



## Legislation Text

---

File #: 2003-0382, Version: 2

---

Clerk 08/25/2003

AN ORDINANCE related to subdivisions, extending the effective time for preliminary approval of subdivisions where the majority of the lots are dedicated to affordable housing; amending Ordinance 13694, Section 56 as amended, and K.C.C. 19A.12.020 and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings.**

A. Under K.C.C. Title 19A, the majority of preliminary subdivisions expire after sixty months from approval date, unless all conditions of preliminary plat approval have been met and the lots have been recorded.

B. Larger affordable housing projects are typically proposed by nonprofit organizations and tend to rely at least in part on public funds and volunteer services. This often makes it difficult for projects to complete all of their conditions of preliminary plat approval within the sixty-month period.

C. Where these projects have been funded, at least in part with community block grant funds or federal housing funds, it is in the public's best interest to provide these projects with sufficient time to complete the conditions of preliminary plat approval.

D. For example, Covenant Housing Association, a nonprofit housing organization, received preliminary plat approval in August 1998 for fifty-six lots of owner occupied affordable housing.

E. At least seventeen of the units will be affordable to households with incomes between sixty-five and eighty percent of the King County median income. At least another seventeen units will be affordable to households with incomes between fifty and sixty-five percent of median income.

F. Covenant Housing Association obtained seven hundred thousand dollars in federal housing funds in 1998 to acquire the 14.3-acre project site in the West Hill community. King County committed an additional three hundred seventy-five thousand dollars in federal housing funds in 2001, contingent upon the project receiving final engineering approval.

G. If the preliminary plat approval for this project expires, the project will lose its vested status and will have to reapply for a new preliminary plat. It may also lose some or all of their federal housing funds. It is doubtful that Covenant Housing Association could afford to restart the project and also meet new code requirements for surface water drainage improvements.

H. To prevent the potential loss of up to one million seventy-five thousand dollars of federal funding for affordable housing units that are part of the Covenant Housing Association project, this ordinance must be effective by August 26, 2003. To meet that deadline, this ordinance must be enacted as an emergency.

SECTION 2. Ordinance 13694, Section 56 as amended, and K.C.C. 19A.12.020 are each hereby amended to read as follows:

**Preliminary approval of subdivision.**

A. Preliminary subdivision approval shall be effective for a period of sixty months.

B. Preliminary subdivision approval shall be considered the basis upon which the applicant may proceed toward development of the subdivision and preparation of the final plat subject to all the conditions of the preliminary approval.

C. If the final plat is being developed in divisions, and final plats for all of the divisions have not been recorded within the time limits provided in this section, preliminary subdivision approval for all unrecorded divisions shall become void. The preliminary subdivision for any unrecorded divisions must again be submitted to the department with a new application, subject to the fees and regulations applicable at the time of submittal.

D. An urban planned development permit, fully contained community permit, or development

agreement approved pursuant to K.C.C. chapter 21A.39 may extend the preliminary approval period beyond sixty months for any preliminary subdivision approved simultaneous or subsequent to the urban planned development permit or fully contained community permit. Such extensions may be made contingent upon satisfying conditions set forth in the urban planned development permit, fully contained community permit or development agreement. In no case shall the extended preliminary approval period exceed the expected buildout time period of the urban planned development or fully contained community as provided in the urban planned development permit, fully contained community permit or development agreement. This section shall apply to any approved urban planned development permit, fully contained community permit or development agreement in existence on January 1, 2000, or approved subsequent to January 1, 2000.

E. For any plat with more than four hundred lots that is also part of the county's four to one program, the preliminary subdivision approval shall be effective for eighty-four months. This subsection applies to any preliminary plat approved by either the council (~~(and)~~) or the hearing examiner, or both, on or after January 1, 1998, that relates to a four to one program with proposed plats containing more than four hundred lots.

F. For any plat with more than fifty lots where fifty percent or more of those lots will constitute affordable housing which is housing for those that have incomes of less than eighty percent of median income for King County as periodically published by the United States Department of Housing and Urban Development, or its successor agency, and at least a portion of the funding for the project has been provided by federal, state or county housing funds, the preliminary subdivision shall be effective for seventy-two months. This subsection applies to any plat that has received preliminary approval on or after January 1, 1998.

SECTION 3. For the reasons set forth in section 1 of this ordinance, the county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.