

September 9, 1994

Introduced By: Pullen

Proposed No.: 94 - 573

ORDINANCE NO. **11496**

AN ORDINANCE granting an extension of preliminary approval for the PLAT of STILLWATER (BALD File No.S89P0108).

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings. The council finds that:

A. The applicant has filed a written request for an extension of twelve months for preliminary plat approval.

B. The applicant has complied with and met the provisions of state law.

C. The applicant has provided evidence indicating that progress has been made.

D. It would be inequitable to require the applicant to reapply.

SECTION 2.. Preliminary approval for the plat of STILLWATER (BALD File No.S89P0108) is granted an extension to expire on October 29, 1994.

INTRODUCED AND READ for the first time this 12th day of September, 1994.

PASSED by a vote of 11 to 0 this 19th day of September, 1994.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Kent Pullen
Chair

ATTEST:

Donald G. Tolson
Clerk of the Council

APPROVED this _____ day of _____, 19__.

DEEMED ENACTED WITHOUT
COUNTY EXECUTIVE'S SIGNATURE.

DATE: September 29, 1994
King County Executive



King County Executive
GARY LOCKE

RECEIVED

94 SEP 29 AM 9:36

CLERK
KING COUNTY COUNCIL

September 28, 1994

The Honorable Kent Pullen, Chair
King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Pullen:

I respectfully abstain from signing into effect Ordinance 11496 because information has come to my attention that this action is not in conformance with adopted state and county codes. This ordinance will establish a fourth year extension for the preliminary plat of Stillwaters, File No. S89P0108.

Facts pertaining to this subdivision are:

- Preliminary approval was granted on October 29, 1990.
- RCW 58.17.140 states that a final plat must be submitted to the County for approval within 3 years of preliminary approval. One one-year extension shall be granted if the applicant filed a written request with the County at least 30 days before the expiration of this 3 year period.
- KCC 19.28.050(D) allows a 36-month approval period and up to a 12-month extension if the applicant files a written request with the King County Council at least 30 days before expiration of the 36 months.
- The three year (36 month) time period ended on October 29, 1993.
- The Executive Branch is unaware that any such request for extension was made. The applicant's representative has admitted to County staff that they simply forgot to request the fourth year extension (within the allowed time period).
- It appears the request for a time extension occurred after the time allowed by code. The fact that this ordinance was introduced approximately 10 months after the expiration date would support this.
- In the past, similar requests have been denied because a written request was not received in time. The County is currently defending a potential lawsuit in which the Council denied an extension because written request was not received within 30 days of the expiration date.

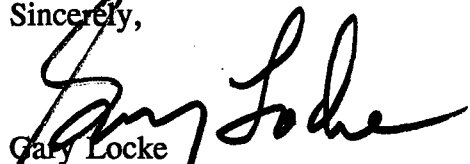
Based on the above, I believe it to be beyond my legal authority to support approval of this ordinance.



The Honorable Kent Pullen, Chair
September 28, 1994
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Recognizing the growing need for affordable housing in King County, and in the overall public interest, I would like to work with the Council to address revising current code to allow for greater flexibility in granting time extensions to preliminary subdivisions. Under certain circumstances, it may be appropriate to allow additional time to complete a particular project.

Sincerely,



Gary Locke
King County Executive

cc: Robert S. Derrick, Director, Department of Development and Environmental Services
Chuck Maduell, Deputy Prosecuting Attorney, Prosecuting Attorney's Office