

Legislation Text

File #: 2004-0465, Version: 2

Clerk 10/04/2004

AN ORDINANCE related to subdivisions; extending the effective time for preliminary approval of subdivisions of those urban subdivisions required by preliminary plat conditions to install both septic tanks and dry sewers for eventual utility district connection; and amending Ordinance 13694, Section 56, as amended, and K.C.C. 19A.12.020.

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 their approval date, unless all conditions of preliminary plat approval have been met and the lots have been recorded.

B. While this time period is ordinarily sufficient to satisfy requirements necessary to record, where project drainage requirements require approval of jurisdictions other than King County, these time periods may be too short to complete additional process and complete associated improvements.

C. The difficulty meeting otherwise applicable time requirements is especially apparent for small subdivisions containing fewer than fifteen lots, where financial resources are often insufficient to allow the expenditures needed to complete the more extensive multijurisdictional process involved and to thereafter implement associated conditions of approval within the current sixty-month approval period.

D. In those particular cases where such developments were required to bear the expense of installing both septic and dry sewer systems, the county has determined that that balance of fairness concerns tips

decidedly in favor of providing a preliminary plat approval period that extends twenty additional months beyond the otherwise applicable sixty-month period.

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 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.

G. For any urban area plat that contains fewer than fifteen lots and that was required by preliminary plat conditions to install both septic tanks and dry sewers for eventual utility district connection, the preliminary subdivision shall be effective for a period of eighty months. This subsection shall apply to any plat that has received approval on or after January 1, 1998, and shall retroactively apply to such plats. For plats that have exceeded their otherwise effective approval period of sixty months, the preliminary approvals remain valid for the eighty-month period specified in this subsection if, within one month of the effective date of this ordinance, a request for

administrative extension is submitted to and approved by the department. This subsection expires April 1, 2005.

official paper, 30 days prior

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