

1 August 3, 1981

Introduced by: GRANT  
Proposed No.: 81-152

3 ORDINANCE NO. 5596

4 AN ORDINANCE relating to subdivisions;  
5 establishing a land dedication or  
6 reservation requirement to provide for parks  
7 and open space; providing for park development  
8 fee-in-lieu of land under certain conditions;  
9 setting fee levels; adding new definitions to  
10 KCC 19.04; and adding a new chapter to KCC  
11 Title 19.

12 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

13 SECTION 1. Findings and Purpose.

14 A. The King County Council finds that:

15 1. There exists in King County a general and increasing  
16 need for parks, open spaces and recreational facilities to serve  
17 the expanding population of the County.

18 2. The need for parks, open space and recreational  
19 facilities is acute at the neighborhood level due to population  
20 increases from new subdivisions.

21 3. R.C.W. 58.17.110 requires that local governments make  
22 appropriate provision for the establishment of parks, open spaces  
23 and playgrounds at the time it considers approval of proposed  
24 subdivisions.

25 4. A system of requiring dedication or reservation of  
26 suitable land for neighborhood parks, open space and recreational  
27 facilities or payment of a fee-in-lieu of such dedication or  
28 reservation, will more equitably and directly address the need.

29 5. The establishment of park service areas, roughly  
30 equivalent to elementary school boundaries, is necessary for the  
31 purpose of defining areas within which land and fees will be  
32 accepted and utilized in meeting neighborhood park, open space  
33 and recreational needs.

B. Consistent with the findings above, the purposes of this

1 Ordinance are:

2 1. To insure the general health, safety and welfare of  
3 the citizens of King County when considering the approval of new  
4 subdivisions; and,

5 2. To establish a means of creating and enhancing  
6 neighborhood parks, open spaces and recreational facilities  
7 correspondent with the needs created by residential development;

8 3. To distribute equitably the cost of providing such  
9 parks, open spaces and recreational facilities; and,

10 4. To mitigate any adverse impacts on neighborhoods  
11 without adequate parks, open spaces and recreational facilities  
12 when approving new residential development.

13 SECTION 2. Definitions. There are added eight new  
14 definitions to KCC 19.04.

15 A. ACTIVE RECREATION. "Active recreation" shall mean and  
16 include all outdoor recreational activities which involve field  
17 and court games, such as, but not limited to football, soccer,  
18 rugby, tennis, baseball, and softball.

19 B. DEDICATION. "Dedication" shall mean a conveyance of  
20 land to King County or another municipal corporation or public  
21 agency where the owner of the land transfers it to some public  
22 use through a clause or covenant in a deed or some other  
23 instrument of conveyance or on a duly filed plat.

24 C. DEVELOPER. "Developer" shall mean any person, firm,  
25 partnership, association, joint venture or corporation or any  
26 other entity or combination of entities or successors thereto who  
27 undertakes to subdivide for the purpose of resale and commercial  
28 profit.

29 D. HOMEOWNERS' ASSOCIATION. "Homeowners' Association"  
30 shall mean any combination or grouping of persons or any  
31 association, corporation or other entity which represents  
32 homeowners residing in a short subdivision or subdivision;  
33 provided, that a homeowners' association need not have any

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1 official status as a separate legal entity under the laws of the  
2 State of Washington.

3 E. RESERVATION. "Reservation" shall mean the act by which  
4 the grantor of land creates and reserves to a homeowners'  
5 association, through a clause or covenant in a deed or some other  
6 instrument of conveyance or on a duly filed plat map, some right  
7 or interest which had no previous existence as such.

8 F. PARK SERVICE AREA. An area roughly approximate to  
9 elementary school boundaries, to be established by the Department  
10 of Planning and Community Development, within which reservation  
11 or dedication of land and fees are received from new residential  
12 developments and utilized for the creation and enhancement of  
13 parks, open spaces and recreational facilities for the benefit of  
14 residents within the service area.

15 G. NEIGHBORHOOD PARK. A small park of 5 to 10 acres in  
16 size which is designed to serve the open space and recreational  
17 needs of the immediately surrounding residents within a radius of  
18 approximately one-half to one mile.

19 H. ACRES TEN. "Ten acres" means ten acres or  
20 one-sixty-fourth of the section in which the property is located,  
21 including, in addition, up to thirty feet, but no more than  
22 one-half of the right-of-way of any perimeter public street.

23 SECTION 3. There is added a new chapter to KCC Title 19  
24 entitled Land Dedication or Reservation for Parks and Open Space  
25 or Fee-in-lieu thereof to include Sections 4 through 14 of this  
26 Ordinance.

27 SECTION 4. Reservation, Dedication or Fee Required. Every  
28 subdivision final approval within any zone designated as RS, SR,  
29 RD, RT, or RM by the King County Zoning Code, KCC Title 21, shall  
30 be contingent upon reservation or dedication of land for the open  
31 space and recreational needs of its residents or payment of a  
32 Fee-in-lieu thereof. The developer may either reserve or  
33 dedicate land, or make payment of a fee-in-lieu thereof pursuant

1 to this Ordinance. This requirement is separate and apart from  
2 any open space requirement resulting from the lot averaging  
3 provisions of the King County Zoning Code, KCC Title 21. This  
4 Ordinance shall not apply to lots of 35,000 square feet and over  
5 in size, shall not apply to planned unit developments, and shall  
6 not apply to subdivisions of less than ten acres.

7 SECTION 5. Criteria for Reservation or Dedication of Land.

8 The following criteria shall serve as a basis for determining  
9 whether a piece of land proposed for dedication or reservation is  
10 of sufficient size, character and quality to meet the intent of  
11 this Ordinance:

12 A. The proposed area for dedication or reservation shall be  
13 located either within or outside of the subdivision for which it  
14 is required, but must be within the same park service area in  
15 which the subdivision is located, or within a reasonable number  
16 of feet of the subject subdivision.

17 B. All lots within the related subdivision must have legal  
18 and convenient access to the proposed area for dedication or  
19 reservation, at the time of final plat approval.

20 C. The area proposed by the developer for dedication or  
21 reservation must consist of an amount equal or greater than the  
22 percentages set in Section 8.

23 D. The area of proposed dedication or reservation must have  
24 a street frontage equal to at least 20% of its perimeter to allow  
25 for regular observation of play areas by residents of the  
26 subdivision. Alternative design measures that accomplish the  
27 same purpose of security may be approved by the Department of  
28 Planning and Community Development.

29 E. When new areas are proposed for dedication or  
30 reservation it may be required that they be located adjacent to  
31 or contiguous with any other established or approved open spaces  
32 or recreation areas in adjacent subdivisions in order to increase  
33 the overall benefits to the neighborhood.

1 F. The topography, soils, hydrography and other physical  
2 characteristics of the area proposed for dedication or  
3 reservation shall be of such quality as to create a flat, dry,  
4 obstacle-free space (as defined by KCC 21.08.050), on at least  
5 50% of the total required area in a configuration which allows  
6 for active recreation. The remainder of the required area may  
7 include sensitive environmental features, preservation of which  
8 is consistent with the comprehensive plan or KCC 21.54.

9 G. In case of the site being reserved, responsibility for  
10 maintenance and operation of the recreational facilities shall be  
11 assumed by separate entity, such as a homeowners' association or  
12 other competent private organization, which demonstrates to the  
13 satisfaction of the King County Parks Division that it has the  
14 capability for long-term maintenance and operation of such  
15 facilities.

16 H. In the case of the site being dedicated to King County,  
17 the following additional criteria shall be met:

18 1. The site shall be adjacent to an existing or proposed  
19 County park site and shall be consistent with the park program  
20 for the site; or

21 2. The characteristics and location of the site make it  
22 suitable for future inclusion into the King County Park system as  
23 a local park; or

24 3. The site is being preserved for valuable or sensitive  
25 environmental features which require management expertise beyond  
26 the capacity of a homeowners' association or other private  
27 organization; or

28 4. The Department of Planning and Community Development  
29 concludes that dedication of the site for the selected purpose  
30 furthers one or more comprehensive plan policies contained in KCC  
31 20.12 dealing with the open space element, steep slopes as open  
32 space, wetlands as open space, agricultural lands as open space,  
33 wildlife habitat as open space, and heritage sites as open space.

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1            SECTION 6. Stormwater Runoff Detention Ponds. Stormwater  
2 runoff detention ponds (KCC 20.50) may be allowed by the County,  
3 as part of dedicated or reserved open space, subject to the  
4 following criteria;

5            A. 50% of the required area of dedication or reservation  
6 shall be usable for active recreation pursuant to Section 5,  
7 Subsection F, excluding the detention facility and the access to  
8 it; and

9            B. The detention pond shall be constructed so as to drain  
10 fully when precipitation is not occurring (i.e., no standing  
11 water may be left) and shall meet the following conditions:

12            1. Oil separators shall be installed in the road drainage  
13 system to prevent oil-contaminated runoff from reaching the  
14 detention pond; and

15            2. The side slope of the detention pond shall not exceed  
16 33% unless slopes are existing, natural and covered with  
17 vegetation; and

18            3. A bypass system shall be installed so as to prevent  
19 water from passing through the open basin except during peak  
20 design flows, i.e., during the 5-year or 10-year peak storm.

21            4. If detention facilities are located adjacent to or  
22 near a natural, year-round stream or wetland, these systems shall  
23 be left in natural or near-natural condition.

24            5. The detention area shall be covered with a type of  
25 vegetation which is both aesthetic and able to withstand the  
26 inundation expected; and

27            6. Use of a reserved or dedicated open space area for  
28 storm water detention shall not be acceptable if the detention  
29 area must be fenced or otherwise rendered unsuitable or  
30 unavailable for recreation use during dry weather; and

31            7. In the case of joint use of open space for detention  
32 and recreation, the King County Department of Public Works shall  
33 be responsible for maintenance of the detention facilities only

1 and may require an access easement for that purpose.

2 SECTION 7. Responsibilities of a Developer. If the  
3 developer reserves or dedicates land within a proposed  
4 subdivision, the developer shall, in addition to any other  
5 responsibilities imposed by this Ordinance, be responsible for  
6 removal of all construction debris and hazards such as dead  
7 trees. The developer may be required to rough grade a portion of  
8 the site suitable for a playing field, should such an area exist;  
9 place such signs as directed by the Parks Division; and/or  
10 establish or improve such trails as directed by the Parks  
11 Division.

12 SECTION 8. Amount of Land to be Dedicated or Reserved.  
13 Within any zone designated as RS, RD, RT, RM, or SR by the King  
14 County Zoning Code, developers who dedicate or reserve open space  
15 shall set aside property being subdivided, according to the  
16 following percentages of gross land area:

17	RD/RT/RM	5.5%
18	RS/SR 5,000	5.5%
19	RS/SR 7,200	5.25%
20	RS/SR 9,600	5.00%
21	RS/SR 15,000	5.00%

22 In the event the subdivision encompasses land having more  
23 than one zone classification, the percentage to be applied to the  
24 subdivision shall be the area weighted average of the percentages  
25 required for the applicable zone classifications.

26 SECTION 9. Park Development Fee-in-Lieu of Open Space.  
27 Unless land within a proposed subdivision is dedicated or  
28 reserved in accordance with Sections 5 through 8 of this  
29 Ordinance, final approval of the subdivision shall be contingent  
30 upon payment of a park development fee from the developer to King  
31 County. The fee so collected shall be appropriated only for  
32 acquisition and development of open space, park sites and  
33 recreational facilities within the park service area wherein the

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1 proposed subdivision is located. Such acquisition and  
2 development shall be consistent with any applicable Community  
3 Plan. Expenditure of such fees shall only be through capital  
4 budget and program appropriations by the County Council. Fees  
5 collected within a park service area must be allocated to a  
6 specific neighborhood park, open space, or recreation project  
7 within three years of fee acceptance.

8 SECTION 10. Computation of Fee. The fee-in-lieu of  
9 reservation or dedication for open space and parks in  
10 subdivisions shall be determined by multiplying the following two  
11 factors:

12 A. 150 percent of the average assessed value per unit area  
13 of land within the boundaries of the subdivision; and

14 B. The gross land area within the subdivision multiplied  
15 by percentages set forth in Section 8.

16 The average assessed value shall be that for the year in  
17 which the subdivision is granted preliminary approval.

18 Computations shall be based on King County Assessor information.

19 SECTION 11. Equivalent Facilities. Whenever a developer  
20 chooses to set aside land within a subdivision, which in whole or  
21 part does not meet all the criteria for reservation or dedication  
22 in Section 5, the developer may propose to improve such land by  
23 grading, filling, landscaping, or with installation of recreation  
24 equipment so as to be equivalent in result to the intent of this  
25 Ordinance. The determination as to whether a developer's  
26 proposal to improve a piece of land is equivalent to the open  
27 space requirement or fee-in-lieu of such requirement, shall be  
28 made solely by the Parks Division according to the following  
29 guidelines:

30 A. The proposed land and improvement should be generally  
31 equivalent to or greater than the value of the land or fee  
32 otherwise required.

33 B. The proposed land and improvements must create



1 recreational opportunities for the residents within the  
2 subdivision and immediately around it.

3 C. The proposed land and improvements must not result in  
4 significant disturbance or alteration of a sensitive area, unless  
5 another approval has already been given for such disturbance or  
6 alteration.

7 D. The proposed land and improvements must be given to a  
8 homeowners' association to insure continuing maintenance of them,  
9 unless, dedication is specifically requested by the Parks  
10 Division.

11 SECTION 12. Administration. The Director of the Department  
12 of Planning and Community Development is authorized to promulgate  
13 and adopt administrative rules and regulations, including the  
14 establishment of park service areas, under the procedures  
15 specified in KCC Chapter 2.98, for the purpose of implementing  
16 and enforcing the provisions of this Ordinance.

17 SECTION 13. Severability. Should any section, subsection,  
18 paragraph, sentence, clause or phrase of this Ordinance be  
19 declared unconstitutional or invalid for any reason, such  
20 decision shall not affect the validity of the remaining portion  
21 of this Ordinance.

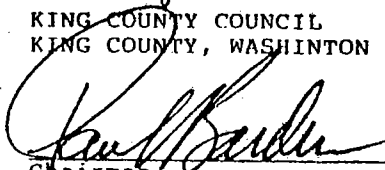
22 SECTION 14. Applicability. The provisions of this  
23 Ordinance shall apply only to subdivisions which will receive  
24 preliminary approval after the effective date of this Ordinance;  
25 provided, that for subdivisions which have received preliminary  
26 approval prior to the effective date of this Ordinance, and for  
27 which an open space assessment was established, the developer may  
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1 choose to pay a fee-in-lieu of dedication or reservation of land  
2 in accordance with Section 8 and 9.

3 INTRODUCED AND READ for the first time this 16th day  
4 of March, 19 31.

5 PASSED THIS 3rd day of August, 19 31.

6 KING COUNTY COUNCIL  
7 KING COUNTY, WASHINGTON

8   
9 Chairman

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11 ATTEST:

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14 DEPUTY Clerk of The Council

15 APPROVED this 12th day of August, 19 31

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18 King County Executive

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