

1 February 26, 1991
2 4015D/9

Introduced by Bruce Laing

Proposed No. 89-873

3
4 ORDINANCE NO. **9834**

5 AN ORDINANCE concurring with the recommendation
6 of the Zoning and Subdivision Examiner to
7 approve subject to conditions (modified) the
8 Preliminary Plat of KLAHANIE SOUTH, designated
9 Building and Land Development File No. S89P0036.

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. This ordinance does hereby adopt and
12 incorporate herein the findings and conclusions contained in the
13 report of the zoning and subdivision examiner dated September
14 12, 1990, which was filed with the clerk of the council on
15 September 27, 1990, to approve subject to conditions (modified)
16 the preliminary plat of Klahanie South, file no. S89P0036. The
17 council does hereby adopt as its action the recommendation(s)
18 contained in said report. The council further finds that the
19 additional condition stated in section 2, below, is consistent
20 with the findings and conclusions stated in the adopted
21 examiner's report and recommendation.

22 A. Condition 2 is amended to read as follows:

23 Development of each tract shall be limited to a minimum
24 density of 10 units per acre. A target of approximately 18-20
25 units per acre is expected on these parcels. The following unit
26 count is BALD's projection of units likely developed on each
27 parcel:

28 Parcel 1:	76
29 Parcel 2:	70
30 Parcel 3:	162
31 Parcel 4:	74
32 Parcel 5:	120

33 Provided that no buildings greater than two stories in
height shall be built adjacent to the property line with the
subdivisions of Livingston and Hunter's Ridge. This shall
result in a unit count of no more than 350 units.

B. Condition 27 is amended to read as follows:

1 No divisions shall be recorded until the following projects
2 are within 12 months of an award of a construction contract
3 which would improve the facilities to LOS D or better. The
4 applicant shall undertake construction of the improvements
5 described in King County CIP project No. 200619. As an
6 alternative to undertaking the construction of these
7 improvements, the applicant shall pay a pro-rata amount, based
8 on the total unit count of Klahanie for King County CIP project
9 No. 200619 (improving East Lake Sammamish Parkway from Southeast
10 56th Street to I-90, and a northbound right turn lane from East
11 Lake Sammamish Parkway to Vaughan Hill Road. In addition, once
12 the County Road Engineer determines that Issaquah-Fall City Road
13 (between Klahanie Drive and Vaughan Hill Road) has reached
14 LOS F, no divisions of Klahanie South contributing traffic
15 beyond that capacity shall be recorded (if some initial phasing
16 has been permitted pursuant to Condition No. 25) until the
17 following project is within 12 months of an award of a
18 construction contract which would improve the facilities to
19 LOS D or better. The applicant shall undertake construction of
20 Issaquah-Fall City Road to County urban road standards from
21 Vaughan Hill Road to Klahanie Drive (CIP 200195) or pay a
22 pro-rata amount, based on the total unit count of Klahanie for
23 King County CIP Project No. 200195.

24 SECTION 2. The following new condition no. 35 is added to
25 those condition of final plat approval stated on page 21 of the
26 examiner's September 12, 1990 report and recommendation:

27 35. For the remaining divisions of Klahanie, the following
28 guidelines shall be applied to achieve the affordable housing
29 required by Condition #6 of the 1983 Klahanie Rezone:

30 a. Rental housing that will be credited toward the
31 MPD affordable housing requirements must meet the following
32 criteria: The units must be rented to income-eligible
33 households (low, moderate, and median) at a rental rate no

1 greater than 30% of household income. Prior to issuance of the
2 building permit, the property owner shall agree to report on
3 household income, household size, and rental rate for a period
4 of five years to assure compliance with the MPD requirements. A
5 housing covenant shall be recorded which specifies the number of
6 affordable units to be provided within the project.

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

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

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

1 e. Lowe, Inc. shall execute and record an agreement
2 which provides for the following:

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

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

32 If a fair price is not agreed to by the
33 Housing and Economic Development Section or Lowe, Inc., either

1 party may request that the Hearing Examiner mediate an agreement
2 to resolve the deadlock.

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

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

11 f. Housing covenants for Klahanie South must be
12 signed and recorded before any parcel is sold or before any plat
13 is recorded or building permit issued. Because this is the
14 final major residential phase of Klahanie, covenants shall be
15 negotiated jointly by King County, Lowe, and the builder who
16 will purchase the parcel.

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

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

24 PASSED this 25th day of February, 1991.

25 KING COUNTY COUNCIL
26 KING COUNTY, WASHINGTON

27
28 Lois North
Chair

29 ATTEST:

30 Gerald A. Peter
31 Clerk of the Council
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