

11-1-22
Full Council Striker

[Land Use Team] Sponsor: McDermott, Zahilay
Proposed No.: 2022-0162

1 **STRIKING AMENDMENT TO PROPOSED 2022-0162, VERSION 2**

2 On page 2, beginning on line 24, strike everything through page 54, line 1111, and insert:

3 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

4 **SECTION 1. Findings:**

5 A. The Growth Management Act ("the GMA") and the King County Code
6 ("K.C.C.") allow the adoption of comprehensive plan updates only once per year, except
7 under certain circumstances. The amendments to policies and text in this ordinance
8 constitute the 2022 update to the 2016 King County Comprehensive Plan, as amended.

9 B. The last statutorily required Comprehensive Plan update required by RCW
10 36.70A.130 was met with the 2012 King County Comprehensive Plan that was adopted
11 as part of Ordinance 17485. RCW 36.70A.130 requires King County to complete the
12 next statutorily required review of the Comprehensive Plan on or before December31,
13 2024. The 2022 update adopted as part of this ordinance does not serve as the statutory
14 update required by RCW 36.70A.130.

15 C. The 2016 King County Comprehensive Plan launched a Community Service
16 Areas subarea planning program. Community Service Area ("CSA") subarea plans are
17 scheduled to be created for the six rural CSAs and for the five large urban unincorporated
18 potential annexation areas. The CSA subarea planning program recognizes the county's

19 role as a local service provider in the unincorporated area, including for localized long-
20 range planning. Many areas of unincorporated King County have not had subarea
21 planning since the 1990s or earlier. The CSA subarea planning program will provide
22 improved coordination, accountability and service delivery in the area of long-range
23 planning for unincorporated areas of King County.

24 D. This ordinance adopts the Skyway-West Hill and North Highline Community
25 Service Area Subarea Plans, related map amendments, and modifications to property
26 specific zoning conditions. It also adopts map amendments in the Fall City and Maple
27 Valley areas. Under the K.C.C., the 2022 Comprehensive Plan update is an annual
28 update.

29 E. The GMA and K.C.C. 20.18.030 require that King County adopt development
30 regulations that are consistent with and implement the Comprehensive Plan. The changes
31 to development regulations and maps in this ordinance maintain conformity with the
32 King County Comprehensive Plan. They bear a substantial relationship to, are necessary
33 for, the public health, safety and general welfare of King County and its residents.

34 F. The county adopted the 2020 update to the 2016 King County Comprehensive
35 Plan as part of Ordinance 19146. The 2020 update included Workplan Action 19,
36 directing King County to complete an Anti-displacement Strategies Report for Skyway-
37 West Hill and North Highline.

38 G. In September 2021, the Skyway-West Hill and North Highline Anti-
39 displacement Strategies Report was transmitted to the council. As stated in the report, its
40 "recommended anti-displacement strategies provide a concrete path for King County's
41 efforts to address historic disinvestment and structural racism in two diverse and

42 culturally rich neighborhoods, in alignment with King County's affordable housing and
43 equity and social justice goals."

44 H. As a result of the analysis, the Anti-displacement Strategies Report
45 determined that "the combination of rising housing prices, the high rate of cost burdened
46 households, and lower than average incomes put Skyway-West Hill and North Highline
47 residents at increased risk of displacement."

48 I. To address those displacement risks, the report recommends, and this
49 ordinance adopts, an inclusionary housing program that includes mandatory elements in
50 the Skyway and White Center Unincorporated Activity Centers, and voluntary elements
51 in the remainder of the Skyway-West Hill and North Highline subarea geographies.

52 J. The inclusionary housing program includes standards for the characteristics of
53 affordable units, allows fee in-lieu payments in limited cases, sets appropriate
54 affordability levels, and requires covenants and deed restrictions specifying the
55 affordability levels and terms.

56 K. This ordinance also requires a community preference policy for affordable
57 dwelling units built under the inclusionary housing program, in order to further reduce
58 displacement risks.

59 L. The King County Countywide Planning Policies, King County Comprehensive
60 Plan, Skyway-West Hill Subarea Plan, North Highline Subarea Plan and Regional
61 Affordable Housing Task Force Final Report and Recommendations support the
62 development and use of anti-displacement measures, including mandatory inclusionary
63 housing and community preference provisions.

64 SECTION 2. A. Attachments A, B, C and D to this ordinance are adopted as
65 amendments to the 2016 King County Comprehensive Plan, as adopted in Ordinance
66 18472 and its attachments and as amended by Ordinance 1862, Ordinance 18810,
67 Ordinance 19034 and Ordinance 19146.

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

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

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

77 E. The land use and zoning amendments in sections 17 through 20 of this
78 ordinance and Attachment D to this ordinance are hereby adopted as amendments to
79 Appendix A to Ordinance 12824, as amended, and as the official land use and zoning
80 controls for those portions of unincorporated King County defined in those sections of
81 this ordinance and attachments to this ordinance.

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

85 SECTION 3. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.
86 20.12.010 are hereby amended to read as follows:

87 Under the King County Charter, the state Constitution and the Washington state
88 Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King
89 County Comprehensive Plan via Ordinance 11575 and declared it to be the
90 Comprehensive Plan for King County until amended, repealed or superseded. The
91 Comprehensive Plan has been reviewed and amended multiple times since its adoption in
92 1994. Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the
93 2016 King County Comprehensive Plan, as adopted in Ordinance 18427 and as amended
94 by Ordinance 18623, Ordinance 18810, Ordinance 19034 (~~and~~), Ordinance 19146 and
95 this ordinance. The Comprehensive Plan shall be the principal planning document for the
96 orderly physical development of the county and shall be used to guide subarea plans,
97 functional plans, provision of public facilities and services, review of proposed
98 incorporations and annexations, development regulations and land development
99 decisions.

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

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

104 A. Ordinance 11653 adopts area zoning to implement the 1994 King County
105 Comprehensive Plan pursuant to the Washington State Growth Management Act, chapter
106 36.760A RCW. Ordinance 11653 also converts existing zoning in unincorporated King
107 County to the new zoning classifications in the 1993 Zoning Code, codified in Title 21A,
108 pursuant to the area zoning conversion guidelines in K.C.C. 21A.01.070. The following
109 are adopted as attachments to Ordinance 11653:

110 Appendix A: 1994 Zoning Atlas, dated November 1994, as amended December
111 19, 1994.

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

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

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

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

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

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

118 Appendix H: Amendments to East Sammamish Community Plan P-Suffix
119 Conditions.

120 Appendix I: Amendments to Snoqualmie Valley Community Plan P-Suffix
121 Conditions.

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

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

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

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

127 Appendix N: Amendments to Resource Lands Community Plan P-Suffix
128 Conditions.

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

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

131 B. Area zoning adopted by Ordinance 11653, including potential zoning, is
132 contained in Appendices A and O. Amendments to area-wide P-suffix conditions

133 adopted as part of community plan area zoning are contained in Appendices B through N.
134 Existing P-suffix conditions whether adopted through reclassifications or community
135 plan area zoning are retained by Ordinance 11653 except as amended in Appendices B
136 through N.

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

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

142 E. Amendments to the 1994 King County Comprehensive Plan area zoning,
143 Ordinance 11653 Appendices A through P, as contained in Attachment A to Ordinance
144 12170 are hereby adopted to comply with the Decision and Order of the Central Puget
145 Sound Growth Management Hearings Board in Vashon-Maury Island, et. al. v. King
146 County, Case No. 95-3-0008.

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

151 G. The 1996 area zoning amendments attached to Ordinance 12531 in Appendix
152 A are adopted as the official zoning control for those portions of unincorporated King
153 County defined therein. Existing p-suffix conditions whether adopted through
154 reclassifications or area zoning are retained by Ordinance 12531.

155 H. The Black Diamond Urban Growth Area Zoning Map attached to Ordinance
156 12533 as Appendix B is adopted as the official zoning control for those portions of
157 unincorporated King County defined therein. Existing p-suffix conditions whether
158 adopted through reclassifications or area zoning are retained by Ordinance 12533.

159 I. The King County Zoning Atlas is amended to include the area shown in
160 Appendix B as UR - Urban Reserve, one DU per 5 acres. Existing p-suffix conditions
161 whether adopted through reclassifications or area zoning are retained by Ordinance
162 12535. The language from Ordinance 12535, Section 1.D., shall be placed on the King
163 County Zoning Atlas page #32 with a reference marker on the area affected by Ordinance
164 12535.

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

168 K. The special district overlays, as designated on the map attached to Ordinance
169 12809 in Appendix A, are hereby adopted pursuant to K.C.C. 21A.38.020 and
170 21A.38.040.

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

174 M. Ordinance 12824 completes the zoning conversion process begun in
175 Ordinance 11653, as set forth in K.C.C. 21A.01.070, by retaining, repealing, replacing or
176 amending previously adopted p-suffix conditions or property-specific development
177 standards pursuant to K.C.C. 21A.38.020 and K.C.C. 21A.38.030 as follows:

178 1. Resolutions 31072, 32219, 33877, 33999, 34493, 34639, 35137((7)) and
179 37156 adopting individual zone reclassifications are hereby repealed and p-suffix
180 conditions are replaced by the property specific development standards as set forth in
181 Appendix A to Ordinance 12824;

182 2. All ordinances adopting individual zone reclassifications effective before
183 February 2, 1995, including but not limited to Ordinances 43, 118, 148, 255, 633, 1483,
184 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765, 2781,
185 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313, 3360, 3424, 3494, 3496, 3501,
186 3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051, 4053,
187 4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867, 4812,
188 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171, 5184,
189 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854, 5984,
190 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832, 6885,
191 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653, 7677,
192 7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375, 8427,
193 8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865, 8866,
194 9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194, 10287,
195 10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271 and 11651, are hereby
196 repealed and p-suffix conditions are replaced by the property specific development
197 standards as set forth in Appendix A to Ordinance 12824;

198 3. All ordinances establishing individual reclassifications effective after
199 February 2, 1995, are hereby amended, as set forth in Appendix C to Ordinance 12824, to

200 retain, repeal or amend the property specific development standards (p-suffix conditions)
201 contained therein;

202 4. All ordinances adopting area zoning pursuant to Resolution 25789 or
203 converted by Ordinance 11653 are repealed as set forth in subsection M.4.a. through n. of
204 this section. All p-suffix conditions contained therein are repealed or replaced by
205 adopting the property specific development standards as set forth in Appendix A to
206 Ordinance 12824, the special district overlays as designated in Appendix B to Ordinance
207 12824 or the special requirements as designated in Appendix A to Ordinance 12822.

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

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

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

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

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

218 f. The Revised Vashon Community Plan Area Zoning, attached to Ordinance
219 7837 as Appendix B, as amended, is hereby repealed.

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

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

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

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

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

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

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

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

236 5. All ordinances adopting area zoning pursuant to Title 21A and not converted
237 by Ordinance 11653, including community or Comprehensive Plan area zoning and all
238 subsequent amendments thereto, are amended as set forth in subsection M.5.a. through f.
239 of this section. All property specific development standards (p-suffix conditions) are
240 retained, repealed, amended or replaced by the property specific development standards
241 as set forth in Appendix A to Ordinance 12824, the special district overlays as designated
242 in Appendix B to Ordinance 12824 or the special requirements as designated in Appendix
243 A to Ordinance 12822.

244 a. The White Center Community Plan Area Zoning, contained in the
245 Attachments to Ordinance 11568, as ~~((subsequently amended, is hereby further))~~
246 amended as set forth in Appendix D to Ordinance 12824, Ordinance 19119 and this
247 ordinance.

248 b. All property specific development standards established in Ordinance
249 11653, as amended, are hereby amended as set forth in Appendix E to Ordinance 12824.

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

252 d. All property specific development standards established in Ordinance
253 12061, as amended, are hereby amended as set forth in Appendix G to Ordinance 12824.

254 e. All property specific development standards established in Ordinance
255 12065, as amended, are hereby amended as set forth in K.C.C. 20.12.170.

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

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

260 The ~~((White Center Community Action Plan, a bound and published document~~
261 ~~((Attachment I), as revised in the Attachments to Ordinance 11568)) North Highline~~
262 Community Service Area Subarea Plan, dated December 2022, in Attachment C to this
263 ordinance, is adopted as ~~((an amplification and augmentation))~~ a subarea plan and an
264 element of the King County Comprehensive Plan ((for King County)) and, as such,
265 constitutes official county policy for the geographic area of unincorporated King County
266 defined ~~((therein))~~ in the plan.

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

269 The (~~West Hill Community Plan, a bound and published document, as revised in~~
270 ~~the Attachments to Ordinance 11166, as supplemented by the Skyway-West Hill Land~~
271 ~~Use Strategy, Phase 1 of the)) Skyway-West Hill Community Service Area Subarea Plan,
272 dated (~~July 2020~~) December 2022, in Attachment B to this ordinance, is adopted as a
273 subarea plan and an element of the King County Comprehensive Plan and, as such,
274 constitutes official county policy for the geographic area of unincorporated King County
275 defined in the plan (~~and strategy. In the case of conflict between the West Hill~~
276 ~~Community Plan and the Skyway-West Hill Land Use Strategy, Phase 1 of the Skyway-~~
277 ~~West Hill Subarea Plan, the Skyway-West Hill Land Use Strategy, Phase 1 of the~~
278 ~~Skyway-West Hill Subarea Plan, controls.))~~~~

279 NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 21A.06
280 a new section to read as follows:

281 AMI: Area Medium Income, which is the median household income for King
282 County as established by the United States Department of Housing and Urban
283 Development, adjusted for household size.

284 NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 21A.06
285 a new section to read as follows:

286 Community preference: a process to identify people with a current or past
287 connection to specific community service area subarea geographies, including:

- 288 A. People who are current or former residents of that geography;
- 289 B. People with a parent, guardian or ancestor who are current or former residents

290 of that geography;

291 C. People who are current or former residents within one half mile of the

292 inclusionary housing project; or

293 D. People who use, participate in, volunteer or work for an organization located

294 in that geography, including but not limited to cultural or faith-based organizations,

295 nonprofit organizations, businesses or community centers.

296 NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 21A.06

297 a new section to read as follows:

298 Dwelling unit, affordable: a dwelling unit reserved for occupancy by households

299 having housing expenses at an affordability level no greater than thirty percent of a given

300 percent of the King County AMI adjusted for household size.

301 NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter

302 21A.06 a new section to read as follows:

303 Dwelling unit, market-rate: a dwelling unit that is not restricted to a specified

304 affordable rent or sale price.

305 SECTION 11. Ordinance 10870, Section 340, as amended, and K.C.C.

306 21A.12.030 are hereby amended to read as follows:

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

RURAL					RESIDENTIAL								
STANDARDS	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 (15) (28)	du/a c	du/a c	du/ac	du/ac	du/ac (21)	du/ ac	du/ ac	du/a c	du/a c	du/a c	du/a c	du/a c	du/a c
Maximum	0.4						6	9	12	18	27	36	72

Density: Dwelling Unit/Acre (1)	du/a c (20)						du/ ac (22) 8 du/ ac (27)	du/a c (27)	du/a c (27)	du/a c (27)	du/a c (27)	du/a c (27)	du/a c (27)
Minimum Density: (2)							85% (12) (18) (23)	85 (12) (18) (18)	85 (12) (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	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	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 <u>25 ft</u> (25a)	35 ft (45) (14)) <u>25</u> ft (25a))	35 ft (45) (14)) <u>25</u> ft (25a))	60 ft (80) (14))	60 ft (80) (14))	60 ft (80) (14))	60 ft (80) (14))
<u>Maximum</u>	<u>75</u>	<u>75</u>	<u>75 ft</u>	<u>75 ft</u>	<u>75 ft</u>	<u>75 ft</u>	<u>30 ft</u>	<u>45</u>	<u>45</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>

Height	ft	ft	(4)	(4)	(4)	(4)	(25b)	ft	ft	ft	ft	ft	ft
	(4)	(4)					75 ft	(14)	(14)	(4)	(4)	(4)	(4)
							(4)	30	30		80	80	80
								ft	ft		ft	ft	ft
								(25	(25		(14)	(14)	(14)
								b)	b)				
								75	75				
								ft	ft				
								(4)	(4)				
	25	20	15%	12.5%	30%	30%	55%	70%	75%	85%	85%	85%	90%
	%	%	(11)	(11)	(11)	(11)	(26)	(26)	(26)	(26)	(26)	(26)	(26)
	(11)	(11)	(19)	(19)	(26)	(26)							
	(19)	(19)	(24)	(26)									
	(26)	(26)	(26)										

308

B. Development conditions.

309

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

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

311

transfers of development rights in accordance with K.C.C. chapter 21A.37, or any

312

combination of density incentive or density transfer; or

313

b. For properties within the Skyway-West Hill or North Highline community

314

service area subarea geographies, only as provided in the inclusionary housing

315

regulations in K.C.C. chapter 21A.XX (the new chapter established in section 21 of this

316

ordinance).

317

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

318

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

319

townhouse developments.

320

4.a. ~~((Height limits may be increased if))~~ Portions of ((the)) a structure ((that))

321

may exceed the base height ((limit provide)) if one additional foot of street and interior

322 setback is provided for each foot above the base height (~~limit, but the maximum height~~
323 ~~may not exceed seventy-five feet~~). The following restrictions apply:

324 ~~((b-))~~ (1) for ((N)) netting or fencing and support structures for the netting or
325 fencing used to contain golf balls in the operation of golf courses or golf driving ranges
326 ~~((are exempt from the additional interior setback requirements but))~~, the maximum height
327 shall not exceed seventy-five feet, except for recreation or multiuse parks, where the
328 maximum height shall not exceed one hundred twenty-five feet, unless a golf ball
329 trajectory study requires a higher fence. All such netting, fencing and support structures
330 are exempt from the additional interior setback requirement, regardless of whether
331 located in a recreation or multiuse park;

332 (2) properties within the Skyway-West Hill or North Highline community
333 service area subarea geographies shall not increase height through this method; and

334 (3) for all other structures, the maximum height achieved through this method
335 shall not exceed seventy-five feet.

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

339 5. Applies to each individual lot. Impervious surface area standards for:

340 a. Regional uses shall be established at the time of permit review;

341 b. Nonresidential uses in rural area and residential zones shall comply with
342 K.C.C. 21A.12.120 and 21A.12.220;

343 c. Individual lots in the R-4 through R-6 zones that are less than nine thousand
344 seventy-six square feet in area shall be subject to the applicable provisions of the nearest

345 comparable R-6 or R-8 zone; and

346 d. A lot may be increased beyond the total amount permitted in this chapter
347 subject to approval of a conditional use permit.

348 6. Mobile home parks shall be allowed a base density of six dwelling units per
349 acre.

350 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand
351 square feet in area.

352 8. At least twenty linear feet of driveway shall be provided between any garage,
353 carport or other fenced parking area and the street property line. The linear distance shall
354 be measured along the center line of the driveway from the access point to such garage,
355 carport or fenced area to the street property line.

356 9.a. Residences shall have a setback of at least one hundred feet from any
357 property line adjoining A, M or F zones or existing extractive operations. However,
358 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or
359 existing extractive operations shall have a setback from the rear property line equal to
360 fifty percent of the lot width and a setback from the side property equal to twenty-five
361 percent of the lot width.

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

366 10.a. For developments consisting of three or more single-detached dwellings
367 located on a single parcel, the setback shall be ten feet along any property line abutting

368 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in
369 K.C.C. 21A.14.190, which shall have a setback of five feet.

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

375 11. Lots smaller than one-half acre in area shall comply with standards of the
376 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or
377 larger, the maximum impervious surface area allowed shall be at least ten thousand
378 square feet. On any lot over one acre in area, an additional five percent of the lot area
379 may be used for buildings related to agricultural or forestry practices. For lots smaller
380 than two acres but larger than one-half acre, an additional ten percent of the lot area may
381 be used for structures that are determined to be medically necessary, if the applicant
382 submits with the permit application a notarized affidavit, conforming with K.C.C.
383 21A.32.170A.2.

384 12. For purposes of calculating minimum density, the applicant may request that
385 the minimum density factor be modified based upon the weighted average slope of the
386 net buildable area of the site in accordance with K.C.C. 21A.12.087.

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

389 14. ~~((The base))~~ This maximum height ~~((to be used))~~ is only ~~((for projects))~~
390 allowed as follows:

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

393 b. in R-18, R-24 and R-48 zones;

394 (1) for properties within the Skyway-West Hill or North Highline community
395 service area subarea geographies, only if meeting the requirements of K.C.C. chapter
396 21A.XX (the new chapter established in section 21 of this ordinance); or

397 (2) for all other properties, using residential density incentives and transfer of
398 density credits in accordance with this title.

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

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

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

407 (1) a floodplain;

408 (2) a critical aquifer recharge area;

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

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

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

412 (6) a steep slope; or

413 (7) an urban separator or wildlife habitat network designated by the

414 Comprehensive Plan or a community plan.

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

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

425 19. All subdivisions and short subdivisions in R-1 and RA zones within the
426 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North
427 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and
428 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East
429 Sammamish Community Planning Area that drains to Patterson Creek shall have a
430 maximum impervious surface area of eight percent of the gross acreage of the plat.
431 Distribution of the allowable impervious area among the platted lots shall be recorded on
432 the face of the plat. Impervious surface of roads need not be counted towards the
433 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
434 more restrictive shall be required.

435 20. This density may only be achieved on RA 2.5 zoned parcels receiving
436 density from rural forest focus areas through a transfer of density credit pursuant to

437 K.C.C. chapter 21A.37.

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

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

443 b. For properties within the Skyway-West Hill or North Highline community
444 service area subarea geographies, only as provided in the inclusionary housing
445 regulations in K.C.C. chapter 21A.XX (the new chapter established in section 21 of this
446 ordinance).

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

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

457 25. For cottage housing developments only:

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

459 b. Buildings that have pitched roofs with a minimum slope of six (~~and~~) over

460 twelve may (~~extend up to~~) achieve a maximum height of thirty feet at the ridge of the
 461 roof.

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

466 27. a. For properties within the Skyway-West Hill or North Highline
 467 community service area subarea geographies, only in accordance with the inclusionary
 468 housing regulations in K.C.C. chapter 21A.XX (the new chapter established in section 21
 469 of this ordinance).

470 b. For all other properties, ((Θ))only in accordance with K.C.C.
 471 21A.34.040.F.1.g., F.6. or K.C.C. 21A.37.130.A.2 28. On a site zoned RA with a
 472 building listed on the national register of historic places, additional dwelling units in
 473 excess of the maximum density may be allowed under K.C.C. 21A.12.042.

474 29. Height and setback requirements shall not apply to regional transit authority
 475 facilities.

476 SECTION 12. Ordinance 10870, Section 341, as amended, and K.C.C.

477 21A.12.040 are hereby amended to read as follows:

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

	((Z Θ N E	RESOURCE			COMMERCIAL/INDUSTRIAL				
		AGRICULTUR E	F O R E S	M I N E R	NEIGHBO R-HOOD BUSINESS	COMMUNI TY BUSINESS	REGIONA L BUSINESS	Θ F I C	I N D U S

	S		F	A L				E	T R I A L))
STANDARD S	A- 10	A-35	F	M	NB	CB	RB	O	I
Base Density: Dwelling Unit/Acre (19)	0.1 du/ ac	.0286 du/ac	.0125 du/ac		8 du/ac (2)	48 du/ac (2)	36 du/ac (2) 48 du/ac (1)	48 du/ac (2)	
Maximum Density: Dwelling Unit/Acre					12 du/ac (3) 16 du/ac (15)	72 du/ac (16) 96 du/ac (17)	48 du/ac (3) 72 du/ac (16) 96 du/ac (17)	72 du/ac (16) 96 du/ac (17)	
Minimum Lot Area	10 acr es	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
<u>Maximum</u>	<u>75</u>	<u>75 ft</u>	<u>75 ft</u>	<u>75 ft</u>	<u>45 ft (6)</u>	<u>60 ft (6)</u>	<u>65 ft (6)</u>	<u>65 ft</u>	<u>75 ft</u>

Height	ft (10))	(10)	(10)	(10)	65 ft (20) 75 ft (10)	65 ft (17) 75 ft (10) 80 ft (20)	75 ft (10) 85 ft (20)	(6) 75 ft (10) 85 ft (20)	(10)
Maximum Floor/Lot Ratio: Square Feet					1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Maximum Impervious Surface: Percentage (13)	15 % 35 % (11)	10% 35% (11)	10% 35% (11)		85%	85%	90%	75%	90%

479

B. Development conditions.

480

1. In the RB zone on property located within the Potential Annexation Area of a

481

rural city, this density is not allowed.

482

2. These densities are allowed only through the application of mixed-use

483

development standards and, in the NB zone on property in the urban area designated

484

commercial outside of center, for stand-alone townhouse development.

485

3. These densities may only be achieved:

486

a. for properties within the Skyway-West Hill or North Highline community

487

service area subarea geographies, as provided in the inclusionary housing regulations in

488

K.C.C. chapter 21A.XX (the new chapter established in section 21 of this ordinance); or

489

b. for all other properties, through the application of residential density

490

incentives or transfer of development rights in mixed-use developments and, in the NB

491

zone on property in the urban area designated commercial outside of center, for stand-

492 alone townhouse development. See K.C.C. chapters 21A.34 and 21A.37.

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

495 b. for lots between one acre and two and one-half acres in size, the setback
496 requirements of the R-1 zone shall apply. For lots under one acre, the setback
497 requirements of the R-4 zone shall apply.

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

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

503 6. This ~~((base))~~ maximum height allowed only for:
504 a. mixed-use developments; and
505 b. ~~for~~ stand-alone townhouse development in the NB zone on property
506 designated commercial outside of center in the urban area.

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

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

510 9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C.
511 chapter 21A.14 or section 26 of this ordinance if meeting the requirements of K.C.C.
512 chapter 21A.XX (the new chapter established in section 21 of this ordinance).

513 10. ~~((Height limits may be increased if p))~~ Portions of ((the)) a structure
514 ~~((building that))~~ may exceed the base height ~~((limit provide))~~ if one additional foot of

515 street and interior setback is provided for each foot above the base height (~~limit,~~
516 ~~provided the maximum height may exceed seventy five feet only in mixed use~~
517 ~~developments~~)). The following restrictions apply:

518 a. for ~~(N)~~ netting or fencing and support structures for the netting or fencing
519 used to contain golf balls in the operation of golf courses or golf driving ranges, ~~(are~~
520 exempt from the additional interior setback requirement, ~~provided that~~) the maximum
521 height shall not exceed seventy-five feet. All such netting, fencing and support structures
522 are exempt from the additional interior setback requirement;

523 b. properties within the Skyway-West Hill or North Highline community
524 service area subarea planning geographies shall not increase height through this method

525 c. mixed use developments outside the Skyway-West Hill or North Highline
526 community service subarea geographies are not subject to a height restriction when using
527 this method; and

528 d. for all other structures, the maximum height achieved through this method
529 shall not exceed seventy-five feet.

530 11. Applicable only to lots containing less than one acre of lot area.
531 Development on lots containing less than fifteen thousand square feet of lot area shall be
532 governed by impervious surface standards of the nearest comparable R-4 through R-8
533 zone.

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

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

537 14. Required on property lines adjoining rural area and residential zones unless

538 a stand-alone townhouse development on property designated commercial outside of
539 center in the urban area is proposed to be located adjacent to property upon which an
540 existing townhouse development is located.

541 15.a. For properties within the Skyway-West Hill or North Highline community
542 service area subarea geographies, only as provided in the inclusionary housing
543 regulations in K.C.C. chapter 21A.XX (the new chapter established in section 21 of this
544 ordinance).

545 b. For all other properties, ((Θ)) only as provided for walkable communities
546 under K.C.C. 21A.34.040.F.8. well-served by transit or for mixed-use development
547 through the application of rural area and residential density incentives under K.C.C.
548 21A.34.040.F.1.g.

549 16.a. For properties within the Skyway-West Hill or North Highline community
550 service area subarea geographies, only as provided in the inclusionary housing
551 regulations in K.C.C. chapter 21A.XX (the new chapter established in section 21 of this
552 ordinance).

553 b. For all other properties, ((Θ)) only for mixed-use development through the
554 application of residential density incentives under K.C.C. chapter 21A.34 or the transfer
555 of development rights under K.C.C. chapter 21A.37. In the RB zone on property located
556 within the Potential Annexation Area of a rural city, this density is not allowed.

557 17.a. For properties within the Skyway-West Hill or North Highline community
558 service area subarea geographies, only as provided in the inclusionary housing
559 regulations in K.C.C. chapter 21A.XX (the new chapter established in section 21 of this
560 ordinance).

561 b. For all other properties, ((Θ))only for mixed-use development through the
562 application of residential density incentives (~~((through the application of residential~~
563 ~~density incentives))~~) under K.C.C. chapter 21A.34 or the transfer of development rights
564 under K.C.C. chapter 21A.37. Upper-level setbacks are required for any facade facing a
565 pedestrian street for any portion of the structure greater than forty-five feet in height. The
566 upper_level setback shall be at least one foot for every two feet of height above forty-five
567 feet, up to a maximum required setback of fifteen feet. The first four feet of horizontal
568 projection of decks, balconies with open railings, eaves, cornices((;)) and gutters shall be
569 permitted in required setbacks. In the RB zone on property located within the Potential
570 Annexation Area of a rural city, this density is not allowed.

571 18. Required on property lines adjoining rural area and residential zones only
572 for a social service agency office reusing a residential structure in existence on January 1,
573 2010.

574 19. On a site zoned A with a building designated as a county landmark in
575 accordance with the procedures in K.C.C. 20.62.070, additional dwelling units in excess
576 of the maximum density may be allowed under K.C.C. 21A.12.042.

577 20. This maximum height allowed only for properties within the Skyway-West
578 Hill or North Highline community service area subarea geographies, if meeting the
579 requirements of K.C.C. chapter 21A.XX (the new chapter established in section 21 of this
580 ordinance).

581 SECTION 13. Ordinance 10870, Section 344, as amended, and K.C.C.
582 21A.12.070 are hereby amended to read as follows:

583 Permitted number of units, or lots or floor area shall be determined as follows:

584 A. The allowed number of dwelling units or lots (base density) shall be computed
585 by multiplying the site area specified in K.C.C. 21A.12.080 by the applicable residential
586 base density number;

587 B. The maximum density (unit or lot) limits shall be computed by adding the
588 bonus or transfer units authorized by K.C.C. chapters 21A.34, ~~((and))~~ 21A.37 and 21A.xx
589 (the new chapter established in section 21 of this ordinance) to the base units computed
590 under subsection A of this section;

591 C. The allowed floor area, which excludes structured or underground parking
592 areas and areas housing mechanical equipment, shall be computed by applying the floor-
593 to-lot area ratio to the project site area specified in K.C.C. 21A.12.080;

594 D. If calculations result in a fraction, the fraction shall be rounded to the nearest
595 whole number as follows, except as provided in subsection E of this section and section
596 26 of this ordinance:

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

598 2. Fractions below 0.50 shall be rounded down; and

599 E. For subdivisions and short subdivisions in the RA and A zones, rounding up of
600 the number of development units or lots is not allowed.

601 SECTION 14. Ordinance 10870, Section 561 and K.C.C. 21A.34.020 are hereby
602 amended to read as follows:

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

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

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

607 B. RDI shall not be applied within the Skyway-West Hill or North Highline
608 community service area subarea geographies.

609 SECTION 15. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010
610 are hereby amended to read as follows:

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

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

622 2. Providing an efficient and streamlined administrative review system to ensure
623 that transfers of development rights to receiving sites are evaluated in a timely way and
624 balanced with other county goals and policies, and are adjusted to the specific conditions
625 of each receiving site.

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

628 1. ((s))Submitted on or after September 17, 2001, and applications for approval
629 of TDR sending sites submitted on or after September 17, 2001; and

630 2. For properties within the Skyway-West Hill or North Highline community
631 service area subarea geographies, only as provided in K.C.C. chapter 21A.XX. (the new
632 chapter established in section 21 of this ordinance).

633 SECTION 16. Ordinance 13733, Section 12, as amended, and K.C.C.
634 21A.37.130 are hereby amended to read as follows:

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

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

645 b. In order to qualify for this program, all units built using the development
646 rights must be either:

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

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

660 c.(1) In areas where the inclusionary housing regulations adopted in section 21
661 of this ordinance apply, development rights to build units through this pilot program shall
662 only be sold for units in accordance with K.C.C. 21A.XX.XXX (the new section
663 established in Section 23 of this ordinance) or K.C.C. 21A.XX.XXX (the new section
664 established in section 24 of this ordinance).

665 (2) ~~((#))~~For all other areas in unincorporated King County, in the R-4 through
666 R-48 zones, development rights to build units through this pilot program shall only be
667 sold for units between one hundred fifty percent and two hundred percent of the receiving
668 site's base density as set forth in K.C.C. 21A.12.030.

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

673 (a) the location of the receiving sites where development rights under this
674 pilot program were used;

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

676 developers who purchased development rights through the program; and

677 (c) a recommendation on whether to make the pilot program permanent,
678 repeal the program((;)) or modify the program.

679 (2) the report shall be accompanied by a proposed ordinance effectuating the
680 recommendation in subsection A.2.d.(1)(c) of this section.

681 (3) the report and proposed ordinance shall be filed in the form of a paper
682 original and an electronic copy with the clerk of the council, who shall retain the original
683 and provide an electronic copy to all councilmembers, the council chief of staff and the
684 lead staff to the mobility and environment committee or its successor.

685 B. When selling development rights, the TDR bank may select prospective
686 purchasers based on the price offered for the development rights, the number of
687 development rights offered to be purchased((;)) and the potential for the sale to achieve
688 the purposes of the TDR program.

689 C. The TDR bank may sell development rights only in whole or half increments
690 to incorporated receiving sites through an interlocal agreement or, after the county enacts
691 legislation that complies with chapter 365-198 WAC, to incorporated receiving sites in a
692 city that has enacted legislation that complies with chapter 365-198 WAC. The TDR
693 bank may sell development rights only in whole increments to unincorporated King
694 County receiving sites.

695 D. All offers to purchase development rights from the TDR bank shall be in
696 writing, shall include a certification that the development rights, if used, shall be used
697 only inside an identified city or within the urban unincorporated area, include a minimum
698 ten percent down payment with purchase option, shall include the number of

699 development rights to be purchased, location of the receiving site, proposed purchase
700 price and the required date or dates for completion of the sale, not later than three years
701 after the date of receipt by King County of the purchase offer.

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

705 SECTION 17. Ordinance 10870, Section 578, as amended, and K.C.C.

706 21A.38.050 are hereby amended to read as follows:

707 A. The purpose of the pedestrian-oriented commercial development special
708 district overlay is to provide for high-density, pedestrian-oriented retail and employment
709 uses. The pedestrian-oriented commercial districts shall only be established in areas
710 designated as a center on the adopted Urban Centers map of the King County
711 Comprehensive Plan and zoned CB, RB or O.

712 B. Permitted uses shall be those uses permitted in the underlying zone, excluding
713 the following:

- 714 1. Motor vehicle, boat and mobile home dealer;
- 715 2. Gasoline service station;
- 716 3. Uses with drive-through facilities, except SIC Industry Number 5812 (Eating
717 places) in buildings existing before July 2017;
- 718 4. SIC Industry Group 598 (Fuel dealers);
- 719 5. Uses with outside storage, e.g. lumber yards, miscellaneous equipment rental
720 or machinery sales;
- 721 6. Bulk retail;

- 722 7. Recreation/cultural uses as set forth in K.C.C. 21A.08.040, except parks,
723 sports clubs, theaters, libraries and museums;
- 724 8. SIC Major Group 75 (Automotive repair, services and parking) except 7521
725 (automobile parking; but excluding tow-in parking lots);
- 726 9. SIC Major Group 76 (Miscellaneous repair services), except 7631 (Watch,
727 clock and jewelry repair);
- 728 10. SIC Major Group 78 (Motion pictures);
- 729 11. SIC Major Group 80 (Health services), except offices and outpatient clinics
730 (801-804);
- 731 12. SIC Industry Group 421 (Trucking and courier service);
- 732 13. Public agency archive;
- 733 14. Self-service storage;
- 734 15. Manufacturing land uses as set forth in K.C.C. 21A.08.080, except SIC
735 Industry Code 2759 (Commercial printing);
- 736 16. Resource land uses as set forth in K.C.C. 21A.08.090;
- 737 17. SIC Industry Code 7261 (Funeral home/crematory);
- 738 18. Cemetery, columbarium or mausoleum;
- 739 19. Interim recycling facility;
- 740 20. Utility facility, except underground water, gas or wastewater pipelines; and
741 21. Vector waste receiving facility.
- 742 C. The following development standards shall apply to development located in
743 pedestrian-oriented commercial overlay districts:
- 744 1. For properties that have frontage on a public street, the following conditions

745 shall apply:

746 a. main building entrances shall be oriented to the public street;

747 b. at the ground floor (at grade), buildings shall be located no more than five

748 feet from the sidewalk or sidewalk improvement, but shall not encroach on the public

749 right-of-way. For buildings existing before August 20, 2020, with setbacks greater than

750 five feet and that have substantial improvements made to them after August 20, 2020, a

751 minimum five-foot-wide pedestrian walkway shall be constructed that connects the main

752 building entrance to the public sidewalk or sidewalk improvement;

753 c. building facades shall comprise at least seventy-five percent of the total

754 street frontage for a property and if applicable, at least seventy-five percent of the total

755 pedestrian route frontage for a property;

756 d. minimum setbacks of the underlying zoning are waived;

757 e. building facades that front onto a street shall incorporate windows into at

758 least thirty percent of the building facade surface area and overhead protection above all

759 building entrances and along at least fifty percent of length of the building facade, which

760 may extend over the sidewalk if it does not impede use of the sidewalk by the public;

761 f. ground floor building facades shall include ornamentation such as decorative

762 architectural treatments or finishes, pedestrian scale lighting, and window and door trim;

763 and

764 ~~((---))~~g. buildings facades shall not be comprised of uninterrupted glass curtain

765 walls or mirrored glass;

766 2. vehicle access shall be limited to the rear access alley or rear access street

767 where such an alley or street exists;

768 3. ~~((Floor/lot))~~ Floor-to-lot area ratio shall not exceed 5:1 for nonresidential
769 structures, ~~((including the residential component of mixed use developments, but))~~ not
770 including parking structures;

771 4. ~~((Building setback and height requirements may be waived through the~~
772 ~~application of residential density incentives under K.C.C. chapter 21A.34 or the transfer~~
773 ~~of development rights under K.C.C. chapter 21A.37, except for areas within fifty feet of~~
774 ~~the perimeter of any special district overlay area abutting an R-12 or lower density~~
775 ~~residential zone;~~

776 ~~5.))~~ The landscaping requirements of K.C.C. chapter 21A.16 shall apply to all
777 new development and buildings existing before August 20, 2020, that have substantial
778 improvements made to them after August 20, 2020; and

779 ~~((6.))~~ 5. Off-street parking requirements K.C.C. 21A.18.110 and section 26 of
780 this ordinance shall apply, except that the relief from K.C.C. 21A.18.110.A.4. that may
781 be granted by the director shall only allow use of on-street parallel parking in front of or
782 adjacent to the subject parcel for the parking spaces that cannot be accommodated to the
783 rear or sides of buildings.

784 SECTION 18. Ordinance 11567, Section 1, as amended, and K.C.C. 21A.38.100
785 are hereby amended to read as follows:

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

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

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

797 1. Legally established commercial or industrial uses that exist within an area as
798 of ~~((the effective date of legislation applying the commercial/industrial special district
799 overlay))~~ November 28, 1994, but that are not otherwise permitted by the zoning, shall be
800 considered permitted uses upon only the lots that they occupied as of that date.

801 2. Permitted uses shall include those of the base zone and I zone, ~~((with the
802 exception of))~~ except that the following are not allowed:

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

804 b. auction houses;

805 c. livestock sales;

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

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

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

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

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

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

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

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

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

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

816 ~~dressing of furs, fur stripping and pelts only;~~

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

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

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

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

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

822 ~~((q.))~~ k. outdoor storage of equipment or materials occupying more than

823 twenty-five percent of the site associated with(~~(:~~

824 ~~(1) SIC Major Group 15 (building construction—contractors and operative~~

825 ~~builders);~~

826 ~~(2) SIC Major Group 16 (heavy construction other than building~~

827 ~~construction—contractors);~~

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

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

830 ~~((r.))~~ l. interim recycling facilities on lots that directly abut properties outside

831 of the special district overlay.

832 3. Use limitations of the base zone shall not apply to commercial/industrial

833 accessory uses.

834 4. ~~((The minimum parking requirements of this title shall be reduced as follows,~~

835 ~~except that the reductions do not apply to new construction on vacant property or the~~

836 ~~vacant portions of partially developed property where that construction is not an~~
837 ~~enlargement or replacement of an existing building:~~

838 ~~a. the parking stall requirements are reduced one hundred percent, but only if:~~
839 ~~(1) the square footage of any enlargement or replacement of an existing~~
840 ~~building does not in total exceed one hundred twenty five percent of the square footage~~
841 ~~of the existing building;~~

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

845 ~~(3) there is no net decrease in existing off-street parking space; and~~

846 ~~b. the parking stall requirements are reduced fifty percent, but only if:~~
847 ~~(1) the square footage of any enlargement or replacement of an existing~~
848 ~~building in total exceeds one hundred twenty five percent of the square footage of the~~
849 ~~existing building;~~

850 ~~(2) the height of the enlarged or replacement building does not exceed the~~
851 ~~base height of the zone in which it is located;~~

852 ~~(3) the building fronts on an existing roadway improved to urban standards or~~
853 ~~a roadway programmed to be improved to urban standards as a capital improvement~~
854 ~~project, that accommodates on-street parking; and~~

855 ~~(4) there is no net decrease in existing off-street parking spaces, unless it~~
856 ~~exceeds the minimum requirements of subsection C.4.b.~~

857 ~~5. The landscaping requirements of this title shall be waived, but only if:~~

858 a. ~~street trees, installed and maintained by the adjacent property owner, shall~~
859 ~~be substituted in lieu of landscaping;~~

860 b.(1) ~~except as otherwise provided in 4.b.(2) of this subsection, any portion of~~
861 ~~the overlay district that directly abuts properties outside of the district shall provide,~~
862 ~~along those portions, a landscape buffer area no less than fifty percent of that required by~~
863 ~~this title, and areas of a lot used for outdoor storage of equipment or materials shall be~~
864 ~~screened from adjacent R zone properties by use of no less than ten feet of Type 1~~
865 ~~landscaping or a totally view obscuring fence or structure; and~~

866 (2) ~~if required parking for a development proposal is located on properties~~
867 ~~outside of the district that directly abut the site, the landscape buffer required by 6.b.(1)~~
868 ~~of this subsection may be place on the perimeter of the properties on which the parking is~~
869 ~~located that abut other properties outside of this district.~~

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

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

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

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

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

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

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

883 11. ~~The impervious surface and lot coverage requirements of this title shall be~~
884 ~~waived))~~ For nonresidential development, off-street parking shall be no less than twenty-
885 five percent and no more than seventy-five percent of the minimum required in K.C.C.
886 chapter 21A.18.

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

891 1. Main building entrances shall be oriented to the pedestrian street;

892 2. At the ground floor (at grade), buildings shall be located no more than five
893 feet from the sidewalk or sidewalk improvement, but in no instance shall encroach on the
894 public right-of-way;

895 3. Building facades shall comprise at least seventy-five percent of the total
896 pedestrian street frontage for a property, and if applicable, at least seventy-five percent of
897 the total pedestrian route frontage for a property;

898 4. Minimum side setbacks of the underlying zoning are waived;

899 5. Building facades of ground floor retail, general business service((;)) and
900 professional office land uses, that front onto a pedestrian street or route shall include
901 windows and overhead protection;

902 6. Building facades, along a pedestrian street or route, that are without
903 ornamentation((;)) or are comprised of uninterrupted glass curtain walls or mirrored glass
904 are not permitted; and

905 7. Vehicle access shall be limited to the rear access alley or rear access street
906 where such an alley or street exists.

907 NEW SECTION. SECTION 19. There is hereby added to K.C.C. chapter
908 21A.38 a new section to read as follows:

909 A. The purpose of the Skyway microenterprise special district overlay is to
910 promote small-scale commercial opportunities and provide for pedestrian-oriented retail
911 and service commercial areas that complement and link to nearby CB zones. The special
912 district overlay shall only be established in the Skyway-West Hill subarea geography,
913 areas designated as an unincorporated center on the adopted Urban Centers map of the
914 King County Comprehensive Plan and on properties zoned NB or O.

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

918 1. Commercial space per tenant shall not be larger than one thousand square feet
919 in size;

920 2. Parking shall comply with the standards of K.C.C. chapter 21A.18, except
921 that:

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

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

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

- 925 3. Permitted uses shall be those uses permitted in the underlying zone,
926 excluding the following:
- 927 a. automotive repair;
 - 928 b. automotive service;
 - 929 c. gasoline service stations;
 - 930 d. uses with drive-through facilities;
 - 931 e. vector waste receiving facility;
 - 932 f. self-service storage;
 - 933 g. cemetery, columbarium or mausoleum;
 - 934 h. automobile parking, unless accessory to a permitted primary use occurring
935 on the property; and
 - 936 i. interim recycling facility; and

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

- 939 a. apparel and accessory stores;
- 940 b. furniture and home furnishings stores;
- 941 c. Used goods: antiques/secondhand shops; and
- 942 d. Jewelry stores.

943 NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter
944 21A.38 a new section to read as follows:

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

948 B. In addition to the development standards in this title, the following
949 development standards shall also apply to new and substantially improved development
950 within the special district overlay. Where a conflict exists, the following standards shall
951 apply:

952 1. Main building entrances shall be oriented to a public street;

953 2. At the ground floor, also known as "at grade," buildings shall be located no
954 more than five feet from the sidewalk or sidewalk improvement, but shall not encroach
955 on the public right-of-way;

956 3. Building facades shall comprise at least seventy-five percent of the total street
957 frontage for a property;

958 4. Building facades shall include windows and overhead protection;

959 5. Building facades that are without ornamentation or are comprised of
960 uninterrupted glass curtain walls or mirrored glass are not permitted; and

961 6. Vehicle access shall be limited to the rear access alley where such an alley
962 exists.

963 C. For nonresidential development, off-street parking shall be no less than
964 twenty-five percent and no more than seventy-five percent of the minimum required in
965 K.C.C. chapter 21A.18.

966 D. Marijuana processors and producers are not allowed uses.

967 SECTION 21. Sections 22 through 30 of this ordinance should constitute a new
968 chapter in K.C.C. Title 21A.

969 NEW SECTION. SECTION 22. There is hereby added to the chapter established
970 in section 21 of this ordinance a new section to read as follows:

971 A. The purpose of the inclusionary housing regulations is to provide for the
972 creation of new affordable dwelling units, particularly in areas where there is a high risk
973 for displacement.

974 B. The regulations and incentives in this chapter shall apply only to the Skyway-
975 West Hill and North Highline community service area subarea geographies, as follows:

976 1. The standards in section 23 of this ordinance shall apply to areas with an
977 unincorporated activity center land use designation;

978 2. The voluntary incentives in section 24 of this ordinance shall apply to areas
979 that do not have an unincorporated activity center land use designation; and

980 3. The standards in sections 25, 26, 27, 28, 29 and 30 of this ordinance shall
981 apply to any inclusionary housing project.

982 C. Development or substantial improvement of one dwelling unit, an accessory
983 dwelling unit, mobile home parks, cottage housing or senior citizen assisted housing shall
984 not be subject to this chapter. Accessory dwelling units shall not be used to meet the
985 requirements of this section.

986 NEW SECTION. SECTION 23. There is hereby added to the chapter established
987 in section 21 of this ordinance a new section to read as follows:

988 A. This section shall apply to the unincorporated activity center land use
989 designation.

990 B. New or substantially improved residential or mixed-use developments shall
991 provide affordable dwelling units, and may exceed the base density allowed in the zoning
992 classification, in accordance with the standards listed in the table in this subsection.
993 Additional density is authorized with the use of transfers of development rights in

994 accordance with K.C.C. chapter 21A.37 as shown in the table in this subsection.

Mandatory Affordability Requirements		TDR Allowance	
Occupancy Type and AMI	Minimum Percentage of Total Units Required to be Affordable	Maximum Density (as percentage of base density)	Additional Maximum Density Allowed with purchase of TDRs
Owner Occupied at 80% AMI	100%	200%	None
	30%	150%	Additional 50%, up to 200% of base density
	15%	125%	Additional 50%, up to 175% of base density
Any combination of 80% AMI (Owner) and 60% AMI (Rental)	100%	200%	None
	25%	150%	Additional 50%, up to 200% of base density
	12%	125%	Additional 50%, up to 175% of base density
Rental at 60% AMI	100%	200%	None
	20%	150%	Additional 50%, up to 200% of base density
	10%	125%	Additional 50%, up to 175% of base density
Rental at 50% AMI	100%	200%	None

	15%	150%	Additional 50%, up to 200% of base density
	7%	125%	Additional 50%, up to 175% of base density

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NEW SECTION. SECTION 24. There is hereby added to the chapter established

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in section 21 of this ordinance a new section to read as follows:

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A. This section shall apply within the Skyway-West Hill and North Highline

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community service area subarea geographies except for areas with an unincorporated

1000

activity center land use designation.

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B. New or substantially improved development may only exceed the base density

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allowed in the zoning classification in accordance with the standards listed in the table in

1003

this subsection. Additional density is authorized with the use of transfers of development

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rights in accordance with K.C.C. chapter 21A.37 as shown in the table in this subsection.

Affordability Requirements			TDR Allowance
Occupancy Type and AMI	Minimum Percentage of Total Units Required to be Affordable	Maximum Density (as percentage of base density)	Additional Maximum Density Allowed with purchase of TDRs
Developments with 9 or fewer units	0%	100%	Up to 150% base density
Rental at 80% AMI	25%	150%	Additional 50% utilizing

with TDR¹			the "TDR for affordable housing" pilot program, up to 200% of base density
Rental at 60% AMI	100%	200%	None
	20%	150%	Additional 50%, up to 200% of base density
	10%	125%	Additional 50%, up to 175% of base density
Rental at 50% AMI	100%	200%	None
	15%	150%	Additional 50%, up to 200% of base density
	7%	125%	Additional 50%, up to 175% of base density
Owner Occupied at 100% AMI with TDR¹	30%	150%	Additional 50% utilizing the "TDR for affordable housing" pilot program, up to 200% of base density
Owner Occupied at 80% AMI	100%	200%	None
	30%	150%	Additional 50%, up to 200% of base density
	15%	125%	Additional 50%, up to 175% of base density
Any combination of	100%	200%	None

80% AMI (Owner) and 60% AMI (Rental)	25%	150%	Additional 50%, up to 200% of base density
	12%	125%	Additional 50%, up to 175% of base density

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Notes:

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1. Developments shall utilize transfers of development rights in accordance with K.C.C. chapter 21A.37 and provide percentages at the affordability levels listed. The maximum density may be increased by up to an additional fifty percent, for a total of up to two hundred percent of the base density, if the developer utilizes the "TDR for affordable housing" pilot program in accordance with K.C.C. 21A.37.130 for each additional dwelling unit above one hundred and fifty percent of base density.

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NEW SECTION. SECTION 25. There is hereby added to the chapter established in section 21 of this ordinance a new section to read as follows:

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A. The number of required affordable dwelling units shall be calculated by multiplying the total number of dwelling units to be constructed by the applicable percentages of affordable dwelling units as established in section 23 or 24 of this ordinance, and for purposes of providing an affordable dwelling unit, fractions shall be rounded in accordance with K.C.C. 21A.12.070, except as follows:

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1. For fractions below 0.50, the applicant shall pay a fee based on the fraction multiplied by the value of a single affordable dwelling unit. The fee and affordable dwelling unit value shall be calculated using the same method as required for payment in lieu of providing affordable dwelling units in section 29 of this ordinance. The revenues

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1024 generated from the fee shall be dedicated to affordable housing projects in the same
1025 community service area subarea geography where the development is occurring; and

1026 2. Affordable dwelling units in the development shall be calculated as follows:

1027 a. Studio dwelling units shall be counted as one-half of one affordable
1028 dwelling unit;

1029 b. One-bedroom and two-bedroom dwelling units shall be counted as one
1030 affordable dwelling unit;

1031 c. Three-bedroom dwelling units shall be counted as one and one-half
1032 affordable dwelling units; and

1033 d. Dwelling units with four or more bedrooms shall be counted as two
1034 affordable dwelling units.

1035 B. The total number of market-rate dwelling units and affordable dwelling units
1036 shall not exceed the total allowed density as established in this chapter and K.C.C.
1037 chapter 21A.12.

1038 NEW SECTION. SECTION 26. There is hereby added to the chapter established
1039 in section 21 of this ordinance a new section to read as follows:

1040 For developments subject to this chapter:

1041 A. The affordable dwelling units shall:

1042 1. Have a similar or larger unit size and bedroom composition as the market-rate
1043 dwelling units in the development;

1044 2. Be integrated throughout the development;

1045 3. Be constructed with materials and finishes of comparable quality to the
1046 market-rate dwelling units in the development;

1047 4. Meet accessibility standards at the same ratio as required by the development;
1048 and

1049 5. Have access equal to that of the market-rate dwelling units to on-site
1050 amenities including, but not limited to, parks, outdoor play areas, pools, exercise facilities
1051 and equipment, gathering spaces, bicycle repair facilities, shared work spaces and similar
1052 on-site amenities.

1053 B. All the dimensional standards of K.C.C. chapter 21A.12 and any applicable
1054 property-specific development standards and special district overlays apply, except as
1055 specifically prescribed by this chapter. The following modifications shall only be utilized
1056 for developments that provide housing in conformance with section 23 or 24 of this
1057 ordinance:

1058 1. The maximum height limits are as follows:
1059 a. In the R-18, R-24 and R-48 zones, eighty feet;
1060 b. In the NB zone, sixty-five feet;
1061 c. In the CB zone, eighty feet;
1062 d. In the RB and O zones, eighty-five feet; and
1063 e. For properties subject to P-Suffix NH-PXX (the p-suffix established in Map

1064 Amendment 17 of Attachment D to this ordinance): the height limits set in the P-Suffix;

1065 2. In the R-18, R-24 and R-48 zones, any portion of a building that exceeds the
1066 base height for the zone set forth in K.C.C. chapter 21A.12 shall be set back an additional
1067 ten feet from the street property line and interior property line;

1068 3. In the NB, CB, RB and O zones, any portion of a building that exceeds the
1069 maximum height allowed for the zone by K.C.C. 21A.12.040.B.6. shall be set back an

1070 additional ten feet from the street property line and interior property line;

1071 4. The percentages of residential uses in mixed use developments in K.C.C.
1072 21A.14.110 do not apply. The percentages are as follows:

1073 a. a maximum of seventy-five percent of the total built floor area when located
1074 in NB zones; and

1075 b. a maximum of eighty-five percent of the total built floor area when located
1076 in CB, RB and O zones;

1077 5. The building floor area ratios in K.C.C. 21A.14.130 do not apply.
1078 Developments subject to this chapter shall not have a floor area ratio maximum; and

1079 6. The parking and circulation standards of K.C.C. chapter 21A.18 apply,
1080 except:

1081 a. The minimum required parking spaces for apartments and townhouses shall
1082 be one space per dwelling unit;

1083 b. The minimum required parking spaces for nonresidential uses of the project
1084 shall be the minimum required in K.C.C. 21A.18.020, or the minimum required in any
1085 applicable property-specific development standard or special district overlay, whichever
1086 is less; and

1087 c. The director may authorize a reduction of up to fifty percent of the minimum
1088 required number of spaces for inclusionary housing projects without a required a parking
1089 study. The director shall consider proximity to transit, bedroom composition, availability
1090 of on-street parking and proposed nonresidential uses when determining the size of the
1091 reduction.

1092 NEW SECTION. SECTION 27. There is hereby added to the chapter established

1093 in section 21 of this ordinance a new section to read as follows:

1094 A. As a condition of development permit issuance, the department shall approve
1095 the calculation of the number of required affordable dwelling units and allowed market-
1096 rate dwelling units.

1097 B. Before issuance of the certificate of occupancy, the applicant shall record a
1098 covenant or deed restriction on the property, in a form and substance acceptable to the
1099 prosecuting attorney's office and department of community of human services, reflecting
1100 the following:

1101 1. A statement that the length of the term of the affordability shall be for the life
1102 of the development project for renter-occupied dwelling units or fifty years from the date
1103 of initial occupancy for owner-occupied dwelling units;

1104 2. The total number of units;

1105 3. The number of market-rate dwelling units;

1106 4. The number and affordability of owner-occupied and rental affordable
1107 dwelling units based on the standards of this chapter;

1108 5. A statement that for any owner-occupied dwelling units, the covenants or
1109 declarations have been reviewed by the director and the terms ensure that the purposes of
1110 this chapter are accomplished;

1111 6. Reporting requirements as required by the department of community and
1112 human services, including subsequent community preference and affirmative marketing
1113 reports after the certificate of occupancy is issued; and

1114 7. Signatures of the property owner and the director.

1115 NEW SECTION. SECTION 28. There is hereby added to the chapter established

1116 in section 21 of this ordinance a new section to read as follows:

1117 For developments subject to this chapter:

1118 A. As part of a complete permit application, the applicant shall submit a
1119 community preference and affirmative marketing plan. The plan shall include:

1120 1. A tenant selection process for the affordable dwelling units that provides a
1121 preference for housing applicants with a current or past connection to the respective
1122 subarea geography where the project is located. The plan should provide no more than
1123 and aim to provide forty percent of the affordable dwelling units to tenants that meet the
1124 requirements for community preference;

1125 2. An advertising and outreach plan designed to provide information to and
1126 attract potential housing applicants who would otherwise be less likely to apply, without
1127 regard to protected class status as established by federal, state and local laws. An
1128 affirmative advertising and outreach plan should generally help potential housing
1129 applicants know about vacancies, feel welcome to apply and have the opportunity to rent
1130 units; and

1131 3. A process for housing applicants to file an appeal regarding the tenant
1132 selection process and verification of eligibility for preference.

1133 B. Before issuance of the building permit or subdivision approval, the community
1134 preference and affirmative marketing plan shall be reviewed and approved by the
1135 department of community and human services.

1136 C.1. At least sixty days before issuance of certificate of occupancy, the applicant
1137 shall submit a community preference and affirmative marketing initial report. The initial
1138 report shall include:

1139 a. information describing the activities conducted to implement the community
1140 preference and affirmative marketing plan; and

1141 b. information regarding the number of housing applicants:

1142 (1) that requested a preference;

1143 (2) deemed eligible under the preference criteria;

1144 (3) eligible for the preference that were selected for housing; and

1145 (4) that appealed the preference selection process and the outcome of each
1146 appeal.

1147 2. Before issuance of the certificate of occupancy, the community preference
1148 and affirmative marketing initial report shall be subject to review and approval by the
1149 department of community and human services.

1150 D. The department of community and human services shall provide guidance and
1151 technical assistance to the applicant to ensure the community preference and affirmative
1152 marketing plan and community preference and affirmative marketing report complies
1153 with federal, state and local laws and regulations.

1154 NEW SECTION. SECTION 29. There is hereby added to the chapter established
1155 in section 21 of this ordinance a new section to read as follows:

1156 A. The director may, at their discretion, approve a request for alternative
1157 compliance for the inclusionary housing requirements. Requests for such modifications
1158 shall clearly set forth the facts upon which the request for relief is sought. Alternative
1159 compliance may include:

1160 1. Providing affordable housing units off-site at another location within the
1161 same community service area subarea geography where the project is proposed;

1162 2. Payment to the county in lieu of constructing affordable housing units to be
1163 used to create affordable housing units within the same community services area subarea
1164 geography; or

1165 3. Such other means proposed by the applicant and approved at the discretion of
1166 the director, consistent with the following criteria for alternative compliance.

1167 B. Alternative compliance requests may only be approved when all of the
1168 following requirements are met:

1169 1. The applicant demonstrates that the proposed alternative compliance method
1170 provides the same number and quality affordable housing units as those provided on site;

1171 2. The affordable housing units provided through the alternative compliance
1172 method will provide the same mix of rental or owner-occupied units as would have
1173 otherwise been provided on site; and

1174 3. In no case shall the director approve an alternative compliance request that
1175 results in zero affordable housing units being constructed on-site.

1176 C. If an alternative compliance request is approved that includes off-site
1177 affordable housing units, any building permits required for off-site affordable housing
1178 units shall be submitted before issuance of building permits or final subdivision approval
1179 for the subject property. Certificates of occupancy for off-site affordable housing units
1180 shall be issued before issuance of the final certificate of occupancy for the subject
1181 property.

1182 D. If an alternative compliance request is approved that includes payment in lieu
1183 of constructing affordable housing units, the formula for payments shall be established by
1184 department of community and human services through a public rule under K.C.C. chapter

1185 2.98. The formula should be based on the cost to the county to construct and maintain an
1186 affordable dwelling unit. The payment obligation shall be paid before issuance of any
1187 building permits or final subdivision approval for the project.

1188 E. As part of the application review process for an inclusionary housing proposal,
1189 the director may authorize modifications to the dimensional standards in K.C.C. Title
1190 21A. Approval of modifications may only be granted if the applicant demonstrates that
1191 the subject property cannot otherwise reasonably achieve the minimum density.

1192 F.1. As part of the application review process for an inclusionary housing
1193 proposal, the director may modify or waive the requirements for affordable dwelling
1194 units under this chapter if the applicant demonstrates that the cost of complying with this
1195 chapter would deprive the property owner of all economically beneficial use of the
1196 property or would create severe economic impact that unduly burdens the property
1197 owner.

1198 2. Requests for such modifications shall clearly set forth the facts upon which
1199 the request for relief is sought.

1200 3. Review of a modification or waiver of the requirements of this subsection F.
1201 may include the director considering the following factors, at a minimum:

1202 a. The severity of the economic impact caused by the application of the
1203 requirements of this chapter;

1204 b. A modification under subsection E. is not sufficient to alleviate the severity
1205 of economic impact caused by the application of the requirements of this chapter;

1206 c. The extent to which alternative uses of the property or configurations of the
1207 proposed development would alleviate the need for the requested waiver or modification;

1208 d. The extent to which any economic impact was due to decisions by the
1209 applicant or property owner; and

1210 e. Other factors relevant to whether the burden should be borne by the property
1211 owner.

1212 4. The waiver or modification may be approved only to the extent necessary to
1213 grant relief from the deprivation of all economically beneficial use of the property or
1214 severe economic impact.

1215 5. The following factors, on their own, shall not be a sufficient basis for the
1216 director to grant a waiver or modification for the requirements of this chapter:

1217 a. decrease in property value;

1218 b. inability for a property owner to fully utilize the increase in residential
1219 development capacity through implementation of this chapter; or

1220 c. the fact that any such increase in residential development capacity,
1221 combined with the requirements of this chapter, did not leave the property owner in a
1222 better financial position than would have been the case with no increase in residential
1223 development capacity and no application of the requirements of this chapter.

1224 NEW SECTION. SECTION 30. There is hereby added to the chapter established
1225 in section 21 of this ordinance a new section to read as follows:

1226 A. The executive shall track the use of the inclusionary housing regulations in
1227 this chapter. The information shall be publicly available on a county website, and shall
1228 include, at a minimum, information describing:

1229 1. The number and location of developments that applied to the department for
1230 approval and the number and location of developments that were subject to the
1231 requirements of this chapter;

1232 2. The number and location of developments that applied for any alternative
1233 compliance, the number and location of developments that were granted such alternative
1234 compliance and the terms of each alternative compliance;

1235 3. The number of market rate units and the number of affordable units
1236 constructed, including the location of all affordable units; and

1237 4. The amount of revenue collected through in lieu and fractional fees for each
1238 subarea geography, and the amount and location those fees were spent in the subarea
1239 geography.

1240 B.1. In conjunction with the Comprehensive Plan update required by K.C.C.
1241 20.18.060.B., excluding the 2024 Comprehensive Plan update, the executive shall
1242 analyze the inclusionary housing regulations to determine whether the purposes of the
1243 Comprehensive Plan and the inclusionary housing regulations are being met, and shall
1244 propose code changes to address any recommendations from that analysis as part of the
1245 Comprehensive Plan update to improve the efficacy of the regulations.

1246 2. If the executive or council finds that the inclusionary housing regulations are
1247 not effective at providing for affordable housing units, nothing in this section shall
1248 prevent the executive from transmitting or the council from adopting an ordinance that
1249 modifies the regulations outside of the timeline in K.C.C. 20.18.060.

1250 C. The department shall be available to brief the local services and land use
1251 committee or its successor at least once per year on the implementation and overall

1252 efficacy of the inclusionary housing regulations and the information required by this
1253 section.

1254 SECTION 31. The following are hereby repealed:

1255 A. Ordinance 11575, Section 2, as amended, and K.C.C. 20.12.015;

1256 B. Ordinance 11351, Section 1, as amended, and K.C.C. 21A.38.090;

1257 C. The White Center Community Action Plan portions of Attachments I, II, III
1258 and IV to Ordinance 11568;

1259 D. Attachments I, II, III, IV and V to Ordinance 11166; and

1260 E. Attachments F and G to Ordinance 19146.

1261 SECTION 32. Severability. If any provision of this ordinance or its application

1262 to any person or circumstance is held invalid, the remainder of the ordinance or the

1263 application of the provision to other persons or circumstances is not affected."

1264

1265 Strike Attachment A, 2022 Update to the 2016 King County Comprehensive Plan, as

1266 adopted by Ordinance 18427, and as amended by Ordinance 18623 Ordinance 18810,

1267 Ordinance 19034, and Ordinance 19146, dated March 2022, and insert Attachment A,

1268 2022 Update to the 2016 King County Comprehensive Plan, dated December 2022. The

1269 clerk of the council is instructed to engross changes from any adopted amendments and

1270 correct any scrivener's errors. Upon final adoption, council staff is instructed to reflect

1271 the enactment number throughout Attachment A, incorporate adopted changes into the

1272 King County Comprehensive Plan, modify all Comprehensive Plan and technical maps in

1273 Attachment A to reflect the changes in any adopted amendments, update the tables of

1274 contents as necessary, update footnote numbers as necessary, and provide an electronic
1275 copy of each to the executive.
1276

1277 Strike Attachment B, Skyway-West Hill Community Service Area Subarea Plan, dated
1278 July 26, 2022, and insert Attachment B, Skyway-West Hill Community Service Area
1279 Subarea Plan, dated December 2022. The clerk of the council is instructed to engross
1280 changes from any adopted amendments and correct any scrivener's errors. Line numbers
1281 have been added to the attachment for ease of reference. The clerk of the council is
1282 instructed to remove line numbers in the attachment on the final version of this legislation
1283 adopted by the council before presentation to the executive. Upon final adoption, council
1284 staff is instructed to reflect the enactment number throughout Attachment B, modify all
1285 Comprehensive Plan and technical maps to reflect the changes in any adopted
1286 amendments, incorporate any adopted amendments, update the tables of contents as
1287 necessary, update footnote numbers as necessary, and provide an electronic copy of each
1288 to the executive.
1289

1290 Strike Attachment C, North Highline Community Service Area Subarea Plan, dated July
1291 26, 2022, and insert Attachment C, North Highlight Community Service Area Subarea
1292 Plan, dated December 2022. The clerk of the council is instructed to engross changes
1293 from any adopted amendments and correct any scrivener's errors. Line numbers have
1294 been added to the attachment for ease of reference. The clerk of the council is instructed
1295 to remove line numbers in the attachment on the final version of this legislation adopted
1296 by the council before presentation to the executive. Upon final adoption, council staff is

1297 instructed to reflect the enactment number throughout Attachment C, modify all
1298 Comprehensive Plan and technical maps to reflect the changes in any adopted
1299 amendments, incorporate any adopted amendments, update the tables of contents as
1300 necessary, update footnote numbers as necessary, and provide an electronic copy of each
1301 to the executive.

1302

1303 Strike Attachment D, Amendments to Land Use and Zoning Maps, 2022 update to 2016
1304 King County Comprehensive Plan, and insert Attachment D, Amendments to Land Use
1305 and Zoning Maps, 2022 update to 2016 King County Comprehensive Plan, dated
1306 December 2022. The clerk of the council is instructed to engross changes from any
1307 adopted amendments and correct any scrivener's errors. Upon final adoption, council
1308 staff is instructed to reflect the enactment number throughout Attachment D, and
1309 coordinate with executive staff to assign new P-suffix or Special District Overlay
1310 numbers, modify all Comprehensive Plan and technical maps, and provide an electronic
1311 copy of each to the executive.

1312

1313 **EFFECT prepared by J. Tracy/E. Auzins:**

1314 **The proposed striking amendment would make the following changes:**

1315 **In the proposed ordinance:**

- 1316 1. Include additional findings and make changes to the existing findings;
- 1317 2. Move the proposed definitions from a new section to the existing definitions
1318 chapter, K.C.C. 21A.06;
- 1319 3. Add a definition for "community preference";

- 1320 4. In order to provide more clarity on allowed heights, add a new "maximum height"
1321 row in the dimensional tables in K.C.C. 21.12. This would not alter the allowed
1322 heights for buildings not subject to the inclusionary housing (IH) requirements of
1323 this ordinance, nor would it change the conditions under which these heights
1324 could be achieved. It would simply be a change in terminology from multiple
1325 "base heights" to one "base height" with other "maximum heights" allowed under
1326 certain conditions;
- 1327 5. Add the maximum heights for IH developments to the dimensional tables in
1328 21A.12;
- 1329 6. Remove requirements from SO-050 (Skyway-West Hill pedestrian oriented
1330 commercial special district overlay) that conflict with the IH regulations;
- 1331 7. Clarify that the maximum commercial size in the Skyway microenterprise special
1332 district overlay is "per tenant;"
- 1333 8. Clarify that the access and facade requirements of the North Highline pedestrian-
1334 oriented special district overlay apply only to new and substantially improved
1335 development;
- 1336 9. Add a section clarifying the applicability of the IH requirements;
- 1337 10. Exclude single dwelling units, accessory dwelling units, mobile home parks,
1338 cottage housing, and senior citizen assisted housing from being subject to IH
1339 requirements;
- 1340 11. Clarify that accessory dwelling units cannot be used to meet IH requirements;
- 1341 12. Add Executive-requested language on TDR allowances/requirements in North
1342 Highline and Skyway West-Hill;

- 1343 13. Add Executive-requested language on developments with 100% affordable units
1344 in the mandatory IH area;
- 1345 14. Add a new IH option to provide fewer affordable units in exchange for a smaller
1346 density bonus;
- 1347 15. Change the unit calculation for studio units, which would count as ½ affordable
1348 unit rather than 1 affordable unit;
- 1349 16. For developments providing affordable housing in accordance with the IH
1350 standards, modify standards for percentages of residential uses in mixed use
1351 developments, to allow a higher percentage to be residential, remove floor area
1352 ratio limits, and remove parking study requirement for reducing parking ratios;
- 1353 17. Specify that affordable units in IH developments must have equal access to
1354 amenities as market rate units;
- 1355 18. Make changes to reporting requirements;
- 1356 19. Clarify the community preference allowance;
- 1357 20. Add clarity on the purpose of an advertising and outreach plan for community
1358 preference;
- 1359 21. Allow for alternative compliance with the IH regulations through off-site
1360 construction or fee-in-lieu, with criteria for when alternative compliance may be
1361 approved, and a requirement for DCHS to establish the formula for the fee;
- 1362 22. Allow the director to modify dimensional standards for IH proposals if the
1363 applicant demonstrates that the subject property cannot otherwise reasonably
1364 achieve the permitted or required density;

- 1365 23. Allow the director to modify or waive the IH requirements in the case of severe
1366 economic hardship, subject to criteria; and
1367 24. Make other technical and clarifying changes, including adding and updating cross
1368 references in multiple sections of code, reworking IH requirement tables, and
1369 reorganizing sections of the proposed IH chapter.

1370 **In Attachment A (2022 Update to 2016 Comprehensive Plan):**

- 1371 25. Add a new section describing subarea planning;
1372 26. Add a new subarea planning schedule; and
1373 27. Make other technical and clarifying changes.

1374 **In Attachment B (Skyway-West Hill CSA Subarea Plan):**

- 1375 28. Modify policy SWH-2 to include funding as way to achieve community-identified
1376 equitable development outcomes;
1377 29. Modify policy SWH-14 from "support" to "prioritize" the development of
1378 community identified amenities;
1379 30. Modify policy SWH-40 from "encourage" to "prioritize" the development of new
1380 locally-owned businesses;
1381 31. Add an implementation chapter; and
1382 32. Make other technical and clarifying changes.

1383 **In Attachment C (North Highline CSA Subarea Plan):**

- 1384 33. Add a map showing the 2020 Transportation Needs Report Improvements;
1385 34. Add an implementation chapter; and
1386 35. Make other technical and clarifying changes.

1387 **In Attachment D:**

- 1388 36. In Map Amendment 17, clarify that a new P-suffix in White Center that limits the
1389 size of commercial space is "per tenant;" and
1390 37. Make technical and clarifying changes.