

1 May 24, 1990
2 2973H/VN/:mls

INTRODUCED BY: Brian Derdowski

PROPOSED NO.: 90-387

3 **9544**

4 ORDINANCE NO. 9544

5 AN ORDINANCE relating to subdivisions;
6 making amendments pursuant to R.C.W. 58.17;
7 defining completed applications for
8 preliminary subdivisions; revising the
9 subdivision standards and procedures; and
10 relating to subdivision alterations and
11 vacations; repealing and substituting
12 Ordinance 4308, Sections 2 and 3 and
13 Resolution 11048, Section 1(part) and
14 KCC 19.08.260, 19.08.270 and 19.04.230;
15 amending Resolution 11048, Section 1(part),
16 as amended, and Ordinance 263, Article 5,
17 Section 18, as amended, and KCC 19.04.320
18 and 20.24.230; repealing Ordinance 4308,
19 Section 4, Resolution 11048, Section IV
20 A(1), as amended, and Ordinance 9043 and
21 KCC 19.08.280 and 19.28.010, adding a new
22 section to KCC 19.36 and new sections to KCC
23 Title 19 and KCC 20.24.

24 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

25 NEW SECTION. SECTION 1. Ordinance 4308, Section 2 and
26 K.C.C. 19.08.260 are each hereby repealed and the following is
27 substituted:

28 Adequacy of sewage disposal. All lots must be served by or
29 provision made for an adequate public sewage disposal system
30 either as set forth in subsections A and B of this section or an
31 on-site sewage disposal system as set forth in subsection C of
32 this section, before the plat may be recorded:

33 A. A public sewage disposal system is adequate for the
purpose of preliminary subdivision approval if:

1. The disposal system is consistent with the Sewerage
General Plan and any subsequent amendments; and

2. The disposal system has been approved by the division
as being consistent with applicable state and local design and
operating guidelines.

B. Prior to recording the final plat, either the approved
public sewage system set forth in paragraph A of this section

1 shall be installed to serve each lot, or a bond or similar
2 security shall be deposited with King County and may be assigned
3 to a purveyor to assure the construction of such facilities
4 within two years of the date of plat recording.

5 C. On-site sewage disposal systems to serve individual lots
6 are adequate for the purpose of preliminary and final approval if
7 the Seattle-King County department of public health has approved
8 the lot size, soils, and proposed type of disposal system in
9 accordance with the King County board of health rules and
10 regulations. Installation of the on-site sewage disposal system
11 is not required for final approval.

12 NEW SECTION. SECTION 2. Ordinance 4308, Section 3 and
13 K.C.C. 19.08.270 are each hereby repealed and the following is
14 substituted:

15 Adequacy of water supply. All lots must have an adequate
16 water supply as set forth in this section before the plat may be
17 recorded:

18 A. A water supply system shall be deemed adequate for the
19 purpose of preliminary approval if the applicant has demonstrated
20 to the satisfaction of the division that:

21 1. The existing water supply system complies with the
22 applicable planning, operating and design requirements of W.A.C.
23 Chapter 248.54; K.C.C. Chapters 14.42 and 14.44 and Title 17;
24 Coordinated Water System plans; Title 12, Title 13 and other
25 applicable provisions of the codes of the King County board of
26 health; and any limitation or condition imposed by the county
27 approved comprehensive plan of the water purveyor; and

28 2. The water system improvements proposed to be
29 constructed to serve the subdivision have been reviewed by the
30 division and determined to comply with the design standards and
31 conditions specified in paragraph A.1 of this section; or
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1 3. The new water supply system proposed to be constructed
2 to serve the subdivision has been reviewed by the division and
3 determined to comply with the design standards and conditions
4 specified in paragraph A.1. of this section.

5 B. Where applicable, the division shall incorporate the
6 requirements of the Seattle-King County department of public
7 health and the Washington State Department of Health in
8 determining compliance with paragraphs A.1., A.2. and A.3 of this
9 section.

10 C. Prior to recording the final plat, the approved public
11 water system authorized pursuant to paragraph A. of this section
12 shall be installed to serve each lot unless a bond or similar
13 security has been deposited with King County in a form and
14 amount, and with conditions satisfactory to King County to
15 provide for the construction of required water facilities in
16 Group A systems as defined by board of health regulations, within
17 two years of the date of plat recording. The county may assign
18 rights to enforce the bond to the purveyor.

19 D. The proposed use of on-site private individual water
20 systems to serve individual lots is adequate and the subdivision
21 may receive preliminary and final approval if the Seattle-King
22 County department of public health has approved this proposed
23 method of water supply in accordance with the applicable King
24 County board of health rules and regulations and this section.
25 The applicant shall provide appropriate information to
26 demonstrate to the Seattle-King County department of public
27 health that adequate water can be made available. The
28 Seattle-King County department of public health may require
29 installation of private individual water systems prior to final
30 approval of the subdivision where information is insufficient to
31 show an adequate water supply can be made available.
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NEW SECTION. SECTION 3. There shall be added to K.C.C.

19.36 a new section to read as follows:

Complete application. A. Applications for preliminary subdivision approval shall be considered fully complete as of date of application pursuant to R.C.W. 58.17.033 once the division determines that the application contains the following materials and information:

1. A completed subdivision application form with supporting documents as required by K.C.C. 19.28.030, and which contains sufficient information to determine compliance with adopted rules and regulations including, but not limited to: R.C.W. 58.17.110, RCW 43.21C, SEPA as implemented by W.A.C. 197-11, K.C.C. 20.44; K.C.C. Title 21, Zoning; K.C.C. 14.42 Road Standards; K.C.C. 9.04, Surface Water Runoff; K.C.C. Title 25, Shoreline Management; K.C.C. Title 19, Subdivisions; K.C.C. Title 17, Fire Code; administrative rules adopted pursuant to K.C.C. 2.98 to implement any such code or ordinance provision; King County board of health rules and regulations; county approved utility comprehensive plans; and conformance with applicable private restrictions and covenants which are in effect at the time of application;

2. Verification of pre-application approval of proposed water supply and sewage disposal by the Seattle-King County department of public health;

3. Fire district receipt, pursuant to K.C.C. 17.10.020E;

4. Copies of all easements, deed restrictions or other encumbrances restricting the use of the subject property;

5. Documentation of the date and method of segregation for the subject property verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation;

6. A completed environmental checklist;

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7. Payment of any application fees specified in K.C.C. Title 27, Development Permit Fees; and

8. Completed applications for other required permits if the permits are to be processed with the subdivision, or copies of issued permits if they have been previously approved.

NEW SECTION. SECTION 4. There is added to K.C.C. 19.36 a new section to read as follows:

Changes to proposed or approved plats. A. Applicant-generated modifications or requests for revision(s) which are not made in response to technical staff review, throughout the public process or from examiner conditions which result in any substantial changes as determined by the division including the creation of additional lots or elimination of open space requirements shall be treated as a new application for purposes of vesting.

B. Applicant-generated proposals to create additional lots, elimination of open space or change conditions of approval on an approved preliminary plat shall also be treated as new application for purposes of vesting.

C. Proposals to amend an approved final plat shall be treated as an alteration pursuant to the provisions of this ordinance regarding alterations.

NEW SECTION. SECTION 5. There is added to K.C.C. Title 19 a new section to read as follows:

Purpose. The purpose of this chapter is to provide specific procedures for the alteration or vacation of recorded subdivisions, or any portions thereof.

NEW SECTION. SECTION 6. There is added to K.C.C. Title 19 a new section to read as follows:

Application requirements. A. Any person may submit a subdivision alteration or vacation application consistent with the applicable provisions of Sections 3 and 4 of this ordinance to the division provided:

1 1. Alteration applications shall contain the signatures of
2 the majority of those persons having an ownership interest in
3 lots, tracts, parcels, or divisions in the subject subdivision to
4 be altered or any portion to be altered. Vacation applications
5 shall contain the signatures of all parties having an ownership
6 interest in the portion of the subdivision subject to vacation.

7 2. If the subdivision is subject to restrictive covenants
8 which were filed at the time of the approval of the subdivision,
9 and the application for alteration or vacation would result in
10 the violation of a covenant, the application shall contain an
11 agreement signed by all parties subject to the covenants
12 providing that the parties agree to terminate or alter the
13 relevant covenants to accomplish the purpose of the alteration or
14 vacation of the subdivision or portion thereof.

15 B. Applications for vacations of county roads may be
16 processed pursuant to this chapter only when such road vacations
17 are proposed in conjunction with the vacation of the plat
18 together with the roads. Vacations limited to county roads only
19 shall be processed pursuant to R.C.W. Ch. 36.87. Regardless of
20 the process used, vacations of roads may not be made that are
21 prohibited under R.C.W. 36.87.130.

22 NEW SECTION. SECTION 7. There is added to K.C.C. Title 19 a
23 new section to read as follows:

24 Notice. A. Notice of a proposed subdivision alteration
25 shall be given by King County within ten days of determination of
26 application completeness by:

27 1. publication in a newspaper of general circulation in
28 the county and a newspaper of general circulation in the area of
29 the proposed alteration;

30 2. posting at least five signs or posters on or adjacent
31 to the subdivision to be altered in conspicuous locations
32 designed to provide public awareness of the proposal;
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1 3. mailing notification to agencies identified in R.C.W.
2 58.17.080; and

3 4. mailing notification to the owner(s) of each lot or
4 parcel of property located within the total subdivision to be
5 altered and to owners of property within three hundred feet of
6 the original subdivision.

7 B. Alteration application notice shall include the name of
8 the applicant and a general description of the proposed
9 alteration. The notice shall also contain a vicinity map of the
10 proposal, a general locational description rather than a legal
11 description, the procedures and deadline of not less than 14 days
12 from receipt of notice for filing comments or requests for public
13 hearings, a form to request subsequent division reports, and the
14 name of the responsible county official.

15 C. Separate mailed notice of alteration hearings as required
16 by Section 8 of this ordinance shall be made to all persons who
17 have submitted written comments during the comment period.
18 Hearing notices shall include a description of the time and place
19 of the public hearing with the items specified in paragraph B. of
20 this section.

21 D. Vacation application notice shall be made as set forth
22 for preliminary subdivision applications in K.C.C. 19.36.050.

23 NEW SECTION. SECTION 8. There is added to K.C.C. Title 19 a
24 new section to read as follows:

25 Public hearings. A. A public hearing shall be required for
26 subdivision alteration proposals if requested by any person
27 within the fourteen day public comment period or if the division
28 determines that a public hearing is in the public interest. In
29 cases where public hearings are required, the division shall
30 refer the application to the zoning and subdivision examiner for
31 consideration pursuant to K.C.C. 20.24.070 and R.C.W. 58.17.330.
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1 B. All subdivision vacation applications shall be referred
2 to the zoning and subdivision examiner for public hearing and
3 consideration pursuant to K.C.C. 20.24.070.

4 NEW SECTION. SECTION 9. There is added to K.C.C. Title 19 a
5 new section to read as follows:

6 Findings and recommendations. A. Following any public
7 hearing required by Section 8 of this ordinance, the zoning and
8 subdivision examiner shall determine if the proposed alteration
9 or vacation is consistent with the required findings of Section
10 16 of this ordinance. If the proposal is found to serve such
11 purposes, the examiner may recommend that the council approve the
12 application.

13 B. If a public hearing is not requested for an alteration
14 application, the division shall make the same findings and
15 recommendations as set forth in subsection A of this section
16 directly to the council.

17 C. The council shall make findings and take actions as set
18 forth for subdivisions in Sections 17 and 18 and shall deny or
19 approve the alteration or vacation accordingly.

20 NEW SECTION. SECTION 10. There is added to K.C.C. Title 19
21 a new section to read as follows:

22 Approved alterations and vacations. A. After approval of an
23 alteration, the council shall order the applicant to produce a
24 revised drawing of the approved alteration of the final plat, to
25 be processed in the same manner as set forth for final plats in
26 K.C.C. 19.32. All persons with an ownership or security interest
27 in property to be altered must sign the altered plat.

28 B. Altered plats shall only alter or supersede the original
29 plat in the specific ways approved by the council.

30 C. Vacations shall be processed in accordance with the
31 provisions of R.C.W. 58.17.212.
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1 NEW SECTION 11. Resolution 11048, Section I (part), as
2 amended, and K.C.C. 19.04.320 are each hereby repealed and the
3 following is substituted:

4 Subdivision. "Subdivision" is the division or redivision of
5 land into two or more lots for the purpose of sale, lease or
6 transfer of ownership, except as provided by the short
7 subdivision of two to four lots.

8 SECTION 12. Resolution 11048, Section (I) (part) and K.C.C.
9 19.04.230 are each hereby repealed and the following is
10 substituted:

11 Plat, preliminary. A "preliminary plat" is an accurate
12 drawing of a proposed subdivision showing the general layout of
13 streets and alleys, lots, tracts, and other elements of a
14 subdivision consistent with the requirements of this title and
15 R.C.W. 58.17, Plats-Subdivisions-Dedications. The preliminary
16 plat shall be the basis for the approval or disapproval of the
17 subdivision's general layout.

18 SECTION 13. Ordinance 4308, Section 4 and K.C.C. 19.08.280
19 are each hereby repealed.

20 SECTION 14. Resolution 11048, Section IVA(1), as amended,
21 and K.C.C. 19.28.010 are each hereby repealed.

22 SECTION 15. Ordinance 9043 is hereby repealed.

23 NEW SECTION. SECTION 16. There is added to K.C.C. 20.24 a
24 new section to read as follows:

25 Additional examiner findings - preliminary plats. When the
26 examiner issues a recommendation regarding an application for a
27 proposed preliminary plat, the recommendation shall include
28 additional findings as to whether:

29 A. Appropriate provisions are made for the public health,
30 safety, and general welfare and for such open spaces, drainage
31 ways, streets or roads, alleys, other public ways, transit stops,
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1 potable water supplies, sanitary wastes, parks and recreation,
2 playgrounds, schools and schoolgrounds and all other relevant
3 facts, including sidewalks and other planning features that
4 assure safe walking conditions for students who only walk to and
5 from school; and

6 B. The public use and interest will be served by the
7 platting of such subdivision and dedication.

8 SECTION 17. Ordinance 263, Article 5, Section 18, as
9 amended, and K.C.C. 20.24.230 are each hereby amended to read as
10 follows:

11 Council action. The council shall take final action on any
12 recommendation of the examiner by ordinance and when so doing, it
13 shall make and enter findings of fact and conclusions from the
14 record which support its action. Said findings and conclusions
15 shall set forth and demonstrate the manner in which the action is
16 consistent with, carries out and helps implement applicable state
17 laws and regulations and the regulations, policies, objectives
18 and goals of the comprehensive plan, the community plans, the
19 sewerage general plan, the zoning code, the subdivision code and
20 other official laws, policies and objectives for the development
21 of King County. The council may adopt as its own all or portions
22 of the examiner's findings and conclusions.

23 Any ordinance may contain conditions regarding the manner of
24 development or other aspects regarding use of the property
25 including but not limited to dedication of land, provision of
26 public improvements to serve the subdivision, and/or impact fees
27 authorized by RCW 82.02.

28 Any ordinance also may contain reasonable conditions which
29 must be satisfied before the ordinance becomes effective and the
30 official zoning maps shall not be amended until said conditions
31 have been satisfied; provided, the ordinance shall also designate
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1 the time period within which any such conditions must be
2 satisfied. All authority pursuant to such ordinance shall expire
3 if any of said conditions are not satisfied within the designated
4 time period and the property shall continue to be subject to all
5 laws, regulations and zoning as if the ordinance had not been
6 adopted; provided, the council may extend the period for
7 satisfaction of said conditions if after a public hearing by the
8 examiner the council finds an extension will be in the public
9 interest and the extension was requested by applicant within the
10 initial time period. As an alternative to the adoption of an
11 ordinance containing conditions, the council may adopt an
12 ordinance subject to the execution of a concomitant agreement
13 between the county and the applicant regarding the manner of
14 development of the property, any required improvements or any
15 aspect regarding use of the property.

16 NEW SECTION. SECTION 18. There is added to K.C.C. 20.24 a
17 new section to read as follows:

18 Council findings - preliminary plats. A. In addition to the
19 provisions of K.C.C. 20.24.230 the council shall not approve a
20 proposed subdivision and dedication unless it finds that:

21 1. Appropriate provisions are made for the public health,
22 safety, and general welfare and for such open spaces, drainage
23 ways, streets or roads, alleys, other public ways, transit stops,
24 potable water supplies, sanitary wastes, parks and recreation,
25 playgrounds, schools and schoolgrounds and all other relevant
26 facts, including sidewalks and other planning features that
27 assure safe walking conditions for students who only walk to and
28 from school; and

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

1 B. If it finds that the proposed subdivision and dedication
2 make such appropriate provisions and that the public use and
3 interest will be served, then the council shall approve the
4 proposed subdivision and dedication. Dedication of land to any
5 public body, provision of public improvements to serve the
6 subdivision, and/or impact fees may be required as a condition of
7 subdivision approval. Dedications shall be clearly shown on the
8 final plat.

9 The council may adopt as its own all or portions of the
10 examiner's findings and conclusions.

11 NEW SECTION. SECTION 19. There is added to K.C.C. 19.36 a
12 new section to read as follows:

13 Material errors. Applications found to contain and be based
14 on material errors shall be deemed withdrawn and subsequent
15 resubmittals shall be treated as new applications.

16 NEW SECTION. SECTION 20. There is added to K.C.C. 19.36 a
17 new section to read as follows:

18 Errors, Omissions, Corrections to Final Plats - Council
19 Proceedings.

20 Final plats approved and signed by the division manager and
21 submitted to the clerk of the council for adoption by the County
22 Council shall be placed on the Council agenda and acted upon no
23 later than ten (10) days after receipt by the Clerk of the
24 Council. Upon signature of the division manager accompanied by a
25 recommendation for approval, said final plat shall be approved.
26 Errors found during the review process that are considered
27 willful and deliberate misrepresentations shall result in the
28 plat being withdrawn and subsequent resubmittals shall be treated
29 as new final plat applications.

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NEW SECTION. SECTION 21. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the provision to other persons or circumstances shall not be affected.

INTRODUCED AND READ for the first time this 23rd day of April, 1990.

PASSED this 23rd day of July, 1990.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Lois North
Chair

ATTEST:

Gerald A. Pitzer
Clerk of the Council

APPROVED this 6th day of August, 1990.

Jim Hill
King County Executive