



**Signature Report**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Ordinance**

**Proposed No. 2022-0162.1**

**Sponsors Perry**

1 AN ORDINANCE related to comprehensive planning and  
2 development regulations; amending Ordinance 263, Article  
3 2, Section 1, as amended, and K.C.C. 20.12.010,  
4 Ordinance 11653, Section 6, as amended, and K.C.C.  
5 20.12.017, Ordinance 2883, Section 1, as amended, and  
6 K.C.C. 20.12.240, Ordinance 11166, Section 2, as  
7 amended, and K.C.C. 20.12.337, Ordinance 10870, Section  
8 340, as amended, and K.C.C. 21A.12.030, Ordinance  
9 10870, Section 341, as amended, and K.C.C. 21A.12.040,  
10 Ordinance 10870, Section 561, and K.C.C. 21A.34.020,  
11 Ordinance 13274, Section 1, as amended, and K.C.C.  
12 21A.37.010, Ordinance 13733, Section 12, as amended,  
13 and K.C.C. 21A.37.130 and Ordinance 11567, Section 1, as  
14 amended, and K.C.C. 21A.38.100, adding new sections to  
15 K.C.C. chapter 21A.38, adding a new chapter to K.C.C.  
16 Title 21A and repealing Ordinance 11575, Section 2, as  
17 amended, and K.C.C. 20.12.015, Ordinance 11351, Section  
18 1, as amended, and K.C.C. 21A.38.090, The White Center  
19 Community Action Plan portions of Attachments I, II, III  
20 and IV to Ordinance 11568, Attachments I, II, III, VI and V

21 to Ordinance 11166 and Attachments F and G to Ordinance  
22 19146.

23

24 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

25 SECTION 1. Findings:

26 A. The last statutorily required comprehensive plan update required by RCW  
27 36.70A.130(4)(a) was met with the 2012 King County Comprehensive Plan that was  
28 adopted by Ordinance 17485. Engrossed Substitute House Bill 2342, passed by the  
29 Legislature and signed into law as Chapter 113, Laws of Washington 2020, by the  
30 Governor as a result of 2020 legislative session, modified the schedule for the Growth  
31 Management Act-mandated updates to Comprehensive Plans. As a result, RCW  
32 36.70A.130(5)(a) requires King County and the cities within King County to complete a  
33 review of their comprehensive plans on or before June 30, 2024, and every eight years  
34 thereafter. This 2022 update does not serve as the statutory update required by RCW  
35 36.70A.130.

36 B. The Growth Management Act ("the GMA") and the King County Code  
37 generally allow the adoption of comprehensive plan updates only once per year. The  
38 amendments to policies and text in to this ordinance constitute the 2022 update to the  
39 2016 King County Comprehensive Plan, as amended. The GMA and K.C.C. 20.18.030  
40 require that King County adopt development regulations and map amendments to be  
41 consistent with and implement the Comprehensive Plan. The changes to development  
42 regulations and maps in this ordinance are needed to maintain conformity with the King

43 County Comprehensive Plan. They bear a substantial relationship to, are necessary for,  
44 the public health, safety and general welfare of King County and its residents.

45 C. As required by K.C.C. 2.16.055.B., the subarea plans:

46 1. were developed consistent with the Comprehensive Plan;

47 2. are based on a scope of work established with the community;

48 3. establish a long-range vision and policies to implement that vision in a

49 manner that is consistent with and not redundant to policy direction in the

50 Comprehensive Plan;

51 4. establish performance metrics and monitoring for implementation of the  
52 subarea plans, which will be reviewed and reported on biennially and monitored by the  
53 community and the council;

54 5. were developed and reviewed using tools and resources developed by the  
55 office of equity and social justice, including community engagement, language access  
56 and equity impact review tools. The county used the "County engages in dialogue" and  
57 "County and community work together" levels of engagement;

58 6. incorporate the findings of an equity impact analysis and proposals to address  
59 equity impacts. During the development of the subarea plan, the public review draft  
60 included preliminary findings of any equity impacts that were further refined and  
61 submitted as part of the subarea plan proposal;

62 7. include a review of policies specific to the subarea in the Comprehensive  
63 Plan and previously adopted subarea or community plans, and, where appropriate,  
64 transferred policies from those plans to the subarea plan;

65           8. include a review the land use designations and zoning classifications in the  
66 subarea geography, including all special district overlays and property-specific  
67 development conditions, and transmitted map amendments necessary to implement land  
68 use and zoning updates and the vision and policies within the subarea plan;

69           9. incorporate by reference the community needs list and associated  
70 performance metrics as required in K.C.C. 2.16.055.C.; and

71           10. were developed in coordination and collaboration with councilmember  
72 offices that represent the Skyway-West Hill and North Highline subarea geographies  
73 throughout the development of the subarea plans.

74           D. In 2019, the King County council passed Motion 15539, which requested that  
75 the executive conduct a study that identifies concrete actions that the county can take to  
76 develop and retain existing affordable housing in Skyway-West Hill and North Highline.

77           E. In 2020, the county adopted the 2020 update to the 2016 King County  
78 Comprehensive Plan via Ordinance 19146. The update included Workplan Action 19,  
79 directing King County to complete an Anti-Displacement Strategies Report for Skyway-  
80 West Hill and North Highline, which incorporates the study elements of Motion 15539.  
81 Action 19 states that the due dates and deliverables in the Action supersede those that  
82 were included in Motion 15539.

83           F. In September 2021, the Skyway-West Hill and North Highline  
84 Anti-displacement Strategies Report ("the report") was transmitted to the council. As  
85 stated in the report, its "recommended anti-displacement strategies provide a concrete  
86 path for King County's efforts to address historic disinvestment and structural racism in

87 two diverse and culturally rich neighborhoods, in alignment with King County's  
88 affordable housing and equity and social justice goals."

89 G. To develop the report, the county utilized U.S. Census and King County  
90 assessor data to assess housing affordability and displacement risks for these  
91 communities. In order to assist with background research on housing markets and  
92 potential anti-displacement strategies in the report, the county contracted with Enterprise  
93 Community Partners and BERK Consulting, Inc., for the Affordable Housing Incentives  
94 Analysis: North Highline Skyway-West Hill Report and the University of Washington  
95 Livable City Year Program for the Anti-Displacement Strategies for Urban  
96 Unincorporated King County Report, to assist with background research on housing  
97 markets and potential anti-displacement strategies. The report was also informed by  
98 King County plans and reports, in particular the King County Comprehensive Plan and  
99 the Skyway-West Hill and North Highline Community Service Area Subarea Plans.

100 H. As a result of the analysis, the report determined that "the combination of  
101 rising housing prices, the high rate of cost burdened households, and lower than average  
102 incomes put Skyway-West Hill and North Highline residents at increased risk of  
103 displacement." Additionally, the Affordable Housing Incentives Analysis: North  
104 Highline Skyway-West Hill Report states that "the incentives that currently exist for  
105 creating affordable housing in new market-rate buildings are not high enough to  
106 incentivize the inclusion of these affordable units on most of the properties in these  
107 areas."

108 I. To address those displacement risks, the report recommends development of an  
109 inclusionary housing program for Skyway-West Hill and North Highline that includes  
110 both mandatory and voluntary elements.

111 J. Specific to mandatory inclusionary housing, the report recommends that the  
112 provisions "apply to the areas in Skyway-West Hill and North Highline with the highest  
113 opportunity for residential and commercial densities, and thus the highest risk of  
114 displacement." The Report states "[t]he Skyway Business District is the largest  
115 commercial area in the community. The Business District has significant potential for  
116 commercial and mixed-use infill development and redevelopment. Such development  
117 would also likely increase the potential for new residential development in the adjacent  
118 high- and medium-density zones. In North Highline, the White Center UAC is a high-  
119 density hub of commercial and residential development. Similar to the Skyway Business  
120 District, this area is also expected to receive substantively more growth in housing and  
121 employment than the rest of the community. Part of the expected growth is anticipated as  
122 a result of near-term public investments, such as planned bus rapid transit routes through  
123 the commercial hubs in both communities. These investments will increase the hubs'  
124 attractiveness as prime locations for new commercial and residential development.  
125 Additionally, the County is currently updating the subarea plans for both communities. It  
126 is likely that these updated plans will include policies and zoning changes that reflect the  
127 communities' expressed desires to revitalize and reinvest in these residential and  
128 commercial hubs, including creating opportunities for new development. It is also  
129 anticipated that the plans will direct action to address the displacement risks associated  
130 with the potential for increased development in these areas. The current neighborhood

131 conditions indicate the risk of displacement in both high-density residential and  
132 commercial areas will increase as new development occurs. King County should  
133 implement a mandatory inclusionary housing program in these geographies now to ward  
134 off displacement pressures caused by future development." Given that, the report  
135 recommends that the mandatory inclusionary housing provisions apply to the Skyway  
136 and White Center Unincorporated Activity Centers.

137 K. The report recommends a variety of elements for the inclusionary housing  
138 program, including standards for the characteristics of affordable units, allowing fee in-  
139 lieu payments in limited cases, appropriate affordability levels, allowing developer  
140 bonuses for providing affordable housing, setting longer terms of affordability than  
141 typically used and requiring covenants and deed restrictions specifying the affordability  
142 levels and terms.

143 L. The report also recommends the county explore whether to require a  
144 community preference policy for projects built under the inclusionary housing program.  
145 The report states that community preference policies "ensure that existing residents and  
146 households with connections to Skyway-West Hill and North Highline benefit from new  
147 affordable housing constructed in their neighborhoods." The county has evaluated this  
148 issue and determined that incorporating community preference policy into the  
149 inclusionary housing program is necessary to further reduce displacement risks.

150 M. The King County Countywide Planning Policies, King County  
151 Comprehensive Plan, Skyway-West Hill Community Service Area Subarea Plan, North  
152 Highline Community Service Area Subarea Plan and Regional Affordable Housing Task  
153 Force Final Report and Recommendations support the development and use of anti-

154 displacement measures, including mandatory inclusionary housing and community  
155 preference provisions.

156         SECTION 2. A. Attachments A, B, C and D to this ordinance are adopted as  
157 amendments to the 2016 King County Comprehensive Plan, as adopted in Ordinance  
158 18472 and its attachments and as amended by Ordinance 1862, Ordinance 18810,  
159 Ordinance 19034 and Ordinance 19146.

160         B. The elements of the 2016 King County Comprehensive Plan in Attachment A  
161 to this ordinance are hereby amended to read as set forth in this ordinance and are  
162 incorporated herein by this reference.

163         C. The Skyway-West Hill Community Service Area Subarea Plan in Attachment  
164 B to this ordinance, is hereby adopted as an amendment to and an element of the 2016  
165 King County Comprehensive Plan.

166         D. The North Highline Community Service Area Subarea Plan in Attachment C  
167 to this ordinance, is hereby adopted as an amendment to and an element of the 2016 King  
168 County Comprehensive Plan

169         E. The land use and zoning amendments in sections 12 through 14 of this  
170 ordinance and Attachment D to this ordinance are hereby adopted as amendments to  
171 Appendix A to Ordinance 12824, as amended, and as the official land use and zoning  
172 controls for those portions of unincorporated King County defined in those sections of  
173 this ordinance and attachments to this ordinance.

174         F. The King County department of local services, permitting division, shall  
175 update the geographic information system data layers accordingly to reflect adoption of  
176 this ordinance.



177            SECTION 3. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.

178 20.12.010 are hereby amended to read as follows:

179            Under the King County Charter, the state Constitution and the Washington state  
180 Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King  
181 County Comprehensive Plan via Ordinance 11575 and declared it to be the  
182 Comprehensive Plan for King County until amended, repealed or superseded. The  
183 Comprehensive Plan has been reviewed and amended multiple times since its adoption in  
184 1994. Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the  
185 2016 King County Comprehensive Plan, as adopted in Ordinance 18427 and as amended  
186 by Ordinance 18623, Ordinance 18810, Ordinance 19034 (~~and~~), Ordinance 19146 and  
187 this ordinance. The Comprehensive Plan shall be the principal planning document for the  
188 orderly physical development of the county and shall be used to guide subarea plans,  
189 functional plans, provision of public facilities and services, review of proposed  
190 incorporations and annexations, development regulations and land development  
191 decisions.

192            SECTION 4. Ordinance 11653, Section 6, as amended, and K.C.C. 20.12.017 are  
193 hereby amended to read as follows:

194            The following provisions complete the zoning conversion from K.C.C. Title 21 to  
195 Title 21A pursuant to K.C.C. 21A.01.070:

196            A. Ordinance 11653 adopts area zoning to implement the 1994 King County  
197 Comprehensive Plan pursuant to the Washington State Growth Management Act, chapter  
198 36.760A RCW. Ordinance 11653 also converts existing zoning in unincorporated King  
199 County to the new zoning classifications in the 1993 Zoning Code, codified in Title 21A,

200 pursuant to the area zoning conversion guidelines in K.C.C. 21A.01.070. The following  
201 are adopted as attachments to Ordinance 11653:

202       Appendix A: 1994 Zoning Atlas, dated November 1994, as amended December  
203 19, 1994.

204       Appendix B: Amendments to Bear Creek Community Plan P-Suffix Conditions.

205       Appendix C: Amendments to Federal Way Community Plan P-Suffix Conditions.

206       Appendix D: Amendments to Northshore Community Plan P-Suffix Conditions.

207       Appendix E: Amendments to Highline Community Plan P-Suffix Conditions.

208       Appendix F: Amendments to Soos Creek Community Plan P-Suffix Conditions.

209       Appendix G: Amendments to Vashon Community Plan P-Suffix Conditions.

210       Appendix H: Amendments to East Sammamish Community Plan P-Suffix  
211 Conditions.

212       Appendix I: Amendments to Snoqualmie Valley Community Plan P-Suffix  
213 Conditions.

214       Appendix J: Amendments to Newcastle Community Plan P-Suffix Conditions.

215       Appendix K: Amendments to Tahoma/Raven Heights Community Plan P-Suffix  
216 Conditions.

217       Appendix L: Amendments to Enumclaw Community Plan P-Suffix Conditions.

218       Appendix M: Amendments to West Hill Community Plan P-Suffix Conditions.

219       Appendix N: Amendments to Resource Lands Community Plan P-Suffix  
220 Conditions.

221       Appendix O: 1994 Parcel List, as amended December 19, 1994.

222       Appendix P: Amendments considered by the council January 9, 1995.

223 B. Area zoning adopted by Ordinance 11653, including potential zoning, is  
224 contained in Appendices A and O. Amendments to area-wide P-suffix conditions  
225 adopted as part of community plan area zoning are contained in Appendices B through N.  
226 Existing P-suffix conditions whether adopted through reclassifications or community  
227 plan area zoning are retained by Ordinance 11653 except as amended in Appendices B  
228 through N.

229 C. The department is hereby directed to correct the official zoning map in  
230 accordance with Appendices A through P of Ordinance 11653.

231 D. The 1995 area zoning amendments attached to Ordinance 12061 in Appendix  
232 A are adopted as the official zoning control for those portions of unincorporated King  
233 County defined therein.

234 E. Amendments to the 1994 King County Comprehensive Plan area zoning,  
235 Ordinance 11653 Appendices A through P, as contained in Attachment A to Ordinance  
236 12170 are hereby adopted to comply with the Decision and Order of the Central Puget  
237 Sound Growth Management Hearings Board in Vashon-Maury Island, et. al. v. King  
238 County, Case No. 95-3-0008.

239 F. The Vashon Area Zoning adopted in Ordinance 12824, as amended, including  
240 as amended by Ordinance 17842 (~~and~~), Ordinance 18427 and Ordinance 19119, is  
241 adopted as the official zoning control for that portion of unincorporated King County  
242 defined therein.

243 G. The 1996 area zoning amendments attached to Ordinance 12531 in Appendix  
244 A are adopted as the official zoning control for those portions of unincorporated King

245 County defined therein. Existing p-suffix conditions whether adopted through  
246 reclassifications or area zoning are retained by Ordinance 12531.

247 H. The Black Diamond Urban Growth Area Zoning Map attached to Ordinance  
248 12533 as Appendix B is adopted as the official zoning control for those portions of  
249 unincorporated King County defined therein. Existing p-suffix conditions whether  
250 adopted through reclassifications or area zoning are retained by Ordinance 12533.

251 I. The King County Zoning Atlas is amended to include the area shown in  
252 Appendix B as UR - Urban Reserve, one DU per 5 acres. Existing p-suffix conditions  
253 whether adopted through reclassifications or area zoning are retained by Ordinance  
254 12535. The language from Ordinance 12535, Section 1.D., shall be placed on the King  
255 County Zoning Atlas page #32 with a reference marker on the area affected by Ordinance  
256 12535.

257 J. The Northshore Community Plan Area Zoning is amended to add the Suffix "-  
258 DPA, Demonstration Project Area,"((;)) to the properties identified on Map A attached to  
259 Ordinance 12627.

260 K. The special district overlays, as designated on the map attached to Ordinance  
261 12809 in Appendix A, are hereby adopted pursuant to K.C.C. 21A.38.020 and  
262 21A.38.040.

263 L. The White Center Community Plan Area Zoning, as revised in the  
264 Attachments to Ordinance 11568, is the official zoning for those portions of White Center  
265 in unincorporated King County defined herein.

266 M. Ordinance 12824 completes the zoning conversion process begun in  
267 Ordinance 11653, as set forth in K.C.C. 21A.01.070, by retaining, repealing, replacing or

268 amending previously adopted p-suffix conditions or property-specific development  
269 standards pursuant to K.C.C. 21A.38.020 and K.C.C. 21A.38.030 as follows:

270 1. Resolutions 31072, 32219, 33877, 33999, 34493, 34639, 35137((;)) and  
271 37156 adopting individual zone reclassifications are hereby repealed and p-suffix  
272 conditions are replaced by the property specific development standards as set forth in  
273 Appendix A to Ordinance 12824;

274 2. All ordinances adopting individual zone reclassifications effective before  
275 February 2, 1995, including but not limited to Ordinances 43, 118, 148, 255, 633, 1483,  
276 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765, 2781,  
277 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313, 3360, 3424, 3494, 3496, 3501,  
278 3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051, 4053,  
279 4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867, 4812,  
280 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171, 5184,  
281 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854, 5984,  
282 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832, 6885,  
283 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653, 7677,  
284 7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375, 8427,  
285 8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865, 8866,  
286 9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194, 10287,  
287 10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271 and 11651, are hereby  
288 repealed and p-suffix conditions are replaced by the property specific development  
289 standards as set forth in Appendix A to Ordinance 12824;

290           3. All ordinances establishing individual reclassifications effective after  
291 February 2, 1995, are hereby amended, as set forth in Appendix C to Ordinance 12824, to  
292 retain, repeal or amend the property specific development standards (p-suffix conditions)  
293 contained therein;

294           4. All ordinances adopting area zoning pursuant to Resolution 25789 or  
295 converted by Ordinance 11653 are repealed as set forth in subsection M.4.a. through n. of  
296 this section. All p-suffix conditions contained therein are repealed or replaced by  
297 adopting the property specific development standards as set forth in Appendix A to  
298 Ordinance 12824, the special district overlays as designated in Appendix B to Ordinance  
299 12824 or the special requirements as designated in Appendix A to Ordinance 12822.

300           a. The Highline Area Zoning attached to Ordinance 3530, as amended, is  
301 hereby repealed.

302           b. The Shoreline Community Plan Area Zoning, attached to Ordinance 5080 as  
303 Appendix B, as amended, is hereby repealed.

304           c. The Newcastle Community Plan Area Zoning, attached to Ordinance 6422  
305 as Appendix B, as amended is hereby repealed.

306           d. The Tahoma/Raven Heights Community Plan Area Zoning, attached to  
307 Ordinance 6986 as Appendix B, as amended, is hereby repealed.

308           e. The Revised Federal Way area zoning, adopted by Ordinance 7746, as  
309 amended, is hereby repealed.

310           f. The Revised Vashon Community Plan Area Zoning, attached to Ordinance  
311 7837 as Appendix B, as amended, is hereby repealed.

312 g. The Bear Creek Community Plan Area Zoning, attached to Ordinance 8846  
313 as Appendix B, as amended, is hereby repealed.

314 h. The Resource Lands Area Zoning, adopted by Ordinance 8848, as amended,  
315 is hereby repealed.

316 i. The Snoqualmie Valley Community Plan Area Zoning, as adopted by  
317 Ordinance 9118, is hereby repealed.

318 j. The Enumclaw Community Plan Area Zoning attached to Ordinance 9499,  
319 as amended, is hereby repealed.

320 k. The Soos Creek Community Plan Update Area Zoning, adopted by  
321 Ordinance 10197, Appendix B, as amended, is hereby repealed.

322 l. The Northshore Area Zoning adopted by Ordinance 10703 as Appendices B  
323 and E, as amended, is hereby repealed.

324 m. The East Sammamish Community Plan Update Area Zoning, as revised in  
325 Appendix B attached to Ordinance 10847, as amended, is hereby repealed.

326 n. The West Hill Community Plan Area Zoning adopted in Ordinance 11166,  
327 as amended, is hereby repealed; and

328 5. All ordinances adopting area zoning pursuant to Title 21A and not converted  
329 by Ordinance 11653, including community or Comprehensive Plan area zoning and all  
330 subsequent amendments thereto, are amended as set forth in subsection M.5.a. through f.  
331 of this section. All property specific development standards (p-suffix conditions) are  
332 retained, repealed, amended or replaced by the property specific development standards  
333 as set forth in Appendix A to Ordinance 12824, the special district overlays as designated

334 in Appendix B to Ordinance 12824 or the special requirements as designated in Appendix  
335 A to Ordinance 12822.

336 a. The White Center Community Plan Area Zoning, contained in the  
337 Attachments to Ordinance 11568, as ~~((subsequently))~~ amended~~((, is hereby further))~~,  
338 including as amended as set forth in Appendix D to Ordinance 12824, Ordinance 19119  
339 and this ordinance.

340 b. All property specific development standards established in Ordinance  
341 11653, as amended, are hereby amended as set forth in Appendix E to Ordinance 12824.

342 c. All property specific development standards established in Attachment A to  
343 Ordinance 11747, as amended, are hereby amended as set forth in Appendix F.

344 d. All property specific development standards established in Ordinance  
345 12061, as amended, are hereby amended as set forth in Appendix G to Ordinance 12824.

346 e. All property specific development standards established in Ordinance  
347 12065, as amended, are hereby amended as set forth in K.C.C. 20.12.170.

348 f. All property specific development standards established in Attachment A to  
349 Ordinance 12170, as amended, are hereby amended as set forth in Appendix H.

350 SECTION 5. Ordinance 2883, Section 1, as amended, and K.C.C. 20.12.240 are  
351 hereby amended to read as follows:

352 The ~~((White Center Community Action Plan, a bound and published document~~  
353 ~~(Attachment I), as revised in the Attachments to Ordinance 11568)) North Highline~~

354 Community Service Area Subarea Plan, dated March 2022, in Attachment C to this

355 ordinance, is adopted as an amplification and augmentation of the Comprehensive Plan



356 for King County and, as such, constitutes official county policy for the geographic area of  
 357 unincorporated King County defined therein.

358 SECTION 6. Ordinance 11166, Section 2, as amended, and K.C.C. 20.12.337 are  
 359 hereby amended to read as follows:

360 The (~~West Hill Community Plan, a bound and published document, as revised in~~  
 361 ~~the Attachments to Ordinance 11166, as supplemented by the Skyway-West Hill Land~~  
 362 ~~Use Strategy, Phase 1 of the~~) Skyway-West Hill Community Service Area Subarea Plan,  
 363 dated (~~July 2020~~) March 2022, is adopted as an element of the King County  
 364 Comprehensive Plan and, as such, constitutes official county policy for the geographic  
 365 area of unincorporated King County defined (~~in the plan and strategy~~) therein. (~~In the~~  
 366 ~~case of conflict between the West Hill Community Plan and the Skyway-West Hill Land~~  
 367 ~~Use Strategy, Phase 1 of the Skyway-West Hill Subarea Plan, the Skyway-West Hill~~  
 368 ~~Land Use Strategy, Phase 1 of the Skyway-West Hill Subarea Plan, controls.~~)

369 SECTION 7. Ordinance 10870, Section 340, as amended, and K.C.C.  
 370 21A.12.030 are hereby amended to read as follows:

371 A. Densities and dimensions - residential and rural zones.

STANDARDS	RURAL				RESIDENTIAL								
	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density:	0.2	0.2	0.1	0.05	0.2	1	4	6	8	12	18	24	48
Dwelling Unit/Acre	du/a	du/a	du/ac	du/ac	du/ac	du/ac	du/ac	du/a	du/a	du/a	du/a	du/a	du/a
(15) (28)	c	c			(21)	ac	ac	c	c	c	c	c	c
Maximum Density:	0.4						6	9	12	18	27	36	72
Dwelling	du/a						du/ac	du/a	du/a	du/a	du/a	du/a	du/a
	c						ac	c	c	c	c	c	c

Unit/Acre (1)	(20)						(22) 8 du/ ac (27)	12 du/a c (27)	16 du/a c (27)	24 du/a c (27)	36 du/a c (27)	48 du/a c (27)	96 du/a c (27)
Minimum Density: (2)							85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.87 5 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7) (29)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)
Minimum Interior Setback (3)(16)	5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7) (29)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft (25)	35 ft 45 ft (14) (25)	35 ft 45 ft (14) (25)	60 ft	60 ft 80 ft (14)	60 ft 80 ft (14)	60 ft 80 ft (14)
Maximum Impervious Surface: Percentage (5)	25% (11) (19) (26)	20% (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26)	85% (26)	85% (26)	90% (26)

372

B. Development conditions.

373

1. This maximum density may be achieved only through the application of:

374

a. residential density incentives in accordance with K.C.C. chapter 21A.34 or

375 transfers of development rights in accordance with K.C.C. chapter 21A.37, or any  
376 combination of density incentive or density transfer; or

377 b. For properties within the Skyway-West Hill and North Highline community  
378 service area subarea planning geographies, the inclusionary housing regulations in  
379 accordance with K.C.C. chapter 21A.XX (the new chapter established in section 15 of  
380 this ordinance).

381 2. Also see K.C.C. 21A.12.060.

382 3. These standards may be modified under the provisions for zero-lot-line and  
383 townhouse developments.

384 4.a. Height limits may be increased if portions of the structure that exceed the  
385 base height limit provide one additional foot of street and interior setback for each foot  
386 above the base height limit, but the maximum height may not exceed seventy-five feet.  
387 ~~((b-))~~ Netting or fencing and support structures for the netting or fencing used to contain  
388 golf balls in the operation of golf courses or golf driving ranges are exempt from the  
389 additional interior setback requirements but the maximum height shall not exceed  
390 seventy-five feet, except for recreation or multiuse parks, where the maximum height  
391 shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires  
392 a higher fence.

393 ~~((e-))~~ b. Accessory dwelling units and accessory living quarters shall not  
394 exceed base heights, except that this requirement shall not apply to accessory dwelling  
395 units constructed wholly within an existing dwelling unit.

396 c. Height limits may be increased in accordance with K.C.C. chapter 21A.XX  
397 (the new chapter established in section 15 of this ordinance).

- 398           5. Applies to each individual lot. Impervious surface area standards for:
- 399           a. Regional uses shall be established at the time of permit review;
- 400           b. Nonresidential uses in rural area and residential zones shall comply with
- 401           K.C.C. 21A.12.120 and 21A.12.220;
- 402           c. Individual lots in the R-4 through R-6 zones that are less than nine thousand
- 403           seventy-six square feet in area shall be subject to the applicable provisions of the nearest
- 404           comparable R-6 or R-8 zone; and
- 405           d. A lot may be increased beyond the total amount permitted in this chapter
- 406           subject to approval of a conditional use permit.
- 407           6. Mobile home parks shall be allowed a base density of six dwelling units per
- 408           acre.
- 409           7. The standards of the R-4 zone apply if a lot is less than fifteen thousand
- 410           square feet in area.
- 411           8. At least twenty linear feet of driveway shall be provided between any garage,
- 412           carport or other fenced parking area and the street property line. The linear distance shall
- 413           be measured along the center line of the driveway from the access point to such garage,
- 414           carport or fenced area to the street property line.
- 415           9.a. Residences shall have a setback of at least one hundred feet from any
- 416           property line adjoining A, M or F zones or existing extractive operations. However,
- 417           residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or
- 418           existing extractive operations shall have a setback from the rear property line equal to
- 419           fifty percent of the lot width and a setback from the side property equal to twenty-five
- 420           percent of the lot width.

421           b. Except for residences along a property line adjoining A, M or F zones or  
422 existing extractive operations, lots between one acre and two and one-half acres in size  
423 shall conform to the requirements of the R-1 zone and lots under one acre shall conform  
424 to the requirements of the R-4 zone.

425           10.a. For developments consisting of three or more single-detached dwellings  
426 located on a single parcel, the setback shall be ten feet along any property line abutting  
427 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in  
428 K.C.C. 21A.14.190, which shall have a setback of five feet.

429           b. For townhouse and apartment development, the setback shall be twenty feet  
430 along any property line abutting R-1 through R-8, RA and UR zones, except for  
431 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback  
432 of five feet, unless the townhouse or apartment development is adjacent to property upon  
433 which an existing townhouse or apartment development is located.

434           11. Lots smaller than one-half acre in area shall comply with standards of the  
435 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or  
436 larger, the maximum impervious surface area allowed shall be at least ten thousand  
437 square feet. On any lot over one acre in area, an additional five percent of the lot area  
438 may be used for buildings related to agricultural or forestry practices. For lots smaller  
439 than two acres but larger than one-half acre, an additional ten percent of the lot area may  
440 be used for structures that are determined to be medically necessary, if the applicant  
441 submits with the permit application a notarized affidavit, conforming with K.C.C.  
442 21A.32.170A.2.

443           12. For purposes of calculating minimum density, the applicant may request that

444 the minimum density factor be modified based upon the weighted average slope of the  
445 net buildable area of the site in accordance with K.C.C. 21A.12.087.

446 13. The minimum lot area does not apply to lot clustering proposals as provided  
447 in K.C.C. chapter 21A.14.

448 14. The base height to be used only for projects as follows:

449 a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a  
450 fifteen percent finished grade; and

451 b. in R-18, R-24 and R-48 zones using residential density incentives and  
452 transfer of density credits in accordance with this title.

453 15. Density applies only to dwelling units and not to sleeping units.

454 16. Vehicle access points from garages, carports or fenced parking areas shall  
455 be set back from the property line on which a joint use driveway is located to provide a  
456 straight line length of at least twenty-six feet as measured from the center line of the  
457 garage, carport or fenced parking area, from the access point to the opposite side of the  
458 joint use driveway.

459 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to  
460 be clustered if the property is located within or contains:

461 (1) a floodplain;

462 (2) a critical aquifer recharge area;

463 (3) a regionally or locally significant resource area;

464 (4) existing or planned public parks or trails, or connections to such facilities;

465 (5) a category type S or F aquatic area or category I or II wetland;

466 (6) a steep slope; or

467 (7) an urban separator or wildlife habitat network designated by the  
468 Comprehensive Plan or a community plan.

469 b. The development shall be clustered away from critical areas or the axis of  
470 designated corridors such as urban separators or the wildlife habitat network to the extent  
471 possible and the open space shall be placed in a separate tract that includes at least fifty  
472 percent of the site. Open space tracts shall be permanent and shall be dedicated to a  
473 homeowner's association or other suitable organization, as determined by the director,  
474 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and  
475 designated urban separators shall be placed within the open space tract to the extent  
476 possible. Passive recreation, with no development of recreational facilities, and natural-  
477 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

478 18. See K.C.C. 21A.12.085.

479 19. All subdivisions and short subdivisions in R-1 and RA zones within the  
480 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North  
481 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and  
482 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East  
483 Sammamish Community Planning Area that drains to Patterson Creek shall have a  
484 maximum impervious surface area of eight percent of the gross acreage of the plat.  
485 Distribution of the allowable impervious area among the platted lots shall be recorded on  
486 the face of the plat. Impervious surface of roads need not be counted towards the  
487 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the  
488 more restrictive shall be required.

489 20. This density may only be achieved on RA 2.5 zoned parcels receiving

490 density from rural forest focus areas through a transfer of density credit pursuant to  
491 K.C.C. chapter 21A.37.

492 21. Base density may be exceeded, if the property is located in a designated  
493 rural city urban growth area and each proposed lot contains an occupied legal residence  
494 that predates 1959.

495 22.a. The maximum density is four dwelling units per acre for properties zoned  
496 R-4 when located in the Rural Town of Fall City.

497 b. For properties within the Skyway-West Hill and North Highline community  
498 service area subarea planning geographies, only in accordance with the inclusionary  
499 housing regulations in accordance with K.C.C. chapter 21A.XX (the new chapter  
500 established in section 15 of this ordinance).

501 23. The minimum density requirement does not apply to properties located  
502 within the Rural Town of Fall City.

503 24. The impervious surface standards for the county fairground facility are  
504 established in the King County Fairgrounds Site Development Plan, Attachment A to  
505 Ordinance 14808 on file at the department of natural resources and parks and the  
506 department of local services, permitting division. Modifications to that standard may be  
507 allowed provided the square footage does not exceed the approved impervious surface  
508 square footage established in the King County Fairgrounds Site Development Plan  
509 Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808,  
510 by more than ten percent.

511 25. For cottage housing developments only:

512 a. The base height is twenty-five feet.



513            b. Buildings have pitched roofs with a minimum slope of six and twelve may  
 514 extend up to thirty feet at the ridge of the roof.

515            26. Impervious surface does not include access easements serving neighboring  
 516 property and driveways to the extent that they extend beyond the street setback due to  
 517 location within an access panhandle or due to the application of King County Code  
 518 requirements to locate features over which the applicant does not have control.

519            27. Only in accordance with:

520            a. K.C.C. 21A.34.040.F.1.g., F.6. or K.C.C. 21A.37.130.A.2; or

521            b. For properties within the Skyway-West Hill and North Highline community  
 522 service area subarea planning geographies, the inclusionary housing regulations in  
 523 accordance with K.C.C. chapter 21A.XX (the new chapter established in section 15 of  
 524 this ordinance).

525            28. On a site zoned RA with a building listed on the national register of historic  
 526 places, additional dwelling units in excess of the maximum density may be allowed under  
 527 K.C.C. 21A.12.042.

528            29. Height and setback requirements shall not apply to regional transit authority  
 529 facilities.

530            SECTION 8. Ordinance 10870, Section 341, as amended, and K.C.C.  
 531 21A.12.040 are hereby amended to read as follows:

532            A. Densities and dimensions - resource and commercial/industrial zones.

	Z O	RESOURCE			COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	F O R	M I N	NEIGHBOR -HOOD BUSINESS	COMMUNI TY BUSINESS	REGIONA L BUSINESS	O F F	I N D

STANDARDS	N		E		E		I		U	
	A-10	A-35	F	M	NB	CB	RB	O	I	
Base Density:	0.1	.0286	.0125		8 du/ac	48 du/ac	36 du/ac (2)	48		
Dwelling Unit/Acre (19)	du/ac	du/ac	du/ac		(2)	(2)	48 du/ac (1)	du/ac (2)		
Maximum Density:					12 du/ac (3)	72 du/ac (16)	48 du/ac (3)	72 du/ac (16)		
Dwelling Unit/Acre					16 du/ac (15)	96 du/ac (17)	72 du/ac (16) 96 du/ac (17)	96 du/ac (17)		
Minimum Lot Area	10 acres	35 acres	80 acres	10 acres						
Maximum Lot Depth/Width Ratio	4 to 1	4 to 1								
Minimum Street Setback	30 ft (4)	30 ft (4)	50 ft (4)	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft	
Minimum Interior Setback	10 ft (4)	10 ft (4)	100 ft (4)	(12)	10 ft (18) 20 ft (14)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7) 50 ft (8)	
Base Height (10)	35 ft	35 ft	35 ft	35 ft	35 ft 45 ft (6)	35 ft 60 ft (6) 65 ft (17)	35 ft 65 ft (6)	45 ft 65 ft (6)	45 ft	
Maximum					1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1	2.5/1	

Floor/Lot Ratio: Square Feet								(9)	
Maximum Impervious Surface: Percentage (13)	15%	10%	10%		85%	85%	90%	75%	90%

533 B. Development conditions.

534 1. In the RB zone on property located within the Potential Annexation Area of a  
535 rural city, this density is not allowed.

536 2. These densities are allowed only through the application of mixed-use  
537 development standards and, in the NB zone on property in the urban area designated  
538 commercial outside of center, for stand-alone townhouse development.

539 3.a. These densities may only be achieved through the application of residential  
540 density incentives or transfer of development rights in mixed-use developments and, in  
541 the NB zone on property in the urban area designated commercial outside of center, for  
542 stand-alone townhouse development. See K.C.C. chapters 21A.34 and 21A.37; or

543 b. For properties within the Skyway-West Hill and North Highline community  
544 service area subarea planning geographies, the inclusionary housing regulations in  
545 accordance with K.C.C. chapter 21A.XX (the new chapter established in section 15 of  
546 this ordinance).

547 4.a. in the F zone, scaling stations may be located thirty-five feet from property  
548 lines. Residences shall have a setback of at least thirty feet from all property lines.

549 b. for lots between one acre and two and one-half acres in size, the setback

550 requirements of the R-1 zone shall apply. For lots under one acre, the setback  
551 requirements of the R-4 zone shall apply.

552 c. for developments consisting of three or more single-detached dwellings  
553 located on a single parcel, the setback shall be ten feet along any property line abutting  
554 R-1 through R-8, RA and UR zones.

555 5. Gas station pump islands shall be placed no closer than twenty-five feet to  
556 street front lines.

557 6. This base height allowed only for mixed-use developments and for stand-  
558 alone townhouse development in the NB zone on property designated commercial outside  
559 of center in the urban area.

560 7. Required on property lines adjoining rural area and residential zones.

561 8. Required on property lines adjoining rural area and residential zones for  
562 industrial uses established by conditional use permits.

563 9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C.  
564 chapter 21A.14.

565 10.a. Height limits may be increased if portions of the structure building that  
566 exceed the base height limit provide one additional foot of street and interior setback for  
567 each foot above the base height limit, provided the maximum height may exceed seventy-  
568 five feet only in mixed use developments. Netting or fencing and support structures for  
569 the netting or fencing used to contain golf balls in the operation of golf courses or golf  
570 driving ranges are exempt from the additional interior setback requirement provided that  
571 the maximum height shall not exceed seventy-five feet.

572 b. Height limits may be increased in accordance with K.C.C. chapter 21A.XX

573 (the new chapter established in section 15 of this ordinance).

574 11. Applicable only to lots containing less than one acre of lot area.

575 Development on lots containing less than fifteen thousand square feet of lot area shall be  
576 governed by impervious surface standards of the nearest comparable R-4 through R-8  
577 zone.

578 12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.

579 13. The impervious surface area for any lot may be increased beyond the total  
580 amount permitted in this chapter subject to approval of a conditional use permit.

581 14. Required on property lines adjoining rural area and residential zones unless  
582 a stand-alone townhouse development on property designated commercial outside of  
583 center in the urban area is proposed to be located adjacent to property upon which an  
584 existing townhouse development is located.

585 15.a. Only as provided for walkable communities under K.C.C. 21A.34.040.F.8.  
586 well-served by transit or for mixed-use development through the application of rural area  
587 and residential density incentives under K.C.C. 21A.34.040.F.1.g; or

588 b. For properties within the Skyway-West Hill and North Highline community  
589 service area subarea planning geographies, only as provided for under the inclusionary  
590 housing regulations in accordance with K.C.C. chapter 21A.XX (the new chapter  
591 established in section 15 of this ordinance).

592 16.a. Only for mixed-use development through the application of residential  
593 density incentives under K.C.C. chapter 21A.34 or the transfer of development rights  
594 under K.C.C. chapter 21A.37. In the RB zone on property located within the Potential  
595 Annexation Area of a rural city, this density is not allowed; or

596            b. For properties within the Skyway-West Hill and North Highline community  
597 service area subarea planning geographies, only as provided for under the inclusionary  
598 housing regulations in accordance with K.C.C. chapter 21A.XX (the new chapter  
599 established in section 15 of this ordinance).

600            17.a. Only for mixed-use development through the application of residential  
601 density incentives through the application of residential density incentives under K.C.C.  
602 chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37.  
603 Upper-level setbacks are required for any facade facing a pedestrian street for any portion  
604 of the structure greater than forty-five feet in height. The upper level setback shall be at  
605 least one foot for every two feet of height above forty-five feet, up to a maximum  
606 required setback of fifteen feet. The first four feet of horizontal projection of decks,  
607 balconies with open railings, eaves, cornices((s)) and gutters shall be permitted in  
608 required setbacks. In the RB zone on property located within the Potential Annexation  
609 Area of a rural city, this density is not allowed; or

610            b. For properties within the Skyway-West Hill and North Highline community  
611 service area subarea planning geographies, only as provided for under the inclusionary  
612 housing regulations in accordance with K.C.C. chapter 21A.XX (the new chapter  
613 established in section 15 of this ordinance).

614            18. Required on property lines adjoining rural area and residential zones only  
615 for a social service agency office reusing a residential structure in existence on January 1,  
616 2010.

617            19. On a site zoned A with a building designated as a county landmark in  
618 accordance with the procedures in K.C.C. 20.62.070, additional dwelling units in excess

619 of the maximum density may be allowed under K.C.C. 21A.12.042.

620         SECTION 9. Ordinance 10870, Section 561 and K.C.C. 21A.34.020 are hereby  
621 amended to read as follows:

622         A. Residential density incentives (RDI) shall be used only on sites served by  
623 public sewers and only in the following zones:

624             ~~((A-))~~ 1. In R-4 through R-48 zones; and

625             ~~((B-))~~ 2. In NB, CB, RB and O zones when part of a mixed~~((-))~~-use development.

626         B. RDI shall not be used on sites located within the Skyway-West Hill and North  
627 Highline community service area subarea planning geographies.

628         SECTION 10. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010  
629 are hereby amended to read as follows:

630         A. The purpose of the transfer of development rights program is to transfer  
631 residential density from eligible sending sites to eligible receiving sites through a  
632 voluntary process that permanently preserves urban, rural and resource lands that provide  
633 a public benefit. The TDR provisions are intended to supplement land use regulations,  
634 resource protection efforts and open space acquisition programs and to encourage  
635 increased residential development density or increased commercial square footage,  
636 especially inside cities, where it can best be accommodated with the least impacts on the  
637 natural environment and public services by:

638             1. Providing an effective and predictable incentive process for property owners  
639 of rural, resource and urban separator land to preserve lands with a public benefit as  
640 described in K.C.C. 21A.37.020; and

641             2. Providing an efficient and streamlined administrative review system to ensure

642 that transfers of development rights to receiving sites are evaluated in a timely way and  
643 balanced with other county goals and policies, and are adjusted to the specific conditions  
644 of each receiving site.

645 B. The TDR provisions in this chapter shall only apply to TDR receiving site  
646 development proposals:

647 1. submitted on or after September 17, 2001, and applications for approval of  
648 TDR sending sites submitted on or after September 17, 2001; and

649 2. If within the Skyway-West Hill and North Highline community service area  
650 subarea planning geographies, only as allowed in K.C.C. chapter 21A.XX. (the new  
651 chapter established in section 15 of this ordinance).

652 SECTION 11. Ordinance 13733, Section 12, as amended, and K.C.C.  
653 21A.37.130 are hereby amended to read as follows:

654 A.1. The sale of development rights by the TDR bank shall be at a price that  
655 equals or exceeds the fair market value of the development rights, except as provided in  
656 subsection A.2. of this section. The fair market value of the development rights shall be  
657 established by the department of natural resources and shall be based on the amount the  
658 county paid for the development rights and the prevailing market conditions.

659 2.a. The department of natural resources and parks shall undertake a "TDR for  
660 affordable housing" pilot program, in which transferrable development rights necessary  
661 to construct up to one hundred total units shall be sold at the administrative cost incurred  
662 by the county or fifteen percent of the fair market value of the development rights,  
663 whichever is less.

664 b. In order to qualify for this program, all units built using the development



665 rights must be either:

666           (1) rental housing permanently priced to serve households with a total  
667 household income at or below (~~forty~~) sixty percent of the median income for the county  
668 as defined by the United States Department of Housing and Urban Development,  
669 adjusted for household size. A covenant on the property that specifies the income level  
670 being served, rent levels and requirements for reporting to King County shall be recorded  
671 at final approval; or

672           (2) housing reserved for income- and asset-qualified home buyers with total  
673 household income at or below (~~forty~~) sixty percent of the median income for the county  
674 as defined by the United States Department of Housing and Urban Development,  
675 adjusted for household size. The units shall be limited to owner-occupied housing with  
676 prices restricted based on typical underwriting ratios and other lending standards, and  
677 with no restriction placed on resale. Final approval conditions shall specify requirements  
678 for reporting to King County on both buyer eligibility and housing prices.

679           c. In unincorporated King County, in the R-4 through R-48 zones,  
680 development rights to build units through this pilot program shall only be sold for units  
681 between one hundred fifty percent and two hundred percent of the receiving site's base  
682 density as set forth in K.C.C. 21A.12.030.

683           d.(1) The department of natural resources and parks shall track the sale of  
684 development rights and completion of units constructed through this program. When the  
685 one hundred unit threshold is reached, the department shall, within six months of that  
686 date, transmit a report to the council that includes, but is not limited to:

687           (a) the location of the receiving sites where development rights under this

688 pilot program were used;

689 (b) lessons learned from the pilot program, including feedback from

690 developers who purchased development rights through the program; and

691 (c) a recommendation on whether to make the pilot program permanent,

692 repeal the program((;)) or modify the program.

693 (2) the report shall be accompanied by a proposed ordinance effectuating the

694 recommendation in subsection A.2.d.(1)(c) of this section.

695 (3) the report and proposed ordinance shall be filed in the form of a paper

696 original and an electronic copy with the clerk of the council, who shall retain the original

697 and provide an electronic copy to all councilmembers, the council chief of staff and the

698 lead staff to the mobility and environment committee or its successor.

699 B. When selling development rights, the TDR bank may select prospective

700 purchasers based on the price offered for the development rights, the number of

701 development rights offered to be purchased((;)) and the potential for the sale to achieve

702 the purposes of the TDR program.

703 C. The TDR bank may sell development rights only in whole or half increments

704 to incorporated receiving sites through an interlocal agreement or, after the county enacts

705 legislation that complies with chapter 365-198 WAC, to incorporated receiving sites in a

706 city that has enacted legislation that complies with chapter 365-198 WAC. The TDR

707 bank may sell development rights only in whole increments to unincorporated King

708 County receiving sites.

709 D. All offers to purchase development rights from the TDR bank shall be in

710 writing, shall include a certification that the development rights, if used, shall be used

711 only inside an identified city or within the urban unincorporated area, include a minimum  
712 ten percent down payment with purchase option, shall include the number of  
713 development rights to be purchased, location of the receiving site, proposed purchase  
714 price and the required date or dates for completion of the sale, not later than three years  
715 after the date of receipt by King County of the purchase offer.

716 E. Payment for purchase of development rights from the TDR bank shall be in  
717 full at the time the development rights are transferred unless otherwise authorized by the  
718 department of natural resources and parks.

719 SECTION 12. Ordinance 11567, Section 1, as amended, and K.C.C. 21A.38.100  
720 are hereby amended to read as follows:

721 A. The purpose of the North Highline commercial~~((/))~~ and industrial special  
722 district overlay is to accommodate and support existing commercial/industrial areas  
723 ~~((outside of activity centers by providing incentives for the redevelopment of~~  
724 ~~underutilized commercial or industrial lands and))~~ by permitting a range of appropriate  
725 uses consistent with maintaining the quality of nearby residential areas.

726 B. The ~~((commercial/industrial))~~ special district overlay shall be designated only  
727 through the area zoning process and applied to areas substantially developed with a mix  
728 of commercial and light industrial uses and zoned CB, RB, O or I.

729 C. The standards of this title and other county codes shall be applicable to  
730 development within the ~~((commercial/industrial))~~ special district overlay except as  
731 follows:

732 1. Legally established commercial or industrial uses that exist within an area as  
733 of ~~((the effective date of legislation applying the commercial/industrial special district~~

734 ~~overlay~~) November 28, 1994, but that are not otherwise permitted by the zoning, shall be  
735 considered permitted uses upon only the lots that they occupied as of that date.

736 2. Permitted uses shall include those of the base and I zone, with the exception  
737 of the following:

738 a. any use permitted in the I zone requiring a conditional use permit;

739 b. auction houses;

740 c. livestock sales;

741 ~~d. ((SIC Industry Group 201 (meat products);~~

742 ~~e. SIC Industry Group 202 (dairy products);~~

743 ~~f. SIC Industry Group 204 (grain mill products);~~

744 ~~g. SIC Industry Group 207 (fats and oils);~~

745 ~~h.))~~ motor vehicle and boat dealers;

746 ~~((i.))~~ e. SIC Major Group 24 (lumber and wood products, except furniture)

747 except 2431 (millwork) and 2434 (wood kitchen cabinets);

748 ~~((j. SIC Industry Group 311 (leather tanning and finishing);~~

749 ~~k.))~~ f. SIC Major Group 32 (stone, clay, glass and concrete products);

750 ~~((l. SIC Industry 3999 (manufacturing industries, not elsewhere classified)~~

751 ~~dressings of furs, fur stripping and pelts only;~~

752 ~~m.))~~ g. SIC Industry 7534 (tire retreading);

753 ~~((n.))~~ h. SIC Major Group 02 ~~((agricultural production—livestock and animal~~

754 ~~specialties))~~ raising livestock and small animals);

755 ~~((o.))~~ i. SIC Industry 2951 (asphalt paving mixtures and blocks);

756 ~~((p.))~~ j. resource accessory uses;

757            ~~((e.))~~ k. outdoor storage of equipment or materials occupying more than  
758 twenty-five percent of the site associated with((:

759            ~~(1) SIC Major Group 15 (building construction—contractors and operative~~  
760 ~~builders);~~

761            ~~(2) SIC Major Group 16 (heavy construction other than building~~  
762 ~~construction—contractors);~~

763            ~~(3) SIC Major Group 17 (construction—special trade contractors); and~~

764            ~~(4))~~ SIC Industry 7312 (outdoor advertising services); and

765            ~~((f.))~~ l. interim recycling facilities on lots that directly abut properties outside  
766 of the district.

767            3. Use limitations of the base zone shall not apply to commercial/industrial  
768 accessory uses.

769            4. ~~((The minimum parking requirements of this title shall be reduced as follows,~~  
770 ~~except that the reductions do not apply to new construction on vacant property or the~~  
771 ~~vacant portions of partially developed property where that construction is not an~~  
772 ~~enlargement or replacement of an existing building:~~

773            ~~a. the parking stall requirements are reduced one hundred percent, but only if:~~

774            ~~(1) the square footage of any enlargement or replacement of an existing~~  
775 ~~building does not in total exceed one hundred twenty five percent of the square footage~~  
776 ~~of the existing building;~~

777            ~~(2) the building fronts on an existing roadway improved to urban standards or~~  
778 ~~a roadway programmed to be improved to urban standards as a capital improvement~~  
779 ~~project, that accommodates on-street parking; and~~

780           ~~(3) there is no net decrease in existing off-street parking space; and~~  
781           ~~b. the parking stall requirements are reduced fifty percent, but only if:~~  
782           ~~(1) the square footage of any enlargement or replacement of an existing~~  
783 ~~building in total exceeds one hundred twenty-five percent of the square footage of the~~  
784 ~~existing building;~~  
785           ~~(2) the height of the enlarged or replacement building does not exceed the~~  
786 ~~base height of the zone in which it is located;~~  
787           ~~(3) the building fronts on an existing roadway improved to urban standards or~~  
788 ~~a roadway programmed to be improved to urban standards as a capital improvement~~  
789 ~~project, that accommodates on-street parking; and~~  
790           ~~(4) there is no net decrease in existing off-street parking spaces, unless it~~  
791 ~~exceeds the minimum requirements of subsection C.4.b.~~  
792           ~~5. The landscaping requirements of this title shall be waived, but only if:~~  
793           ~~a. street trees, installed and maintained by the adjacent property owner, shall be~~  
794 ~~substituted in lieu of landscaping;~~  
795           ~~b.(1) except as otherwise provided in 4.b.(2) of this subsection, any portion of~~  
796 ~~the overlay district that directly abuts properties outside of the district shall provide,~~  
797 ~~along those portions, a landscape buffer area no less than fifty percent of that required by~~  
798 ~~this title, and areas of a lot used for outdoor storage of equipment or materials shall be~~  
799 ~~screened from adjacent R zone properties by use of no less than ten feet of Type 1~~  
800 ~~landscaping or a totally view obscuring fence or structure; and~~  
801           ~~(2) if required parking for a development proposal is located on properties~~  
802 ~~outside of the district that directly abut the site, the landscape buffer required by 6.b.(1)~~

803 of this subsection may be placed on the perimeter of the properties on which the parking is  
804 located that abut other properties outside of this district.

805 ~~6. The setback requirements of this title shall be waived, but only if:~~

806 ~~a. setback widths along any street that is not an alley forming a boundary of the~~  
807 ~~overlay district shall comply with this title; and~~

808 ~~b. any portion of the overlay district that directly abuts properties outside of~~  
809 ~~the district shall provide, along those portions, a setback no less than fifty percent of that~~  
810 ~~required by this title.~~

811 ~~7. The building height limits of this title shall be waived, except that the height~~  
812 ~~limit within fifty feet of the perimeter of the overlay district shall be thirty feet.~~

813 ~~8. Signage shall be limited to that allowed within the CB zone.~~

814 ~~9. The roadway improvements of the King county Code shall be waived, but~~  
815 ~~only if a no-protest agreement to participate in future road improvement districts (RID) is~~  
816 ~~signed by an applicant and recorded with the county.~~

817 ~~10. The pedestrian circulation requirements of this title shall be waived.~~

818 ~~11. The impervious surface and lot coverage requirements of this title shall be~~  
819 ~~waived.)) Off-street parking shall be no less than twenty-five percent and no more than~~  
820 ~~seventy-five percent of the minimum required in K.C.C. chapter 21A.18 for~~  
821 ~~nonresidential development.~~

822 D. For properties that have frontage on a pedestrian street or streets or route or  
823 routes as designated in an applicable plan or area zoning process, except for gasoline  
824 service stations (SIC 5541) and grocery stores (SIC 5411) that also sell gasoline, the  
825 following conditions shall apply:

- 826           1. Main building entrances shall be oriented to the pedestrian street;
- 827           2. At the ground floor (at grade), buildings shall be located no more than five  
828 feet from the sidewalk or sidewalk improvement, but in no instance shall encroach on the  
829 public right-of-way;
- 830           3. Building facades shall comprise at least seventy-five percent of the total  
831 pedestrian street frontage for a property, and if applicable, at least seventy-five percent of  
832 the total pedestrian route frontage for a property;
- 833           4. Minimum side setbacks of the underlying zoning are waived;
- 834           5. Building facades of ground floor retail, general business service((;)) and  
835 professional office land uses, that front onto a pedestrian street or route shall include  
836 windows and overhead protection;
- 837           6. Building facades, along a pedestrian street or route, that are without  
838 ornamentation((;)) or are comprised of uninterrupted glass curtain walls or mirrored glass  
839 are not permitted; and
- 840           7. Vehicle access shall be limited to the rear access alley or rear access street  
841 where such an alley or street exists.

842           NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter  
843 21A.38 a new section to read as follows:

- 844           A. The purpose of the Skyway microenterprise special district overlay is to  
845 promote small-scale commercial opportunities and provide for pedestrian-oriented retail  
846 and service commercial areas that complement and link to nearby CB zones. The special  
847 district overlay shall only be established in the Skyway-West Hill subarea planning



848 geography, areas designated as a center on the adopted Urban Centers map of the King  
849 County Comprehensive Plan and on properties zoned NB or O.

850 B. In addition to the development standards in this title, the following  
851 development standards shall also apply to commercial development within the special  
852 district overlay. Where a conflict exists, the following standards shall apply:

853 1. No commercial space shall be larger than one thousand square feet in size;

854 2. Parking shall comply with the standards of K.C.C. chapter 21A.18, except

855 that:

856 a. required off-street parking and access shall be to rear or side of building; and

857 b. on-street parking within two hundred and fifty feet of the site may be

858 counted toward the off-street parking requirement for the commercial uses;

859 3. Permitted uses shall be those uses permitted in the underlying zone,

860 excluding the following:

861 a. automotive repair;

862 b. automotive service;

863 c. gasoline service stations;

864 d. uses with drive-through facilities;

865 e. vector waste receiving facility;

866 f. self-service storage;

867 g. cemetery, columbarium or mausoleum;

868 h. automobile parking, unless accessory to a permitted primary use occurring

869 on the property; and

870 i. interim recycling facility; and

871 4. In addition to the uses permitted in the underlying zone, the following uses  
872 shall also be permitted:

- 873 a. apparel and accessory stores;
- 874 b. furniture and home furnishings stores;
- 875 c. Used goods: antiques/secondhand shops; and
- 876 d. Jewelry stores.

877 NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter  
878 21A.38 a new section to read as follows:

879 A. The purpose of the North Highline pedestrian-oriented special district overlay  
880 is to require pedestrian-oriented development that facilitates walkability and connectivity  
881 between commercial areas and community amenities in North Highline's downtown core.

882 B. In addition to the development standards in this title, the following  
883 development standards shall also apply to development within the special district overlay.

884 Where a conflict exists, the following standards shall apply:

- 885 1. Main building entrances shall be oriented to the public street;
- 886 2. At the ground floor, also known as "at grade," buildings shall be located no  
887 more than five feet from the sidewalk or sidewalk improvement, but shall not encroach  
888 on the public right-of-way;
- 889 3. Building facades shall comprise at least seventy-five percent of the total street  
890 frontage for a property;
- 891 4. Building facades shall include windows and overhead protection;
- 892 5. Building facades that are without ornamentation or are comprised of  
893 uninterrupted glass curtain walls or mirrored glass are not permitted;

894           6. Vehicle access shall be limited to the rear access alley where such an alley  
895 exists;

896           7. Off-street parking shall be no less than twenty-five percent and no more than  
897 seventy-five percent of the minimum required in K.C.C. chapter 21A.18 for  
898 nonresidential developments; and

899           8. Marijuana processors and producers are not permitted uses.

900           SECTION 15. Sections 16 through 23 of this ordinance should constitute a new  
901 chapter in K.C.C. Title 21A.

902           NEW SECTION. SECTION 16. There is hereby added to the chapter established  
903 in section 15 of this ordinance a new section to read as follows:

904           The purpose of this chapter is to establish inclusionary housing regulations that  
905 provide for the creation of new housing units that are affordable to residents making less  
906 than AMI in areas with high risk for displacement due to the high potential for new  
907 development and redevelopment in those communities.

908           NEW SECTION. SECTION 17. There is hereby added to the chapter established  
909 in section 15 of this ordinance a new section to read as follows:

910           The definitions in K.C.C. chapter 21A.06 and the following definitions apply to  
911 this chapter unless the context clearly requires otherwise. Where definitions in this  
912 section differ from the definitions in K.C.C. chapter 21A.06, the following definitions  
913 shall control.

914           A. "Affordable dwelling unit" means an affordable rental dwelling unit or  
915 affordable owner-occupied dwelling unit, or both.

916           B. "Affordable owner-occupied dwelling unit" means a dwelling unit that is:

917           1. The primary residence of the legal owner or a resident who is part owner of a  
918 limited equity corporation or nonprofit that owns the dwelling unit;

919           2. Sold under terms such that the monthly costs of the mortgage, insurance and  
920 property taxes, or equivalent costs as a part owner of a limited equity corporation or  
921 nonprofit that own the dwelling unit, do not exceed thirty percent of the gross monthly  
922 income for the specified qualifying income level; and

923           3. Subject to a covenant or deed restriction that specifies the affordability levels  
924 and terms and is approved by the department of community and human services.

925           C. "Affordable rental dwelling unit" means a dwelling unit that is:

926           1. The primary residence of the tenant and the monthly rent for the unit does not  
927 exceed thirty percent of the gross monthly income for the specified qualifying income  
928 level; and

929           2. Subject to a covenant or deed restriction that specifies the affordability levels  
930 and terms and is approved by the department of community and human services.

931           D. "AMI" means the median household income for King County as established  
932 by the United States Department of Housing and Urban Development.

933           E. "Community preference and affirmative marketing plan" means a plan  
934 submitted to the department of community and human services that includes:

935           1. A tenant selection process that provides a preference for no more than forty  
936 percent of affordable dwelling units constructed in compliance with this chapter to  
937 housing applicants with a current or past connection to the Skyway-West Hill and North  
938 Highline community service area subarea planning geographies;

939           2. An advertising and outreach plan designed to attract potential housing

940 applicants regardless of protected class status as established by federal, state and local  
941 laws; and

942 3. A process for housing applicants to file an appeal regarding the tenant  
943 selection process and verification of eligibility for preference.

944 F. "Community preference and affirmative marketing report" means a report  
945 submitted to the department of community and human services that includes:

946 1. Information describing the activities conducted to implement the community  
947 preference and affirmative marketing plan; and

948 2. Information regarding the number of housing applicants:

949 a. that requested a preference;

950 b. deemed eligible under the preference criteria; and

951 c. eligible for the preference that were selected for housing.

952 G. "Dwelling unit" is as defined in K.C.C. 21A.06.346 through 21A.06.370,  
953 except for accessory dwelling units as defined in K.C.C. 21A06.350.

954 H. "Market-rate dwelling unit" means a dwelling unit that is not restricted to a  
955 specified affordable rent or sale price.

956 I. "Total allowed density" means total number of both market-rate dwelling units  
957 and affordable dwelling units allowed to be constructed in a development based on the  
958 maximum density allowed in this chapter.

959 NEW SECTION. SECTION 18. There is hereby added to the chapter established  
960 in section 15 of this ordinance a new section to read as follows:

961 A. For new or substantially improved residential or mixed-use developments  
962 within the Skyway-West Hill and North Highline community service area subarea

963 planning geographies that propose residential densities above the base density allowed in  
964 the zone as established in K.C.C. chapter 21A.12:

965           1. The density shall not be increased using the residential density incentives in  
966 K.C.C. chapter 21A.34.

967           2. In the Skyway and White Center Unincorporated Activity Centers as  
968 designated by the King County Comprehensive Plan, developments shall:

969               a. provide affordable dwelling units as established in subsection B. of this  
970 section; and

971               b. not increase density using transfer of development rights under subsection C  
972 of this section or K.C.C. chapter 21A.37.

973           3. Except for areas subject to subsection A.2. of this section, developments may  
974 increase base density if they provide affordable dwelling units as established in  
975 subsections B. or C. of this section.

976           B.1. The maximum density may be increased to two hundred percent of the base  
977 density if the development provides the following percentages of dwelling units at the  
978 following affordability levels:

979               a. one hundred percent of all units are affordable rental dwelling units for  
980 households at or below sixty percent of AMI;

981               b. one hundred percent of all units are affordable owner-occupied dwelling  
982 units for households at or below eighty percent of AMI; or

983               c. one hundred percent of all units are a combination of affordable rental  
984 dwelling units and affordable owner-occupied dwelling units for households as outlined  
985 in subsections B.1.a. and b. of this section, respectively; or

986           2.a. The maximum density may be increased to one hundred fifty percent of the  
987 base density if the development provides at least one of the following percentages of  
988 dwelling units at the following affordability levels:

989           (1) no less than thirty percent of the units shall be affordable owner-occupied  
990 dwelling units for households at or below eighty percent of AMI;

991           (2) no less than twenty-five percent of the units shall be affordable rental  
992 dwelling units or affordable owner-occupied dwelling units, or both, for households at or  
993 below seventy percent of AMI;

994           (3) no less than twenty percent of the units shall be affordable rental dwelling  
995 units for households at or below sixty percent of AMI; or

996           (4) no less than fifteen percent of the units shall be affordable rental dwelling  
997 units for households at or below fifty percent of AMI; and

998           b. The maximum density may be increased by an additional fifty percent, for a  
999 total of two hundred percent of the base density, if the developer utilizes transfers of  
1000 development rights in accordance with K.C.C. chapter 21A.37.

1001           C.1. The maximum density may be increased to one hundred fifty percent of the  
1002 base density if the development:

1003           a. includes nine or fewer dwelling units and utilizes transfers of development  
1004 rights in accordance with K.C.C. chapter 21A.37; or

1005           b. includes ten or more dwelling units, utilizes transfers of development rights  
1006 in accordance with K.C.C. chapter 21A.37 and provides at least one of the following  
1007 percentages of dwelling units at the following affordability levels:

1008           (1) no less than thirty percent of the units shall be affordable owner-occupied

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1009 dwelling units for households at or below one hundred percent of AMI; or

1010 (2) no less than twenty-five percent of the units shall be affordable rental

1011 dwelling units for households at or below eighty percent of AMI; and

1012 2. The maximum density may be increased by up to an additional fifty percent,

1013 for a total of up to two hundred percent of the base density, if the developer utilizes the

1014 TDR for affordable housing" pilot program in accordance with K.C.C. 21A.37.130 for

1015 each additional dwelling unit above one hundred and fifty percent of base density.

1016 NEW SECTION. SECTION 19. There is hereby added to the chapter established

1017 in section 15 of this ordinance a new section to read as follows:

1018 A. The total allowed density for dwelling units to be constructed shall be

1019 calculated by multiplying the site area as established in K.C.C. chapter 21A.12 by the

1020 applicable maximum residential density in this chapter. If the calculation of units results

1021 in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1022 1. Fractions of 0.50 or above shall be rounded up; and

1023 2. Fractions below 0.50 shall be rounded down.

1024 B. The number of required affordable dwelling units shall be calculated by

1025 multiplying the number of market-rate dwelling units to be constructed by the applicable

1026 percentages of affordable dwelling units as established in this chapter.

1027 1. If the calculation results in a fraction, the fraction shall be rounded to the

1028 nearest whole number as follows:

1029 a. Fractions of 0.50 or above shall be rounded up, and the affordable dwelling

1030 unit shall be included in the development; or

1031 b.(1) Fractions below 0.50 do not require an affordable unit to be provided in



1032 the development. The applicant shall pay a fee based on the fraction multiplied by the  
1033 value of a single affordable dwelling unit.

1034 (2) The fee and affordable dwelling unit value shall be calculated as  
1035 established by the department of community and human services.

1036 (3) The revenues from the fee shall be used to help fund affordable housing  
1037 projects in the community where the development is occurring.

1038 2. The number of required affordable dwelling units in the development shall be  
1039 provided as follows:

1040 a. Studio, one-bedroom and two-bedroom dwelling units meeting the  
1041 affordability requirements in this chapter shall be counted as one affordable dwelling  
1042 unit;

1043 b. Three-bedroom dwelling units meeting the affordability requirements of this  
1044 chapter shall be counted as one and one-half affordable dwelling units; and

1045 c. Dwelling units meeting the affordability requirements of this chapter and  
1046 with four or more bedrooms shall be counted as two affordable dwelling units.

1047 C. The total number of market-rate dwelling units and affordable dwelling units  
1048 shall not exceed the total allowed density as established in subsection A. of this section.

1049 NEW SECTION. SECTION 20. There is hereby added to the chapter established  
1050 in section 15 of this ordinance a new section to read as follows:

1051 A. As a condition of development permit issuance, the department shall approve  
1052 the preliminary calculation of the number of required affordable dwelling units and  
1053 allowed market-rate dwelling units.

1054 B.1. As a condition of issuance for the certificate of occupancy for the dwelling

1055 units, the department shall approve the final calculation of the number of required  
1056 affordable dwelling units and constructed market-rate dwelling units. Within thirty days  
1057 of issuance, a covenant or deed restriction on the property shall be recorded reflecting the  
1058 following:

- 1059 a. a statement that the length of the term of the affordability shall be for the life  
1060 of the development project or fifty years, whichever is longer;
- 1061 b. the total allowed density;
- 1062 c. the number of market-rate dwelling units;
- 1063 d. the number and affordability of affordable dwelling units based on the  
1064 standards of this chapter; and
- 1065 e. signatures of the property owner and the director.

1066 2. The covenant or deed restriction shall be subject to review and approval by  
1067 the department of community and human services before recording.

1068 NEW SECTION. SECTION 21. There is hereby added to the chapter established  
1069 in section 15 of this ordinance a new section to read as follows:

1070 For developments subject to this chapter:

1071 A. The affordable dwelling units shall be:

- 1072 1. Of a similar or larger size and bedroom count as the market-rate dwelling  
1073 units in the development;
- 1074 2. Integrated throughout the development; and
- 1075 3. Constructed with materials and finishes of comparable quality and  
1076 workmanship as the market-rate dwelling units in the development.

1077 B. Accessible elements shall be provided in the affordable dwelling units at a

1078 similar ratio as the accessible elements in the market-rate dwelling units, if provided.

1079 C. In the R-18, R-24, R-48, NB, CB, RB and O zones, the dimensional standards  
1080 of K.C.C. chapter 21A.12 and any applicable property-specific development standards  
1081 and special district overlays apply, except as follows:

1082 1. Building height limits may exceed the height limits set forth in K.C.C.  
1083 chapter 21A.12 by an additional twenty feet, except for properties subject to P-Suffix  
1084 XX-PXX (the p-suffix established in Map Amendment 17 of Attachment D to this  
1085 ordinance), which shall follow the height limits as set in the overlay; and

1086 2. Any portion of the building that exceeds the height limits set forth K.C.C.  
1087 chapter 21A.12 shall be set back an additional ten feet from the street property line and  
1088 interior property line.

1089 D.1. The parking standards of K.C.C. chapter 21A.18 apply, except that required  
1090 off-street parking shall be reduced to one space per dwelling unit.

1091 2. An additional parking waiver of up to fifty percent may be approved with  
1092 completion of parking study in accordance with K.C.C. 21A.18.030.B.

1093 3. Nonresidential uses of the project, if any, shall provide parking in accordance  
1094 with K.C.C. chapter 21A.18 or any applicable property-specific development standards  
1095 and special district overlays.

1096 NEW SECTION. SECTION 22. There is hereby added to the chapter established  
1097 in section 15 of this ordinance a new section to read as follows:

1098 For developments subject to this chapter:

1099           A.1. At the time of submittal of a building permit application to the department,  
1100 applicants shall submit a community preference and affirmative marketing plan to the  
1101 department of community and human services.

1102           2. Before issuance of the building permit, the community preference and  
1103 affirmative marketing plan shall be subject to review and approval by the department of  
1104 community and human services.

1105           3. The department of community and human services may request refinements  
1106 from the applicant to the community preference and affirmative marketing plan before  
1107 approving;

1108           B.1. Applicants must submit a community preference and affirmative marketing  
1109 report to the department of community and human services no less than sixty days before  
1110 requesting a certificate of occupancy.

1111           2. Before issuance of the certificate of occupancy, the community preference  
1112 and affirmative marketing report shall be subject to review and approval by the  
1113 department of community and human services.

1114           3. The department of community and human services may request additional  
1115 actions from the applicant before approving;

1116           C. The department of community and human services may request a subsequent  
1117 report after the certificate of occupancy is approved to evaluate the community  
1118 preference and affirmative marketing plan outcomes; and

1119           D. The department of community and human services shall provide guidance and  
1120 technical assistance to the applicant to ensure the community preference and affirmative

1121 marketing plan and community preference and affirmative marketing report complies  
1122 with federal, state and local laws and regulations.

1123 NEW SECTION. SECTION 23. There is hereby added to the chapter established  
1124 in section 15 of this ordinance a new section to read as follows:

1125 This chapter may be modified for a development proposal, at the director's  
1126 discretion, if an applicant demonstrates by a preponderance of evidence that the cost of  
1127 complying with this chapter is either unduly and negatively disproportionate to or does  
1128 not address the harm this chapter is intended to prevent. Requests for such modifications  
1129 shall clearly set forth the facts upon which the request for relief is sought.

1130 SECTION 24. The following are hereby repealed:

- 1131 A. Ordinance 11575, Section 2, as amended, and K.C.C. 20.12.015;
- 1132 B. Ordinance 11351, Section 1, as amended, and K.C.C. 21A.38.090;
- 1133 C. The White Center Community Action Plan portions of Attachments I, II, III  
1134 and IV to Ordinance 11568; and
- 1135 D. Attachments I, II, III, VI and V to Ordinance 11166; and
- 1136 E. Attachments F and G to Ordinance 19146.

1137 SECTION 25. Severability. If any provision of this ordinance or its application

1138 to any person or circumstance is held invalid, the remainder of the ordinance or the  
1139 application of the provision to other persons or circumstances is not affected.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Claudia Balducci, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** A. 2022 Update to the 2016 King County Comprehensive Plan, as adopted by Ordinance 18427, and as amended by Ordinance 18623 Ordinance 18810, Ordinance 19034, and Ordinance 19146 - March 2022, B. Skyway-West Hill Community Service Area Subarea Plan, An Element of the King County Comprehensive Plan, C. North Highline Community Service Area Subarea Plan, An Element of the King County Comprehensive Plan, D. Amendments to Land Use and Zoning Maps, 2022 update to 2016 King County Comprehensive Plan