adjustment.

**STAFF CONTACT:** Jill Ding, x6598