

ORDINANCE NO. **10691**

AN ORDINANCE relating to road vacation hearing, appeals, and compensation; amending Ordinance 129, Sections 1, 2, and 3 as amended and K.C.C. 14.40.015, .020, and .030; Ordinance 4461, Sections 1 and 3, as amended, and K.C.C. 20.24.070 and .090. and adding a new section.

PREAMBLE:

R.C.W. 36.87.060 provides the authority for the council of King County to appoint a hearing officer to conduct a public hearing to consider the report of the county road engineer and to take testimony and evidence concerning proposed road vacations. R.C.W. 36.87.060 further states that said hearing officer will prepare a report and make recommendations to the council on the proposed road vacation.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1: Ordinance 129, Section 1, as amended, and K.C.C. 14.40.015 are each hereby amended to read as follows:

Procedure.

A. The ((King County council)) zoning and subdivision examiner shall ((continue to)) hold public hearings on vacations which have been recommended for approval by the department of public works, and provide a recommendation to the King County council, as prescribed by RCW 36.87.060.

B. In the event the report by the department ((s report)) of public works recommends denial of the vacation petition, the following shall be the operating procedure:

1. Written notification shall be transmitted to the petitioner by the department of public works citing the rationale for the denial and indicating that the denial may be appealed to the zoning and subdivision examiner for hearing and recommendation to the council. A copy of the notice of denial shall be filed with the council clerk's office.

1 2. The notice of denial shall be final unless the petitioner
 2 files a written appeal including a two hundred dollar
 3 administrative fee with the council clerk within thirty calendar
 4 days of the issuance of the notice of denial. The petitioner's
 5 written appeal shall specify the basis for the appeal and any
 6 arguments in support of the appeal.

7 3. Any appeal filed by a petitioner shall be processed by
 8 the ~~((county council))~~ zoning and subdivision examiner in the
 9 same manner as vacations recommended for approval.

10 SECTION 2. Ordinance 129, Section 2, as amended, and K.C.C.
 11 14.40.020 are each hereby amended to read as follows:

12 Amount.

13 The amount of compensation, if required in this chapter, shall
 14 be recommended by the zoning and subdivision examiner and shall
 15 be determined by the council according to the following criteria:

16 A. Vacation of all county roads included in classes A
 17 ~~((and)),~~ B, and C, if granted, shall require compensation at the
 18 full appraised value of the vacated road for class A vacations
 19 ~~((and));~~ at 75% of the full appraised value for class B
 20 vacations; and at 50% of full appraised value for class C
 21 vacations as of the effective date of the vacation, which amount,
 22 for the purposes of this chapter, may be determined from the
 23 records of the department of assessments;

24 ~~((p))~~ Provided that the zoning and subdivision examiner may
 25 propose and the council shall have the authority to accept real
 26 property of equal or greater value in lieu of cash compensation.
 27 The council shall have the authority to waive some or all of the
 28 compensation, except two hundred dollars administrative costs for
 29 processing the vacation of a county road, where the petitioner is
 30 providing an alternative road to the county of equal or greater
 31 value and said alternative will fulfill the public purposes of
 32 the previous transportation circulation plan.

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1 B. Vacation of all county roads included in (~~class C, if~~
 2 ~~granted shall require compensation at 50% of the full appraised~~
 3 ~~value as of the effective date of the vacation, which amount, for~~
 4 ~~the purposes of this chapter, may be determined from the records~~
 5 ~~of the department of assessments and~~) Class D or those roads
 6 vacated by operation of law under the laws of 1889-1890 and
 7 affirmed by council action, if granted, shall require a two
 8 hundred dollar fee as compensation for the administrative costs
 9 of the vacation.

10 C. In the recommendation to the council pursuant to K.C.C.
 11 20.24.070, the zoning and subdivision examiner may recommend the
 12 acceptance of real property of equal or greater value in lieu of
 13 cash compensation, or may recommend the waiver of some or all of
 14 the compensation required by this section.

15 D. When a road is vacated for a governmental agency,
 16 compensation shall be in accordance with the classification of
 17 the road, except that some or all of the compensation may be
 18 waived at the discretion of the council.

19 (~~D.~~)E. The council may waive some or all of the
 20 compensation for any classification of road, if it determines
 21 that it would benefit King County to do so.

22 SECTION 3. Ordinance 4461, Section 1, as amended, and K.C.C.
 23 20.24.070 are each hereby amended, to read as follows:

24 Recommendations to the council.

25 A. The examiner shall receive and examine available
 26 information, conduct public hearings and prepare records and
 27 reports thereof and issue recommendations to the council based
 28 upon findings and conclusions in the following cases:

- 29 1. Applications for reclassifications of property;
- 30 2. Applications for unclassified use permits;
- 31 3. Applications for planned unit developments;

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1 4. Applications for preliminary plats; including those
2 variance decisions made by the road engineer pursuant to K.C.C.
3 14.42.060 with regard to road circulation in the subject
4 preliminary plat proposal;

5 5. Applications for shoreline environment redesignations;

6 6. Applications for boundary adjustments of local sewer
7 service areas in accordance with the county sewerage general
8 plan, Ordinance 4035, Chapter 6, required for development
9 proposals including but not limited to short subdivisions and
10 building permits, which seek or need sewer service but are
11 located outside of existing designated local sewer service areas;

12 7. Applications for agricultural land variances;

13 8. Applications for review of designations of agricultural
14 lands of county significance of King County agricultural
15 districts;

16 9. Applications to revise the boundaries of agricultural
17 lands of county significance;

18 10. Applications for current use assessment on open space or
19 timber lands except as provided in Section 20.36.090;

20 11. Appeals from denials by the county assessor of
21 applications for current use assessments on farm and agricultural
22 lands;

23 12. Appeals from decisions regarding residential condominium
24 binding site plan applications pursuant to Section 19.34.050;

25 13. Applications for a public agency exception pursuant to
26 K.C.C. 21.54.050;

27 14. Applications for the vacation of county roads;

28 15. Appeals of a recommendation by the department of public
29 works to deny the petition for vacation of a county road;

30 16. Appeals of a recommendation by the department of public
31 works of the compensation amount to be paid for vacation of a
32 county road;
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1 17. Other applications or appeals which the council may
2 prescribe by ordinance.

3 B. The examiner's recommendation may be to grant or deny the
4 application or appeal, or the examiner may recommend that the
5 council adopt the application or appeal with such conditions,
6 modifications and restrictions as the examiner finds necessary to
7 make the application reasonably compatible with the environment
8 and carry out applicable state laws and regulations and the
9 regulations, policies, objectives and goals of the comprehensive
10 plan, the community plans, the sewerage general plan, the zoning
11 code, the subdivision code and other official laws, policies and
12 objectives of King County.

13 SECTION 4. Ordinance 4461, Section 3, as amended, and K.C.C.
14 20.24.090 are each hereby amended to read as follows:

15 Notice of appeal to examiner - Contents. All notices of appeal
16 regarding any decision being appealed to the zoning and
17 subdivision examiner pursuant to this chapter shall be filed with
18 the county department or division issuing the original decision
19 within ten calendar days from the date of issuance of such
20 decisions except as follows:

21 A. (~~(A)~~) Notices of appeal of state environmental policy act
22 threshold determinations shall be filed within fifteen days of
23 the lead agency determination(~~(A)~~); and

24 B. Notices of appeal of the recommendation to deny vacation
25 of a county road by the department of public works shall be filed
26 along with the required two hundred dollar administrative fee
27 with the clerk of the county council within thirty days of an
28 issuance of said denial.

29 All notices of appeal shall state with specificity the decision
30 being appealed and the reasons why the appealed decision should
31 be reversed or modified.
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1 SECTION 5. Ordinance 129, Section 3, as amended, and K.C.C.
2 14.40.030 are each hereby amended to read as follows:

3 Condition precedent. The compensation determined to be paid
4 shall be a condition precedent to the vacation of any county road
5 and shall be paid to King County by petitioner within ninety days
6 of ~~((the recommendation by the county executive for passage of~~
7 ~~the specific ordinance pertaining to such vacated road))~~ receipt
8 of the request for compensation prepared in accordance with
9 K.C.C. 14.40.020. In the event of failure of the petitioner to
10 pay such sum within ninety days, the petition for vacation shall
11 be denied except that if a road proposed for vacation is bordered
12 by more than one parcel of property and if the owners of some ,
13 but not all, of those parcels want to have those portions
14 abutting their properties vacated and are willing to pay their
15 prorated share of the required compensation, the department of
16 public works may so modify the vacation request.

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1 NEW SECTION SECTION 6. Road vacation petitions,
 2 recommendations, and appeals that have not been introduced by the
 3 King County council for review and action as of the effective
 4 date of this ordinance, shall be subject to the hearing process
 5 before the zoning and subdivision examiner. Road vacations or
 6 appeals of denials which have been introduced as ordinances by
 7 the council as of the effective date of this ordinance may be
 8 referred to the zoning and subdivision examiner for
 9 recommendation by motion of the council.

10 INTRODUCED AND READ for the first time this 17th day of
 11 August, 1992.

12 PASSED this 21st day of December, 1992

13 KING COUNTY COUNCIL
 14 KING COUNTY, WASHINGTON

15 Audrey Guger
 16 Chair

17 ATTEST:

18 Donald A. Peterson
 19 Clerk of the Council

20 APPROVED this 30TH day of December, 1992.

21 Don Hill
 22 King County Executive

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