

Department of Development and Environmental Services (DDES)

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B-1 Covenants

DDES Customer
Information Bulletin #**33****• FREQUENTLY ASKED QUESTIONS •**

*Visit the DDES Web site at
www.kingcounty.gov/permits
for more information*

King County DDES has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult King County staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.

For alternate formats, call 206-296-6600.

What are B-1 covenants, and how do they affect a building or mobile home permit?

Until 1990, the King County Code contained Appendix B-1, which was a form called a B-1 Covenant. It was the form that was filed by short-subdivision developers, and it assigned the obligation of constructing the required roads within the subdivision to the purchasers of the individual lots. Appendix B-2 followed as the accompanying form that purchasers of the lots were to sign, acknowledging their awareness of the covenant.

Developers were required to file both signed forms with the King County Department of Records and Elections. In 1990, B-1 Covenants were removed from the King County Code. Lots that were approved with B-1 Covenants in place, however, still carry the requirement for construction of adequate roads until the roads are built, regardless of how many times the property is sold. Each seller is obligated to inform the next buyer of the covenant.

If an individual is buying a residential lot in a short subdivision that is subject to a B-1 Covenant, they may encounter road construction requirements when applying for a building or mobile home permit. There may also be other covenants affecting a property that should be investigated. Contact staff at the Building Services Division of the King County Department of Development and Environmental Services (DDES) at 206-296-6600 with any questions about covenants.

What is the intent of these requirements?

King County will only approve permit applications for short subdivisions if the developer maintains responsibility for providing roads giving access to all lots. In short subdivisions, the roads may be privately owned and maintained if the county does not require that they are public roads and there is no resulting hazard to the public. These privately owned roads must be built in accordance with King County Road Standards.

For short-subdivision permit applications submitted to DDES before August 16, 1990, the King County Code allowed developers to satisfy this requirement either by making the improvements themselves (by posting a performance financial guarantee), or by filing a declaration of covenants before recording the short subdivision. These covenants were set out in the King County Code as Appendices B-1 and B-2.

What was the effect of the B-1 covenant?

The B-1 Covenant meant that purchasers of subdivided lots would not be granted building permits until roads were constructed in a manner that met the King County Road Standards in effect when the subdivision application was filed. After roads were constructed and approved by the county, notice was issued that the condition was satisfied. (The notice is kept in King County Records.) Such a notice is called "Final Construction Approval."

Problems can arise when purchasers of lots affected by B-1 Covenants overlook the significance of signing the Appendix B-2 form, or when they are otherwise unaware of their responsibility for ensuring that all roads associated with the short subdivision are built and approved before they can get a building or mobile home permit.

When a lot purchaser applies for a residential building or mobile home permit, a technician at DDES researches the short plat on microfilm. If a B-1 Covenant applies to the short subdivision, a building or mobile home permit cannot be issued until an appropriate road is constructed, or until DDES has researched inspection records and found that the improvements/requirements were previously satisfied. This process requires searching records at various record centers, which can be time-consuming.

If the short subdivision was recorded before 1987, permit applicants can reduce research time by taking one of the following actions:

- They can take the information they have, such as a legal description of the property, directly to the Department of Transportation Records Center (9th Floor, King County Administration Building, Seattle) to determine if a B-1 Covenant is in effect.
- They can obtain evidence of road construction approval by King County (if available). Then the applicant can give the applicable information or documents directly to DDES' Land Use Inspection Section (LUIS).

If all conditions have been satisfied, normal procedures for reviewing a building or mobile home permit can begin. If all conditions have not been satisfied, the applicant and purchasers of other lots in the short subdivision are held responsible for constructing and maintaining roads in the subdivision. This may be both expensive and time-consuming, involving fees and inspections, as well as the actual building and/or bonding of the road.

Note: It is also possible that any road built earlier in the life of the subdivision may have to be rebuilt. If applicants have questions, consult the LUIS Supervisor at 206-296-7204 for more information regarding this process. DDES cannot waive the road construction obligation in short subdivisions.

In some cases, however, building permits may have been granted on short plats before the B-1 Covenant condition was discovered. DDES still cannot waive the B-1 Covenant condition, however. All owners in the short subdivision remain equally responsible for the cost of constructing the road(s), including any legal fees. If other owners are unwilling to contribute to the costs, legal help should be sought.

Other bulletins and telephone numbers that may be helpful

- Bulletin 1 Building and Development Permit Telephone Numbers
- Bulletin 7 Mobile Home Permits
- Bulletin 9 Obtaining a Residential Building Permit
- Bulletin 12 Residential Building Permit Process
- Bulletin 21 Critical Areas Review
- Bulletin 26 SEPA Process
- Bulletin 31 Right-of-Way Use Permits

These and other DDES bulletins are available via the department Web site at www.kingcounty.gov/permits.

- 206-296-6600 Department of Development and Environmental Services
- 206-296-7204 Land Use Inspection Section Supervisor

See also King County Road Standards dated 1987, 1979, and 1967.

Be sure to visit our Web site at:
www.kingcounty.gov/permits



King County complies with the Americans with Disabilities Act (ADA). If you require an accommodation to attend a meeting (two weeks' notice) or require this information in Braille, audiocassette, or large print, please call 206-296-6600 or TTY 206-296-7217.