

DSG Policy Memorandum  
Administrative Interpretation  
#06-13



**DEVELOPMENT SERVICES GROUP**  
9611 SE 36<sup>TH</sup> St., Mercer Island, WA 98040  
(206) 236-5300

**TO:** DSG Staff

**FROM:** Kirsten Taylor, Interim Development Services Director

**DATE:** December 19, 2006

**RE:** Legally Separate Lots  
Transfer of Property to City for "Parks and recreation purposes"

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The Code Official, pursuant to Section 19.15.010(C)(5)(a) of the Mercer Island City Code (MICC), is authorized to make this administrative interpretation. Clarification is needed to determine if two areas of land on the opposite side of East Mercer Way are legally separate lots pursuant to the requirements of the City Code.

The City of Mercer Island has entered into a purchase and sale agreement to acquire all property lying east of East Mercer Way in approximately the 6600 block of East Mercer Way. The City makes this administrative interpretation regarding whether or not the City of Mercer Island is required to make application for a lot line adjustment or file an application for a short subdivision when property is being conveyed to the City for "public park and recreation purposes", when no additional lots for development are being created and when a public right of way bisects the property to determine the boundaries of the portion of the lot being conveyed to the City.

MICC 19.16.010(L) defines lot as "a designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit."

Chapter 58.17 RCW, the state subdivision statute, was created to provide for the orderly division of property in order to properly plan for government services and promote public health, safety and welfare. This chapter requires that divisions of land into four or fewer lots comply with the provision of local regulations such as the MICC. MICC 19.08.010 provides that land shall not be divided without first obtaining "official approval" from the City. This administrative interpretation will constitute the "official approval" of property division of the subject property.

The King County Assessor's Office assigns "Tax Parcel Numbers" to areas of land for taxing purposes, and does not necessarily guarantee the area of land with the tax parcel number meets the definition of a "Parcel" or "lot" pursuant to the Mercer Island City Code or state Law.

The Code Official has decision authority for administrative interpretation of the code. The Code Official finds that allowing the transfer of certain property currently divided by a public right of way to the City of Mercer Island is consistent with both state law and local regulations under MICC. This code interpretation will only be applicable to transfers of property to a governmental entity when there is a restrictive covenant prohibiting active development. In the instant case, the deed to the City will limit the use of the property for "public park and recreation purposes".

In conclusion, the Code Official finds that a lot is created under MICC 19.16.010 when a property owner transfers a portion of a lot to a governmental entity with a restrictive covenant prohibiting development of dwelling units, when no additional lots for development are being created and when a public right of way bisects the property to determine the boundaries of the portion of the lot being conveyed to the City.