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ORDINANCE #59

AN ORDINANCE establishing regulations for plats, subdivisions and dedications within the City of Mercer Island, State of Washington, and providing for the administration and enforcement of these regulations, and repealing Section 1 (1) Ordinance #5.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
MERCER ISLAND:

SECTION 1. PURPOSE OF THESE REGULATIONS.

These regulations have been worked out in accordance with a comprehensive plan which the City of Mercer Island has adopted for its physical and other generally advantageous development, to implement such comprehensive plan insofar as such plan is intended to encourage the most appropriate use of land throughout the municipality, to lessen traffic congestion and accidents, to secure safety from fire, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to promote a coordinated development of the unbuilt areas, to encourage the formation of neighborhood or community units, to secure an appropriate allotment of land area in new developments for all the requirements of community life, to conserve and restore natural beauty and other natural resources, and to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements, all pursuant to Chapter 44, Laws of 1935, as amended, RCW 35.63. Also, and more specifically, these regulations are intended to control the form of plats, subdivisions and dedications to be filed, the minimum width of streets, the minimum lot or tract area, street arrangement, provisions for improvement of streets and public places and for water supply.

sewerage and other public services, and dedications of parks, playgrounds and other public places, all pursuant to Chapter 186, Laws of 1937, as amended, RCW 58.16, and Section 2341, Code 1961, RCW 58.10.040.

SECTION 2. DEFINITIONS.

LOCAL ACCESS STREET: A route which is primarily intended to provide access to abutting property from major and secondary arterial streets, and designed so as to discourage through traffic.

LOT: An area of land described by number, letter, metes or bounds, or other designation, as part of subdivided land.

MAJOR ARTERIAL STREET: A route which connects focal points of traffic interest within the city, or which provides communication with other communities or outlying areas, or which has relatively high traffic volume compared with other streets within the city.

PARCEL: Land held as a unit, regardless of whether platted or unplatted, and regardless of whether described on plats or in documents of title as one or several tracts, blocks, lots, parcels or portions thereof. Land is held as a unit of contiguous and beneficially owned or controlled by one person or by a group of affiliated persons (such as a marital community, or joint venture, or partnership, or a corporation and one or more of its subsidiaries, officers, directors or stockholders, etc.) acting together with respect to the land.

PERSON: A natural person; a juristic person, such as a corporation; or a combination of affiliated natural or juristic persons (such as a marital community, or joint venture, or partnership, or a corporation and one or more of its subsidiaries, officers, directors or stockholders, etc.) acting together with respect to land.

SECTION 10. LOCAL ACCESS STREET: A route which serves lesser points of traffic in, or near, the city, or which provides communication with outlying areas, is lesser degree than a major arterial street, or which serves to collect and distribute traffic between a major arterial street and local access streets.

STREETS: are "Local Access Street," "Major Arterial Street," and "Secondary Arterial Street."

SECTION 11. SUBDIVISION: The division of, or the act of dividing, a parcel of land into two or more lots for the purpose of transfer of ownership or building development, whether immediate or future.

SECTION 12. APPROVAL REQUIRED.

No person shall sell, or offer to sell, a part of a parcel, or otherwise subdivide a parcel, without first obtaining official approval as herein provided. The Building Official shall issue a building permit only if a subdivision complies with the provision of this and other applicable laws and ordinances.

SECTION 13. SUBDIVISION PROCEDURE FOR FOUR ACRES OR LESS, INTO FOUR OR LESS LOTS, AND WHICH DOES NOT INCLUDE DEDICATION OF PUBLIC STREET.

A. Application. A subdivision of a parcel containing four acres, or less, into four, or less, lots, and which does not include a dedication of a public street or highway, may be approved by a committee consisting of the City Planner, the City Engineer, and the City Building Official, upon the applicant's submission of:

1. State prints of a map or plot plan of the parcel showing:

(A) A legal description of the property to be subdivided.

(B) Name, address, and telephone number of person proposing to

subdivide.

- (C) Name and address of registered civil engineer or land surveyor, if any.
- (D) Scale of map (1" = 100' or 1" = 50'), date and North Point.
- (E) Legend of contours of topography, if submitted.
- (F) Lot lines, dimensions of lots, and area of lots.
- (G) Location of vehicular access.
- (H) Location of permanent buildings or structures, if any.
- (I) Location of existing or proposed easements.
- (J) Legal description of the proposed lots.

2. A King County Assessor's Quarter Section Map which includes the property to be subdivided.

B. Approval Procedure.

1. If the application complies with the Zoning Ordinance, the Arterial Street Plan, and the Comprehensive Plan and-----
2. If vehicular access at least ten feet wide is provided to all lots in the subdivision, and-----
3. If no hazards as set forth in Section 5 H 3 will be created by the subdivision then the subdivision shall be approved by the Committee. If any of these requirements, 1, 2, or 3, above, are not satisfied, the application shall be returned to the applicant. The applicant may then either modify the application to satisfy the requirements or apply to the Planning Commission for approval of the subdivision under other provisions of this Ordinance. The Committee shall ordinarily take action on subdivisions of this type within ten days of the date the application is filed.

C. Fees. The applicant shall pay a fee of \$9.00 for the first lot, plus \$1.00 a lot for each additional lot.

MORE, OR WHICH INCLUDES DEDICATION OF A PUBLIC STREET.

A. Preliminary Discussion. A person proposing to subdivide any parcel of more than four acres into any number of lots, or any parcel of any size into five lots or more, or any parcel of any size containing dedication of any part thereof as a public street or highway, shall, before filing any documents submit a tentative sketch in the form prescribed by Section 5 J 1 and discuss his¹/₂ proposal with the Planning Commission staff to eliminate features of the proposal which do not conform to these regulations, and shall proceed under this Section 5.

B. Filing of Preliminary Plat. After such discussion, the person proposing to subdivide shall apply for official approval by filing with the Planning Commission staff a preliminary plat of the proposed subdivision, accompanied by a filing fee of \$9.00 for the first lot, plus \$1.00 a lot for all other lots. The preliminary plat shall conform to the design standards prescribed by this Section and shall be in the form prescribed by Section 5 J 2.

C. Notice of Public Hearing. On receiving the preliminary plat, the Planning Commission staff shall cause not less than three notices of a public hearing thereon to be posted in conspicuous places on or near the land to be affected, not less than seven days before the hearing, which notices shall state the time and place of the hearing.

D. Action on Preliminary Plat. At the public hearing stated in the notice or at a later public hearing announced at such first public hearing, the Planning Commission shall approve or disapprove the preliminary plat or return it to the applicant for modification or correction. Approval may be subject to stated conditions. Whether conditions are stated or not, such approval shall be tentative, merely authorizing the applicant to submit a final plat in the form prescribed by Section 5 J 3. The final plat shall be recorded within twelve months

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after tentative approval of the preliminary plat. On application during the two month after such tentative approval, the Planning Commission may extend the deadline for recording the final plat by not more than a second twelve months. If the final plat has not been recorded within the original or extended deadline, the preliminary plat must again be submitted to the Planning Commission for approval.

E. Filing of Final Plat. Before the original or extended deadline for recording the final plat as set forth in Section 5 D above, the applicant may file with the Planning Commission the final plat of the proposed subdivision, in the form prescribed by Section 5 J 3. To secure official approval of the final plat, the applicant must submit proof that the conditions, if any, of the tentative approval, have been performed. In addition, the applicant shall deposit with the City Engineer an amount equal to the estimated cost of checking the final plat, as determined by the City Engineer, and a check payable to the City Auditor for recording the plat.

F. Checking Final Plat. On receiving the final plat, the City Engineer shall check the plat. All work done by the City Engineer in connection with checking, computing and correcting the plat, either in the field or in the office, shall be charged to the deposit. If during the process of checking the City Engineer finds that the cost of checking will exceed the estimated cost, the City Engineer shall notify the applicant to deposit an additional amount to cover the additional cost. After the City Engineer has completed checking the final plat, he shall sign it and send it to the Planning Commission with a letter stating that all requirements of these regulations have been complied with, and stating the final cost of checking.

G. Recording Final Plat. On receiving the final plat approved by the

City Engineer, the Planning Commission Staff shall cause the final plat to be approved by the Planning Commission, the City Council, the City Treasurer, and the County Treasurer, and shall file the plat for record. The applicant shall be refunded the balance of his deposit or charged for any cost of checking exceeding the deposit, as the case may be. After the final plat has been recorded, the original tracing shall be returned to the City Engineer and filed as the property of the City. The recording of the final plat with the County Auditor shall constitute the official approval of the subdivision, as required by law and by these regulations.

N. Subdivision Design Standards. Subdivisions shall be reviewed in accordance with the following standards:

1. Comprehensive Plan. The subdivision shall be consistent with the objectives of the Comprehensive Plan.

2. Public Improvements. The subdivision shall be reconciled so far as possible with current official plans for acquisition or development of arterial or other public streets, public buildings, park, playgrounds and other public improvements.

3. Control of Hazards. Where because of flood, bad drainage, steep slopes, rock formations or other causes, the subdivision of land may create hazards to the health, safety and welfare of, or inflict expense upon, residents or property owners within or adjoining the subdivision, or passers-by or other members of the public, or the State or the City or other municipal corporations performing public functions in the area, the Planning Commission shall allow such subdivision only on condition that the subdivision formulate adequate methods for control of such hazards, or give adequate security for damages which may result from the subdivision, or both

4. Rights of Way

(A) The width and location of rights of way for major arterial streets and secondary arterial streets shall be as set forth in the Arterial Street Plan and the Comprehensive Plan.

(B) Public local access streets shall have a minimum right of way width of 50 feet.

(C) Private local access streets which can serve property beyond the proposed subdivision shall have a minimum right of way width of 50 feet.

(D) Public or private local access streets in subdivision of land zones for multiple residential or duplex use shall have a minimum right of way width of 60 feet.

(E) Vehicular access at least ten feet wide shall be provided to all lots in the subdivision.

(F) Streets of the proposed subdivision shall connect with existing improved public streets, or with existing improved private streets subject to easements of way in favor of the land to be subdivided.

5. Street Standards. Minimum roadway widths, grades and curves, intersections, parking strips, off-street parking areas, storm drainage, and provisions for utilities within public or private right of way in 4 (A), 4 (B), 4 (C), and 4 (D), above, shall conform to the City standards as to designs, dimensions and construction materials.

6. Residential Blocks. Residential blocks shall be not more than 1320 feet long, and shall normally contain two tiers of lots. Where a block is over 660 feet long, the Planning Commission may require dedication to a 10-foot pedestrian way at or near the center thereof.

(A) The area width, depth and frontage of each residential lot shall conform to the requirements for the zone in which the lot is located. Any lot which is located in two or more zones shall conform to the requirements of the zone prescribing the largest area, the widest width and the deepest depth, unless the part of the lot within any one of the zones would conform to the requirements for that zone, excluding the remainder of the lot.

(B) Each side line of a lot shall be approximately perpendicular or radial to the center line of the street on which the lot fronts.

8. Optional Standards for Development of Two Acres or More

(A) The purpose of this subsection is to encourage subdivisions which provide for the retention of wooded and other natural areas and which otherwise provide for parks, playgrounds, or other non-commercial recreational areas for neighbor use and enjoyment.

(B) If the area to be subdivided is two acres or more, the applicant may, instead of following the foregoing requirements and the requirements of other City Ordinances as to the right of way, blocks and lots, adopt any arrangement of blocks, lots, rights of way, streets, parking areas, parks, playgrounds and other open spaces satisfactory to the Planning Commission as meeting the following standards:

(1) The use of the land in the subdivision shall be one permitted in the zone in which the subdivision is located.

(2) The number of lots shall not exceed the number which would otherwise be permitted within the area being platted, excluding areas occupied by streets.

(3) The lots may be of different areas but the average lot area shall not be less than 75 percent of the otherwise permitted in the zone in which the subdivision is located.

(4) Streets shall be designed to prevent through traffic, and to discourage traffic other than that of the residents of the subdivision and their visitors.

(5) An area suitable for a private park, playground or other recreational area, as determined by the Planning Commission, shall be set aside for such use. The right to use such park, playground or recreational area shall be granted to all property within the subdivision. In addition, there shall be conveyed to the public, to be exercised at the sole option of the city council, a right of entry if such area shall cease to be a private park, playground or other recreational area.

(6) The proposed arrangement of lots, streets, parking areas, parks, playgrounds, and other open spaces shall be compatible with the topography of the area being subdivided.

1. Provision of Site Improvements The proposed subdivision shall be provided with adequate improved streets storm drainage, water supply, and sewage disposal. Such provision shall not be made until after approval of the preliminary plat and shall be a condition precedent to official approval of the subdivision.

1. Streets and Storm Drainage After the preliminary plat has been approved, the person proposing to subdivide shall improve the streets shown thereon by grading, surfacing and drainage, to give all-weather access to all lots within the plat, and shall provide storm drainage in accordance with current city street specifications. Before commencing such improvement, the person proposing to subdivide shall submit to the City Engineer profiles of the proposed streets, drainage plans and right of way section drawings. Such profiles, plans and drawings, and the conduct of the improvement itself, shall be subject to the supervision and approval of the City Engineer.

2. Water Supply and Sewage Disposal The land proposed to be subdivided shall be provided with or suitable to be provided with public or private systems of water supply and sewage disposal according to the methods approved by the City Health Officer.

3. Bond in lieu of Improvements. In lieu of making the improvements required by these regulations prior to official approval of a subdivision becoming effective, the person proposing to subdivide may deposit with the City a performance bond, in a penal sum equal to the estimated cost of completing the improvements as determined by the City Engineer, conditioned on the completion of the improvements, including setting of the required survey monuments, to the satisfaction of the City Engineer within one year from the date when official approval of the subdivision becomes effective, except in instances where a local improvement district has been created for the required improvements.

J.. The Tentative Sketch. The tentative sketch shall be an up-to-date County Assessor's quarter section map or maps of the area being platted, showing the boundaries of the area being platted and the boundaries of proposed blocks, lots, rights of way, streets, parking areas, parks, playgrounds and other open spaces.

2. The Preliminary Plat.

(A) FILING. Eight prints of the preliminary plat of the proposed subdivision shall be submitted. The preliminary plat of the proposed subdivision shall be drawn to scale 1" = 100' or less. All the maps required under this heading shall be 8½" by 11" or multiples thereof.

(B) DATA TO BE SHOWN

(1) IDENTIFICATION AND DESCRIPTION

- (a) Name of the proposed subdivision.
- (b) A description of property platted which shall be sufficient to identify the property on County Assessor's quarter section map.
- (c) Name and address of person proposing to subdivide.

(d) Name and address of registered civil engineer or land surveyor, if any.

(e) Scale of plat, date and North point.

(f) Legend as to contours of topography, if furnished.

(g) Source of water supply.

(h) Method of sewage disposal.

(i) Land use zoning classification.

(j) Tree planting, if any.

2. DELINEATION OF EXISTING CONDITION

(a) Boundary line of proposed subdivision indicated by solid heavy line. This shall encompass the entire parcel to be subdivided.

(b) Location, widths, and names of all existing or prior platted streets or other public ways, utility rights of way, parks and other public open spaces, permanent buildings and structures, and section and municipal corporation lines, within or adjacent to the tract.

(c) In case of a replat, the lots, blocks, streets, alleys, easements, parks, building lines (if any) of the original plat being vacated, shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat, the new plat being clearly shown in solid lines to avoid ambiguity.

(d) Boundary lines of adjacent tracts of unsubdivided and subdivided land, to the extent within 100 feet of the proposed subdivision, indicated by dotted lines.

(e) Existing zoning of proposed subdivision and adjacent tracts.

(f) Contours at five-foot intervals, or established in reference to coast and geodetic upland datum (aerial survey datum), if available.

(3) DELINEATION OF PROPOSED CONDITIONS

(a) Layout of streets, their names and widths, and also the widths of alleys, crosswalk-ways and easements. The names of the several streets, avenues, and highways shall conform to the general system of naming in use by the city.

(b) Layout, numbers, dimensions and approximate areas of lots.

(c) Tracts of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.

3. The Final Plat:

(A) FILING. After approval of the preliminary plat by the Planning Commission, the fulfillment of the general requirements of these regulations and any other requirements specified by the Planning Commission, then one tracing of the final plat of the subdivision, on tracing cloth 18 inches by 22 inches in size, allowing $\frac{1}{2}$ inch for border, shall be submitted to the Planning Commission for approval. A final plat shall be drawn with india ink on the best grade of tracing cloth. If more than one sheet is required, each sheet including the index sheet shall be of the above specified size. The index sheet must show the entire subdivision, with street and highway names and block numbers.

(B) DATA TO BE SHOWN.

(1) IDENTIFICATION AND DESCRIPTION.

(a) Name of subdivision.

(b) Location by section, township and range, or by other legal description.

(c) The name and seal of the registered engineer or the registered land surveyor.

(d) Scale (same as preliminary plat), shown graphically, date and North point. The scale of the final plat shall be such that all distances and bearings can be clearly and legibly shown thereon in their proper proportions.

(e) A description of property platted which shall be the same as that recorded in preceding transfer of said property or that portion of said transfer covered by plat. Should this description be cumbersome and not technically correct, a true and exact description shall be shown upon plat, together with original description. The correct description shall follow: "The intent of the above description is to embrace all the following described property."

(2) DELINEATION.

(a) Boundary of plat, based on an accurate traverse, with angular and lineal dimensions.

(b) Exact location, width, and name of all streets within and adjoining the plat, and the exact location and widths of all alleys and crosswalk-ways. The name of a street shall not duplicate that of any existing street in the city, unless the platted street be a new section or continuation of the existing street.

(c) True courses and distances to the nearest established street lines or official monuments which shall accurately describe the location of the plat.

(d) Municipal, township, county or section lines accurately tied to the lines of the subdivision by courses and distances.

(e) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.

(f) All easements, for rights of way provided for public services or utilities.

(g) All lot and block numbers and lines, with accurate dimensions in feet and hundredths. Blocks in numbered additions to subdivisions bearing the same name may be numbered or lettered consecutively through the several additions.

(h) Accurate location of all monuments, which shall be concrete commercial monuments, 4" x 4" at top, 6" x 6" at bottom, and 10" long. One such monument shall be placed at each street intersection, and at locations to complete a continuous line of sight, and at such other locations as are required by the Engineer.

(i) All plat boundary lines or reference lines along bodies of water shall be established above the high water line of such water.

(j) Accurate outlines and legal description of any areas to be dedicated or reserved for public use, with the purpose indicated thereon and in the dedication; and of any area to be reserved by deed covenant for common uses of all property owners.

(k) Building setback lines accurately shown with dimensions, if required by the Planning Commission.

(3) OTHER MARGINAL DATA ON FINAL PLAT

(a) Dedication of the plat, including dedication of streets and other public areas, if any, by the owner or owners, duly acknowledged.

(b) A typewritten copy of the protective deed covenants, if any, shall accompany the final plat.

(c) Certification by the registered surveyor to the effect that the plat represents a true and correct copy of the documents shown thereon and that all dimensions, bearings, and general details are correct.

(d) Proper form for approval by the Planning Commission, and the County Engineer.

(e) Certificate by the County Engineer showing that the lots and parcels shown on the plat to be subdivided have been paid in accordance with the provisions of law for the taxes for the following year.

(f) Approval by signature of County Engineer to be filed for record.

(4) Other Documents: When filed for record, the final plat shall be accompanied by the following additional documents:

(A) A plan, profile and section drawing prepared on a reasonable convenient scale or a standard sheet size and showing all details within the subdivision. Elevations shall be given where necessary to show contour and general ground datum (vertical curve data) if available.

(B) A certificate of title from a qualified title insurance company, showing the ownership and title of all the lots and parcels in the plat. The certificate shall have been issued not more than thirty days before filing the final plat.

5. Preparation of Documents: All plats, profiles, plans and section drawings shall be certified by registered civil engineers or land surveyors.

SECTION 6. EXEMPTIONS

The Planning Commission may allow exceptions from the subdivision design standards herein set forth, where unusual circumstances exist.

deterrent conditions prevail, without undue prejudice to these regulations. The Planning Commission shall not, however, allow a variance as to requirements of the zoning ordinance or other legal requirements, unless application is regularly made therefor, and official approval of a proposed subdivision involving such a variance shall not take effect until the variance shall have been finally granted by the City Council or other authority competent to take final action.

SECTION 7. STATUS OF PREVIOUSLY RECORDED PLATS.

Nothing in this ordinance shall prohibit subdivision in accordance with a final plat officially approved and recorded with the County Auditor before the effective date of this ordinance, under Chapter 186, Laws of 1937, as amended, RCW 58.16, and King County Platting Resolution No. 11048 as amended (In force as a County resolution from August 23, 1948 to July 25, 1960, and as a City ordinance from July 25, 1960 to the effective date of this ordinance), if such subdivision be in substantial conformity with the subdivision design standards of this ordinance or if such subdivision has been provided with adequate improved streets, storm drainage, water supply and sewage disposal, at the time this ordinance takes effect.

SECTION 8. ENFORCEMENT.

A. Criminal Remedies. Violation of any of the provisions of this ordinance shall be a misdemeanor and any person found guilty thereof shall be punished by a fine not to exceed \$100.00 or by imprisonment for not to exceed 30 days, or both. It shall be a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued, or permitted.

B. Administrative and Civil Remedies. Any subdivision without the official approval as herein required shall be a public nuisance. No subdivision made

prior to the effective date of this ordinance in violation of State law or County or City ordinance shall be validated hereby, and such subdivision shall be a public nuisance unless made in substantial conformity with the subdivision design standards in effect when the subdivision was made. To restrain such nuisances the City may withhold from the subdivision all building permits, approvals of preliminary or final plats, and other permits and services, including official approval of further subdivision within the area thereof, of any kind. If necessary, the City may immediately commence action to abate such nuisance in the Superior Court or in some other court of competent jurisdiction. If the City shall fail or refuse to bring such action, then such action may be brought by any person who owns or resides on property within 300 feet of the subdivision, or who owns or resides on property the use and enjoyment of which in its existing state is impaired by the subdivision, or who owns or resides on property the value of which for any purpose is impaired by the subdivision.

SECTION 9. INTERPRETATION, PURPOSE AND CONFLICT.

In their interpretation and application the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public safety, health, morals and general welfare. It is not intended by the ordinance to interfere with or abrogate or annul any easements, covenants, conditions or restrictions created or imposed by plats or deeds of record or by agreements between parties, except where the provisions of this ordinance are more restrictive, in which even the provisions of this ordinance shall govern.

SECTION 10. VALIDITY

If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not

affect the validity of the remaining portion of this ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof Irrespective of the fact that any one or more sections, paragraphs, clauses or phrases be unconstitutional or invalid.

SECTION 11. REPEAL

Section 1 (f) Ordinance #5 is hereby repealed.

SECTION 12. EFFECTIVE DATE

This ordinance shall take effect one day after its passage, approval and publication.

PASSED by the City Council this 9th day of April, 1962, and signed in authentication of its passage this 9th day of April, 1962.

S/ Tom J. Barto
Mayor

S/ Clarence S. Howell, Jr.
Councilman

S/ Harold J. Oliver
Councilman

ATTEST:

S/ Allan W. Lucas
Allan W. Lucas, City Clerk

Date of Publication April 19, 1962



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ROBERT MORRIS AUDITOR
KING COUNTY WASH.
 DEPUTY

Handwritten signature

FILED for information Request of

Name City of Mercer Island

Address _____

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