

February 12, 1991
4206/61

Introduced by: Bruce Laing

Proposed No.: 89-872

ORDINANCE NO. **9833**

AN ORDINANCE concurring with and amending the recommendation of the Zoning and Subdivision Examiner, amending King County Zoning Resolution No. 25789, as amended, by reclassifying certain property upon the application of KLAHANIE SOUTH, designated Building and Land Development File No. 113-89-R.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. This ordinance adopts and incorporates the findings and conclusions of the September 12, 1990 report of the zoning and subdivision examiner, filed with the clerk of the council on September 27, 1990 on the application of Klahanie South to reclassify certain property described in building and land development file no. 113-89-R.

SECTION 2. The recommendation of the zoning and subdivision examiner as amended September 18, 1990, to reclassify the subject property from SR-P to RM-1800-P subject to conditions (modified) is hereby adopted by the council of King County with the following added and amended conditions and conclusions:

SUBSTITUTE CONCLUSIONS:

10. There is a critical shortage of baseball fields for little league play on the East Sammamish Plateau. This shortage can be alleviated by the provision of multiple use playing fields on an interim basis in the County park at Klahanie. Therefore, the Council concludes that multiple use playing fields should be provided at this time. When, in the judgment of the Parks Division, a sufficient number of baseball fields are available to serve the East Sammamish Plateau the Klahanie South facilities may be converted to single use playing fields. Condition 9 of the Master Plan Development (BALD File No. 134-80-R) will be amended to reflect this conclusion by new rezone Condition 13, below.

SUBSTITUTE CONDITIONS:

5. For the remaining divisions of Klahanie, the following guidelines shall be applied to achieve the affordable housing required by Condition #6 of the 1983 Klahanie rezone:

1 a. Rental housing that will be credited toward the MPD
2 affordable housing requirements must meet the following criteria: The units
3 must be rented to income-eligible households (low, moderate, and median) at a
4 rental rate no greater than 30% of household income. Prior to issuance of the
5 building permit, the property owner shall agree to report on household income,
6 household size, and rental rate for a period of five years to assure
7 compliance with the MPD requirements. A housing covenant shall be recorded
8 which specifies the number of affordable units to be provided within the
9 project.

10 b. For divisions in Klahanie South, Klahanie East, and
11 Neighborhood Center, for-sale housing that will be credited toward the MPD
12 affordable housing requirement shall meet the following criteria: A housing
13 covenant shall be recorded which specifies the number of affordable units to
14 be provided, the maximum income of eligible households (low, moderate, and
15 median), and the maximum house price. A maximum house price shall be
16 established for each division based on the amount an income-eligible household
17 can afford assuming a 10% down payment and standard lending practices.

18 c. It is the continued goal to have a housing mix of affordable
19 for-sale and rental units in Klahanie South, and the developer will cooperate
20 with the housing and economic development section towards that end.

21 d. The area of Klahanie South designated for multi-family
22 development shall be set aside for future affordable housing development.
23 When performance on prior divisions of Klahanie has been fully assessed,
24 portions of the multi-family area shall be released for development, and a
25 housing covenant shall be recorded which specifies the remaining MPD
26 affordable housing obligation to be fulfilled within that area. King County
27 reserves the right to limit the sale or rental of specific units within this
28 parcel to income-eligible households if past divisions of Klahanie have not
29 achieved the affordable housing targets in prior housing covenants entered
30 into by Klahanie in accordance with the 1983 MPD housing condition.

31 e. Lowe, Inc. shall execute and record an agreement which
32 provides for the following:
33

1 One or more sites within the multi-family area of
2 Klahanie South shall be set aside for low-income housing development for a
3 period of up to five years following preliminary plat approval of Klahanie
4 South. Land sufficient to construct 133 units at an average density of 14
5 dwellings per acre (9.5 acres) and land which is entirely developable shall be
6 set aside. Street and utility improvements shall be provided by Lowe, Inc.,
7 at the time such site is developed.

8 Land price shall be determined within 60 days (prior to
9 or after) King County council action approving the preliminary plat of
10 Klahanie South. The price negotiated shall be the fair market value of the
11 land. Fair market value shall be defined in this instance as the current
12 price of property (at the time of preliminary plat approval by the King County
13 council), and shall assume utilities and streets to and in front of the
14 site(s), a density potential of 14 dwelling units per acre, and that the
15 entire property is developable. The land value shall increase in proportion
16 to the Consumer Price Index (CPI) for each year that the land is set aside,
17 provided that the final price shall not exceed the fair market value of the
18 set-aside land at the time of purchase for King County-sponsored low-income
19 housing development. In the event that there is an unforeseen significant
20 increase in developer's cost of providing streets and/or utilities to
21 property, due to governmental actions (fees, etc.), the developer shall have
22 the right to renegotiate the price of land with the housing and economic
23 development section, provided that any increase in land price shall be limited
24 to a proportional share of increased street or utility development cost.

25 If a fair price is not agreed to by the housing and
26 economic development section or Lowe, Inc., either party may request that the
27 Hearing Examiner mediate an agreement to resolve the deadlock.

28 In any case, no plat of Klahanie South shall be
29 recorded until such time that an agreement on price is reached.

30 The amount of land set aside shall be reduced if
31 additional low-income units are provided in Klahanie North or if the overall
32 size of the MPD is reduced. King County shall release all or part of this
33 land if public funds are not available for low-income housing development.

1 f. Housing covenants for Klahanie South must be signed and
2 recorded before any parcel is sold or before any plat is recorded or building
3 permit issued. Because this is the final major residential phase of Klahanie,
4 covenants shall be negotiated jointly by King County, Lowe, and the builder
5 who will purchase the parcel.

6 NOTE: The limit of 30% of income for rent in Item a is based on the
7 standard used in federal housing programs. If this standard is changed, King
8 County may increase the proportion of income dedicated to rent for units
9 meeting the affordable housing requirements in Klahanie.

10 10. Pursuant to the applicant's voluntary agreement, no final plat
11 shall be submitted to King County for the 45-foot wide strip abutting the
12 westerly edge of the 150-foot wide BPA transmission line easement corridor
13 before October 1, 1991, to allow Puget Power reasonable time to complete its
14 transmission corridor selection study and decide whether that 45-foot wide
15 corridor in Klahanie is required for power transmission purposes. If by
16 October 1, 1991, Puget Power has notified Klahanie that it has selected the
17 Klahanie corridor for a new transmission line, the applicant agrees to modify
18 the plat of Klahanie South to make reasonable provisions for such a new
19 transmission corridor. If an extension of the October 1, notification
20 deadline is reasonably required by circumstances beyond Puget Power's control,
21 the applicant agrees to negotiate with Puget Power regarding an appropriate
22 extension date, not to exceed six months. All costs of the new facilities
23 shall be borne by Puget Power including the reasonable engineering cost of
24 required plan revisions and the then fair market value of land required for
25 the facilities.

26 11. Pursuant to the applicant's voluntary agreement, the applicant
27 shall negotiate in good faith with Puget Power for the sale to Puget Power at
28 fair market value of sufficient property within Klahanie for a new power
29 substation, at a location mutually agreeable to the parties. Before recording
30 of the first division of Klahanie South, the applicant shall furnish written
31 evidence to the Building and Land Development Division of Puget Power's
32 satisfaction that such a site within Klahanie will be made available if
33 necessary. King County park lands shall not be used for this purpose. All

1 costs of the needed substation facility shall be borne by Puget Power,
 2 including the reasonable engineering cost of any required plan revisions, and
 3 the then fair market value of land required for the facilities.

4 12. A minimum 100-foot undisturbed vegetation buffer shall be preserved
 5 on the southern boundary of Klahanie South after road right-of-way is removed
 6 if any such right-of-way is reserved. The subdivision technical committee
 7 shall determine the actual road width required prior to final approval. Any
 8 bare areas shall be replanted in accordance with restoration standards set by
 9 the building and land development division.

10 13. Multiple use of playing fields shall be provided at the Klahanie
 11 Park on an interim basis. When in the judgment of the Parks Division
 12 sufficient baseball fields are available in the Plateau the Klahanie Park
 13 playing fields may revert to single use.

14 Those conditions, if any, which must be satisfied before this ordinance
 15 becomes effective must be satisfied within one year of council approval, or
 16 all authority granted by this ordinance shall be of no further force or
 17 effect. (If none, the effective date shall be ten days after enactment.)
 18 Upon this ordinance becoming effective, the building and land development
 19 division shall amend the official zoning maps of King County to reflect this
 20 action.

21 INTRODUCED AND READ for the first time this 6th day
 22 of November, 1989.

23 PASSED this 25th day of February, 1991.

24 KING COUNTY COUNCIL
 25 KING COUNTY, WASHINGTON

26 Lois North
 27 Chair

28 ATTEST:

29 Gus A. Patten
 30 Clerk of the Council