

Ordinance No. 849

Interim Regulations for Plat Alterations



RCW 58.17.170 Approval

- A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval
- Language on the face of the final plat, imposing specific conditions on future development (setbacks, lots or building size, limitation on future division, language restricting uses (unless contrary to public policy) is controlling and binding upon a local government - the “Plat Restrictions” - *Jones v. Town of Hunts Point (2011)*
- A final plat is considered a final recorded document with binding effect

RESTRICTIONS

ALL LOTS IN THIS PLAT ARE RESTRICTED TO R-1 (RESIDENCE) USE AND NO PORTION OF A LOT RESTRICTED TO R-1 USE SHALL BE DIVIDED AND SOLD, OR OWNERSHIP CHANGED OR TRANSFERRED, WHEREBY THE OWNERSHIP OF SAID LOTS SHALL BE LESS THAN 7200 SQ. FT., AND LESS THAN 60 FT. BUILDING LINE, AND SUBJECT FURTHER TO THE PROVISIONS OF KING COUNTY ZONING RESOLUTION No. 6094 AND SUBSEQUENT AMENDMENTS THERETO.

RESTRICTIONS

ONLY SINGLE DETACHED RESIDENCE COSTING NOT LESS THAN \$2000 TOGETHER WITH GARAGES MAY BE ERECTED UPON THESE TRACTS, PROVIDED, NO RESIDENCE TOGETHER WITH GARAGE, MAY BE ERECTED UPON ANY AREA CONTAINING LESS THAN 10,000 SQUARE FEET. UNTIL SEWER CONNECTIONS ARE AVAILABLE, EACH RESIDENCE SHALL BE SERVED WITH A SEPTIC TANK. NO PART OF THE PROPERTY HEREBY PLATTED SHALL BE USED FOR TRADE, MANUFACTURE OR BUSINESS PURPOSES OF ANY KIND, BUT SHALL BE USED FOR RESIDENTIAL PURPOSES ONLY BY WHITE PERSONS, EXCEPT THAT SERVANTS, NOT OF THE WHITE RACE BUT ACTUALLY EMPLOYED BY WHITE OCCUPANT, MAY RESIDE ON SAID PROPERTY.

RESTRICTIONS.

No lot or portion of a lot in this plat shall be divided and sold, or re-sold, or ownership changed or transferred whereby the ownership of any portion of this plat shall be less than the area required for the use district stated on the plat. All lots in this plat are restricted to R-1 Residence District use governed by and subject to restrictions, rules and regulations of the County Zoning Resolution No. 11313 and subsequent changes thereto by official County Resolution.

Approval for septic tanks to be installed, according to specifications of the King County Health Department is required for each individual lot.

Examples of Plat Restrictions in Shoreline



RCW 58.17.215

Alteration of a Subdivision

- Provision applies when altering a subdivision or any part of a subdivision
- To approve the alteration need either a majority of property owners or all of the property owners, depending on what is being changed
- Notice must be sent to all property owners in the plat
- A public hearing is not required however, a person receiving notice may request a hearing within 14 days of receipt of notice
- The City Council may deny or approve a plat alteration

Authority for Interim Regulations

- RCW 35A.63.220 and 36.70A.390 allows interim zoning ordinance
- Enactment bypasses the Planning Commission
- Public Hearing must be held by City Council within 60 days of Ordinance 849's adoption
- Interim regulations can be effective for up to six months

Ordinance 849

- Sets public hearing for February 8, 2019
- Limits effectiveness to six months
- Directs Staff to refer the ordinance to the Planning Commission for recommendation on permanent regulations
- Amends Shoreline Municipal Code



New Plat Alteration Regulations

- Establishes a process for administrative approval of plat alterations based on RCW 58.17.215
- Director of Planning to issue decision unless a hearing has been requested; Director's determination can be appealed to City Hearing Examiner
- City Hearing Examiner to issue decision if a hearing has been requested or on an appeal; Hearing Examiner's determination can be appealed to Superior Court under LUPA
- Establishes an hourly rate fee for processing applications

Staff Recommendation

- Staff recommends adoption of Ordinance 849
- If Council has no concerns, place the ordinance on the December 10 consent calendar for adoption
- If Council has concerns for staff to address, those concerns will be address and staff will return on January 7, 2019 for possible ordinance adoption
- *Not addressed in Staff Report* - retroactive application to Dec 1, 2018