

1 February 26, 1991  
4015D/9

Introduced by Bruce Laing

2 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 6<sup>th</sup> day  
23 of November, 1989.

24 PASSED this 25<sup>th</sup> day of February, 1991.

25 KING COUNTY COUNCIL  
26 KING COUNTY, WASHINGTON

27  
28 Lois North  
Chair

29 ATTEST:

30 Gerald C. Peter  
31 Clerk of the Council  
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