

S1

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~~ Comprehensive plan update
10 required by RCW 36.70A.130~~(4)(a)~~ was met with the 2012 King County Comprehensive
11 Plan that was adopted ~~by as part of~~ Ordinance 17485. ~~Engrossed Substitute House Bill~~
12 ~~2342, passed by the Legislature and signed into law as Chapter 113, Laws of Washington~~
13 ~~2020, by the Governor as a result of 2020 legislative session, modified the schedule for~~
14 ~~the Growth Management Act mandated updates to Comprehensive Plans. As a result,~~
15 RCW 36.70A.130~~(5)(a)~~ requires King County ~~and the cities within King County to~~
16 complete the next statutorily required a review of the ~~ir~~ comprehensive
17 Plans on or before ~~June~~ December 31~~0~~, 2024, ~~and every eight years thereafter. This~~

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18 2022 update adopted as part of this ordinance does not serve as the statutory update
19 required by RCW 36.70A.130.

20 C. The 2016 King County Comprehensive Plan launched a Community Service
21 Areas subarea planning program. Community Service Area ("CSA") subarea plans are
22 scheduled to be created for the six rural CSAs and for the five large urban unincorporated
23 potential annexation areas. The CSA subarea planning program recognizes the county's
24 role as a local service provider in the unincorporated area, including for localized long-
25 range planning. Many areas of unincorporated King County have not had subarea
26 planning since the 1990s or earlier. The CSA subarea planning program will provide
27 improved coordination, accountability and service delivery in the area of long-range
28 planning for unincorporated areas of King County.

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

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

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

43 ~~———— C. As required by K.C.C. 2.16.055.B., the subarea plans:~~

44 ~~———— 1. Were developed consistent with the Comprehensive Plan;~~

45 ~~———— 2. Are based on a scope of work established with the community;~~

46 ~~———— 3. Establish a long range vision and policies to implement that vision in a
47 manner that is consistent with and not redundant to policy direction in the
48 Comprehensive Plan;~~

49 ~~———— 4. Establish performance metrics and monitoring for implementation of the
50 subarea plans, which will be reviewed and reported on biennially and monitored by the
51 community and the council;~~

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

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

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

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

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

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

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

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

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

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

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

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

107 I. To address those displacement risks, the report recommends, and this
108 ordinance adopts, development of an inclusionary housing program ~~for Skyway West~~

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109 ~~Hill and North Highline~~ that includes ~~both~~ mandatory ~~and voluntary~~ elements in the
110 Skyway and White Center Unincorporated Activity Centers, and voluntary elements in
111 the remainder of the Skyway-West Hill and North Highline subarea geographies.

112 ~~—— J. Specific to mandatory inclusionary housing, the report recommends that the~~
113 ~~provisions "apply to the areas in Skyway West Hill and North Highline with the highest~~
114 ~~opportunity for residential and commercial densities, and thus the highest risk of~~
115 ~~displacement." The Report states "[t]he Skyway Business District is the largest~~
116 ~~commercial area in the community. The Business District has significant potential for~~
117 ~~commercial and mixed-use infill development and redevelopment. Such development~~
118 ~~would also likely increase the potential for new residential development in the adjacent~~
119 ~~high and medium density zones. In North Highline, the White Center UAC is a high-~~
120 ~~density hub of commercial and residential development. Similar to the Skyway Business~~
121 ~~District, this area is also expected to receive substantively more growth in housing and~~
122 ~~employment than the rest of the community. Part of the expected growth is anticipated as~~
123 ~~a result of near-term public investments, such as planned bus rapid transit routes through~~
124 ~~the commercial hubs in both communities. These investments will increase the hubs'~~
125 ~~attractiveness as prime locations for new commercial and residential development.~~

126 ~~Additionally, the County is currently updating the subarea plans for both communities.~~
127 ~~It is likely that these updated plans will include policies and zoning changes that reflect~~
128 ~~the communities' expressed desires to revitalize and reinvest in these residential and~~
129 ~~commercial hubs, including creating opportunities for new development. It is also~~
130 ~~anticipated that the plans will direct action to address the displacement risks associated~~
131 ~~with the potential for increased development in these areas. The current neighborhood~~

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

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

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

152 LM. The King County Countywide Planning Policies, King County
153 Comprehensive Plan, Skyway-West Hill ~~Community Service Area~~ Subarea Plan, North
154 Highline ~~Community Service Area~~ Subarea Plan and Regional Affordable Housing Task

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155 Force Final Report and Recommendations support the development and use of anti-
156 displacement measures, including mandatory inclusionary housing and community
157 preference provisions.

158 SECTION 2. A. Attachments A, B, C and D to this ordinance are adopted as
159 amendments to the 2016 King County Comprehensive Plan, as adopted in Ordinance
160 18472 and its attachments and as amended by Ordinance 1862, Ordinance 18810,
161 Ordinance 19034 and Ordinance 19146.

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

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

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

171 E. The land use and zoning amendments in sections ~~172~~ through ~~2014~~ of this
172 ordinance and Attachment D to this ordinance are hereby adopted as amendments to
173 Appendix A to Ordinance 12824, as amended, and as the official land use and zoning
174 controls for those portions of unincorporated King County defined in those sections of
175 this ordinance and attachments to this ordinance.

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

179 SECTION 3. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.
180 20.12.010 are hereby amended to read as follows:

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

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

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

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198 A. Ordinance 11653 adopts area zoning to implement the 1994 King County
199 Comprehensive Plan pursuant to the Washington State Growth Management Act, chapter
200 36.760A RCW. Ordinance 11653 also converts existing zoning in unincorporated King
201 County to the new zoning classifications in the 1993 Zoning Code, codified in Title 21A,
202 pursuant to the area zoning conversion guidelines in K.C.C. 21A.01.070. The following
203 are adopted as attachments to Ordinance 11653:

204 Appendix A: 1994 Zoning Atlas, dated November 1994, as amended December
205 19, 1994.

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

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

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

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

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

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

212 Appendix H: Amendments to East Sammamish Community Plan P-Suffix
213 Conditions.

214 Appendix I: Amendments to Snoqualmie Valley Community Plan P-Suffix
215 Conditions.

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

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

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

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

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221 Appendix N: Amendments to Resource Lands Community Plan P-Suffix
222 Conditions.

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

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

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

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

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

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

241 F. The Vashon Area Zoning adopted in Ordinance 12824, as amended, including
242 as amended by Ordinance 17842 (~~and~~), Ordinance 18427 and Ordinance 19119, is

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243 adopted as the official zoning control for that portion of unincorporated King County
244 defined therein.

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

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

253 I. The King County Zoning Atlas is amended to include the area shown in
254 Appendix B as UR - Urban Reserve, one DU per 5 acres. Existing p-suffix conditions
255 whether adopted through reclassifications or area zoning are retained by Ordinance
256 12535. The language from Ordinance 12535, Section 1.D., shall be placed on the King
257 County Zoning Atlas page #32 with a reference marker on the area affected by Ordinance
258 12535.

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

262 K. The special district overlays, as designated on the map attached to Ordinance
263 12809 in Appendix A, are hereby adopted pursuant to K.C.C. 21A.38.020 and
264 21A.38.040.

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

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

272 1. Resolutions 31072, 32219, 33877, 33999, 34493, 34639, 35137((~~3~~)) and
273 37156 adopting individual zone reclassifications are hereby repealed and p-suffix
274 conditions are replaced by the property specific development standards as set forth in
275 Appendix A to Ordinance 12824;

276 2. All ordinances adopting individual zone reclassifications effective before
277 February 2, 1995, including but not limited to Ordinances 43, 118, 148, 255, 633, 1483,
278 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765, 2781,
279 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313, 3360, 3424, 3494, 3496, 3501,
280 3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051, 4053,
281 4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867, 4812,
282 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171, 5184,
283 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854, 5984,
284 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832, 6885,
285 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653, 7677,
286 7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375, 8427,
287 8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865, 8866,

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288 9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194, 10287,
289 10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271 and 11651, are hereby
290 repealed and p-suffix conditions are replaced by the property specific development
291 standards as set forth in Appendix A to Ordinance 12824;

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

296 4. All ordinances adopting area zoning pursuant to Resolution 25789 or
297 converted by Ordinance 11653 are repealed as set forth in subsection M.4.a. through n. of
298 this section. All p-suffix conditions contained therein are repealed or replaced by
299 adopting the property specific development standards as set forth in Appendix A to
300 Ordinance 12824, the special district overlays as designated in Appendix B to Ordinance
301 12824 or the special requirements as designated in Appendix A to Ordinance 12822.

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

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

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

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

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

312 f. The Revised Vashon Community Plan Area Zoning, attached to Ordinance
313 7837 as Appendix B, as amended, is hereby repealed.

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

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

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

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

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

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

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

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

330 5. All ordinances adopting area zoning pursuant to Title 21A and not converted
331 by Ordinance 11653, including community or Comprehensive Plan area zoning and all
332 subsequent amendments thereto, are amended as set forth in subsection M.5.a. through f.

333 of this section. All property specific development standards (p-suffix conditions) are
334 retained, repealed, amended or replaced by the property specific development standards
335 as set forth in Appendix A to Ordinance 12824, the special district overlays as designated
336 in Appendix B to Ordinance 12824 or the special requirements as designated in Appendix
337 A to Ordinance 12822.

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

342 b. All property specific development standards established in Ordinance
343 11653, as amended, are hereby amended as set forth in Appendix E to Ordinance 12824.

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

346 d. All property specific development standards established in Ordinance
347 12061, as amended, are hereby amended as set forth in Appendix G to Ordinance 12824.

348 e. All property specific development standards established in Ordinance
349 12065, as amended, are hereby amended as set forth in K.C.C. 20.12.170.

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

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

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

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356 Community Service Area Subarea Plan, dated ~~July 26,~~December 2022, in Attachment C
357 to this ordinance, is adopted as ((an amplification and augmentation)) a subarea plan and
358 an element of the King County Comprehensive Plan ((for King County)) and, as such,
359 constitutes official county policy for the geographic area of unincorporated King County
360 defined ((therein)) in the plan.

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

363 The ((~~West Hill Community Plan, a bound and published document, as revised in~~
364 ~~the Attachments to Ordinance 11166, as supplemented by the Skyway-West Hill Land~~
365 ~~Use Strategy, Phase 1 of the~~)) Skyway-West Hill Community Service Area Subarea Plan,
366 dated ((~~July 2020~~)) July 26,December 2022, in Attachment B to this ordinance, is
367 adopted as a subarea plan and an element of the King County Comprehensive Plan and,
368 as such, constitutes official county policy for the geographic area of unincorporated King
369 County defined in the plan ((and strategy. In the case of conflict between the West Hill
370 Community Plan and the Skyway-West Hill Land Use Strategy, Phase 1 of the Skyway-
371 West Hill Subarea Plan, the Skyway-West Hill Land Use Strategy, Phase 1 of the
372 Skyway-West Hill Subarea Plan, controls.))

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

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

378 NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 21A.06

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379 a new section to read as follows:

380 Community preference: a process to identify people with a current or past

381 connection to specific community service area subarea geographies, including:

382 A. People who are current or former residents of that geography;

383 B. People with a parent, guardian or ancestor who are current or former residents
384 of that geography;

385 C. People who are current or former residents within one half mile of the
386 inclusionary housing project; or

387 D. People who use, participate in, volunteer or work for an organization located
388 in that geography, including but not limited to cultural or faith-based organizations, non-
389 nonprofit organizationss, businesses or community centers.

390 NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 21A.06
391 a new section to read as follows:

392 Dwelling unit, affordable: a dwelling unit reserved for occupancy by households
393 having housing expenses at an affordability level no greater than thirty percent of a given
394 percent of the King County AMI adjusted for household size.

395 NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter
396 21A.06 a new section to read as follows:

397 Dwelling unit, market-rate: a dwelling unit that is not restricted to a specified
398 affordable rent or sale price.

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

400 21A.12.030 are hereby amended to read as follows:

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

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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 (6)	du/a c	du/a c	du/a c	du/a c	du/a c	du/a c
Maximum Density:	0.4						6	9	12	18	27	36	72
Dwelling Unit/Acre (1)	du/a c (20)						du/ ac (22)	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:							85% (12)	85% (12)	85% (12)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.87 5 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7) (29)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)	5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7) (29)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height ((4))	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft <u>25 ft</u> (25a)	35 ft (45)	35 ft (45)	60 ft (80)	60 ft (80)	60 ft (80)	60 ft (80)

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								ft (14))) 25 ft (25a)	ft (14))) 25 ft (25a)		ft (14))) 25 ft (25a)	ft (14))) 25 ft (25a)	ft (14))) 25 ft (25a)
<u>Maximum</u> <u>Height</u>	<u>75</u> ft (4)	<u>75</u> ft (4)	<u>75 ft</u> (4)	<u>75 ft</u> (4)	<u>75 ft</u> (4)	<u>75 ft</u> (4)	<u>35 ft</u> 30 ft (25b) 75 ft (4)	<u>45</u> ft (14) 30 ft (25 b) 75 ft (4)	<u>45</u> ft (14) 30 ft (25 b) 75 ft (4)	<u>75</u> ft (4)	<u>75</u> ft (4)	<u>75</u> ft (4)	<u>75</u> ft (4)
	25 % (11) (19) (26)	20 % (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26)	85% (26)	85% (26)	90% (26)

402

B. Development conditions.

403

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

404

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

405

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

406

combination of density incentive or density transfer; or

407

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

408

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

409

regulations in K.C.C. chapter 21A.XX (the new chapter established in section ~~2115~~ of

410

this ordinance).

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

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

414 4.a. ~~Height limits may be increased if p~~ Portions of ~~the~~ a structure
415 ~~that~~ may exceed the base height ~~limit provide~~ if one additional foot of street and
416 interior setback is provided for each foot above the base height ~~limit, but the maximum~~
417 ~~height may not exceed seventy-five feet~~. The following restrictions apply:

418 ~~(b.)~~ (1) for netting or fencing and support structures for the netting or
419 fencing used to contain golf balls in the operation of golf courses or golf driving ranges;
420 ~~are exempt from the additional interior setback requirements but~~, the maximum
421 height shall not exceed seventy-five feet, except for recreation or multiuse parks, where
422 the maximum height shall not exceed one hundred twenty-five feet, unless a golf ball
423 trajectory study requires a higher fence. All such netting, fencing and support structures
424 are exempt from the additional interior setback requirement, regardless of whether
425 located in a recreation or multiuse park;

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

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

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

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

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- 434 a. Regional uses shall be established at the time of permit review;
- 435 b. Nonresidential uses in rural area and residential zones shall comply with
- 436 K.C.C. 21A.12.120 and 21A.12.220;
- 437 c. Individual lots in the R-4 through R-6 zones that are less than nine thousand
- 438 seventy-six square feet in area shall be subject to the applicable provisions of the nearest
- 439 comparable R-6 or R-8 zone; and
- 440 d. A lot may be increased beyond the total amount permitted in this chapter
- 441 subject to approval of a conditional use permit.
- 442 6. Mobile home parks shall be allowed a base density of six dwelling units per
- 443 acre.
- 444 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand
- 445 square feet in area.
- 446 8. At least twenty linear feet of driveway shall be provided between any garage,
- 447 carport or other fenced parking area and the street property line. The linear distance shall
- 448 be measured along the center line of the driveway from the access point to such garage,
- 449 carport or fenced area to the street property line.
- 450 9.a. Residences shall have a setback of at least one hundred feet from any
- 451 property line adjoining A, M or F zones or existing extractive operations. However,
- 452 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or
- 453 existing extractive operations shall have a setback from the rear property line equal to
- 454 fifty percent of the lot width and a setback from the side property equal to twenty-five
- 455 percent of the lot width.
- 456 b. Except for residences along a property line adjoining A, M or F zones or

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457 existing extractive operations, lots between one acre and two and one-half acres in size
458 shall conform to the requirements of the R-1 zone and lots under one acre shall conform
459 to the requirements of the R-4 zone.

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

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

469 11. Lots smaller than one-half acre in area shall comply with standards of the
470 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or
471 larger, the maximum impervious surface area allowed shall be at least ten thousand
472 square feet. On any lot over one acre in area, an additional five percent of the lot area
473 may be used for buildings related to agricultural or forestry practices. For lots smaller
474 than two acres but larger than one-half acre, an additional ten percent of the lot area may
475 be used for structures that are determined to be medically necessary, if the applicant
476 submits with the permit application a notarized affidavit, conforming with K.C.C.
477 21A.32.170A.2.

478 12. For purposes of calculating minimum density, the applicant may request that
479 the minimum density factor be modified based upon the weighted average slope of the

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480 net buildable area of the site in accordance with K.C.C. 21A.12.087.

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

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

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

487 b. in R-18, R-24 and R-48 zones:

488 (1) for properties within the Skyway-West Hill or North Highline community
489 service area subarea geographies, only if meeting the requirements of K.C.C. chapter
490 21A.XX (the new chapter established in section 210 of this ordinance); or

491 (2) for all other properties, using residential density incentives and transfer
492 of density credits in accordance with this title. ~~;~~ ~~or~~

493 ~~(2) for properties within the Skyway-West Hill or North Highline community~~
494 ~~service area subarea planning geographies, only if meeting the requirements of K.C.C.~~
495 ~~chapter 21A.XX (the new chapter established in section 2015 of this ordinance).~~

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

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

502 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to

503 be clustered if the property is located within or contains:

- 504 (1) a floodplain;
- 505 (2) a critical aquifer recharge area;
- 506 (3) a regionally or locally significant resource area;
- 507 (4) existing or planned public parks or trails, or connections to such facilities;
- 508 (5) a category type S or F aquatic area or category I or II wetland;
- 509 (6) a steep slope; or
- 510 (7) an urban separator or wildlife habitat network designated by the

511 Comprehensive Plan or a community plan.

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

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

522 19. All subdivisions and short subdivisions in R-1 and RA zones within the
523 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North
524 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and
525 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East

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526 Sammamish Community Planning Area that drains to Patterson Creek shall have a
527 maximum impervious surface area of eight percent of the gross acreage of the plat.
528 Distribution of the allowable impervious area among the platted lots shall be recorded on
529 the face of the plat. Impervious surface of roads need not be counted towards the
530 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
531 more restrictive shall be required.

532 20. This density may only be achieved on RA 2.5 zoned parcels receiving
533 density from rural forest focus areas through a transfer of density credit pursuant to
534 K.C.C. chapter 21A.37.

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

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

540 b. For properties within the Skyway-West Hill or North Highline community
541 service area subarea ~~planning~~ geographies, only as provided in the inclusionary housing
542 regulations in K.C.C. chapter 21A.XX (the new chapter established in section ~~2115~~ of
543 this ordinance).

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

546 24. The impervious surface standards for the county fairground facility are
547 established in the King County Fairgrounds Site Development Plan, Attachment A to
548 Ordinance 14808 on file at the department of natural resources and parks and the

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549 department of local services, permitting division. Modifications to that standard may be
550 allowed provided the square footage does not exceed the approved impervious surface
551 square footage established in the King County Fairgrounds Site Development Plan
552 Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808,
553 by more than ten percent.

554 25. For cottage housing developments only:

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

556 b. Buildings that have pitched roofs with a minimum slope of six ~~((and))~~ over
557 twelve may ~~((extend up to))~~ achieve a maximum height of thirty feet at the ridge of the
558 roof.

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

563 27. ~~Only in accordance with:~~

564 ~~_____a. For properties within the Skyway-West Hill or North Highline community~~
565 ~~service area subarea geographies, only in accordance with the inclusionary housing~~
566 ~~regulations in K.C.C. chapter 21A.XX (the new chapter established in section 210 of this~~
567 ~~ordinance); ~~or.~~~~

568 ~~ba. For all other properties, ((~~Θ~~))only in accordance with K.C.C.~~
569 ~~21A.34.040.F.1.g., F.6. or K.C.C. 21A.37.130.A.2; ~~or~~~~

570 ~~_____b. For properties within the Skyway West Hill or North Highline community~~
571 ~~service area subarea planning geographies, only as provided in the inclusionary housing~~

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572 ~~regulations in K.C.C. chapter 21A.XX (the new chapter established in section 2015 of~~
 573 ~~this ordinance).~~

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

577 _____ 29. Height and setback requirements shall not apply to regional transit authority
 578 facilities.

579 SECTION 812. Ordinance 10870, Section 341, as amended, and K.C.C.
 580 21A.12.040 are hereby amended to read as follows:

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

	RESOURCE				COMMERCIAL/INDUSTRIAL				
	AGRICULTUR E	F O R E S T	M I N E R A L		NEIGHBO R-HOOD BUSINESS	COMMUNI TY BUSINESS	REGIONA L BUSINESS	O F F I C E	I N D U S T R I A L
STANDARD S	A- 10	A-35	F	M	NB	CB	RB	O	I
Base Density:	0.1	.0286	.0125		8 du/ac	48 du/ac	36 du/ac	48	
Dwelling Unit/Acre (19)	du/ ac	du/ac	du/ac		(2)	(2)	(2) 48 du/ac (1)	du/ac (2)	
Maximum Density: Dwelling					12 du/ac (3) 16 du/ac	72 du/ac (16) 96 du/ac	48 du/ac (3) 72 du/ac	72 du/ac (16)	

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Unit/Acre					(15)	(17)	(16) 96 du/ac (17)	96 du/ac (17)	
Minimum Lot Area	10 acres	35 acres	80 acres	10 acres					
Maximum Lot Depth/Width Ratio	4 to 1	4 to 1							
Minimum Street Setback	30 ft (4)	30 ft (4)	50 ft (4)	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft
Minimum Interior Setback	10 ft (4)	10 ft (4)	100 ft (4)	(12)	10 ft (18) 20 ft (14)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7) 50 ft (8)
Base Height ((10))	35 ft	35 ft	35 ft	35 ft	35 ft ((45 ft (6))	35 ft ((60 ft (6) 65 ft (17))	35 ft ((65 ft (6))	45 ft ((65 ft (6))	45 ft
Maximum Height	<u>75</u> ft (10)	<u>75 ft</u> (10)	<u>75 ft</u> (10)	<u>75 ft</u> (10)	<u>45 ft (6)</u> <u>65 ft (20)</u> <u>75 ft</u> (10)	<u>60 ft (6)</u> <u>65 ft (17)</u> <u>75 ft</u> (10) <u>80 ft (20)</u>	<u>65 ft (6)</u> <u>75 ft</u> (10) <u>85 ft (20)</u>	<u>65 ft</u> (6) <u>75 ft</u> (10) <u>85 ft</u> (20)	<u>75 ft</u> (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 %	10% 35% (11)	10% 35% (11)		85%	85%	90%	75%	90%

)								
--	---	--	--	--	--	--	--	--	--

582

B. Development conditions.

583

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

585

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

586

587

3. These densities may only be achieved:

589

a. for properties within the Skyway-West Hill or North Highline community service area subarea geographies, as provided in the inclusionary housing regulations in K.C.C. chapter 21A.XX (the new chapter established in section 210 of this ordinance); or

590

591

592

ba. for all other properties, through the application of residential density incentives or transfer of development rights in mixed-use developments and, in the NB

593

594

zone on property in the urban area designated commercial outside of center, for stand-alone townhouse development. See K.C.C. chapters 21A.34 and 21A.37 ~~;~~ ~~or~~

595

596

b. for properties within the Skyway-West Hill or North Highline community service area subarea planning geographies, as provided in the inclusionary housing

597

598

regulations in K.C.C. chapter 21A.XX (the new chapter established in section 15 of this ordinance).

599

600

4.a. in the F zone, scaling stations may be located thirty-five feet from property

601

lines. Residences shall have a setback of at least thirty feet from all property lines.

602

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

603

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

604

requirements of the R-4 zone shall apply.

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

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

610 6. This ~~((base))~~ maximum height allowed only for:

611 a. mixed-use developments; and

612 b. for stand-alone townhouse development in the NB zone on property
613 designated commercial outside of center in the urban area.

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

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

617 9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C.
618 chapter 21A.14 or section 265 of this ordinance if meeting the requirements of K.C.C.
619 chapter 21A.XX (the new chapter established in section 210 of this ordinance).

620 10. ~~a. ((Height limits may be increased if p))~~ Portions of ~~((the))~~ a structure
621 ~~((building that))~~ may exceed the base height ~~((limit provide))~~ if one additional foot of
622 street and interior setback is provided for each foot above the base height ~~((limit,~~
623 ~~provided the maximum height may exceed seventy five feet only in mixed use~~
624 ~~developments))~~. The following restrictions apply:

625 a. for ((N))netting or fencing and support structures for the netting or fencing
626 used to contain golf balls in the operation of golf courses or golf driving ranges, ~~((are~~
627 ~~exempt from the additional interior setback requirement, provided that))~~ the maximum

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628 height shall not exceed seventy-five feet. All such netting, fencing and support structures
629 are exempt from the additional interior setback requirement;

630 b. ~~For~~ properties within the Skyway-West Hill or North Highline community
631 service area subarea planning geographies shall not increase height through this method;
632 building height may only be increased beyond the height allowed in subsection B.6. of
633 this section if meeting the requirements of K.C.C. chapter 21A.XX (the new chapter
634 established in section 15 of this ordinance).

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

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

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

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

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

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

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

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651 15.a. For properties within the Skyway-West Hill or North Highline community
652 service area subarea geographies, only as provided in the inclusionary housing
653 regulations in K.C.C. chapter 21A.XX (the new chapter established in section 210 of this
654 ordinance).

655 b. For all other properties, ((Θ)) only as provided for walkable communities
656 under K.C.C. 21A.34.040.F.8. well-served by transit or for mixed-use development
657 through the application of rural area and residential density incentives under K.C.C.
658 21A.34.040.F.1.g. ~~or~~

659 ~~———— b. For properties within the Skyway-West Hill or North Highline community~~
660 ~~service area subarea planning geographies, only as provided in the inclusionary housing~~
661 ~~regulations in K.C.C. chapter 21A.XX (the new chapter established in section 2015 of~~
662 ~~this ordinance).~~

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

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

671 ~~———— b. For properties within the Skyway-West Hill or North Highline community~~
672 ~~service area subarea planning geographies, only as provided in the inclusionary housing~~
673 ~~regulations in K.C.C. chapter 21A.XX (the new chapter established in section 2015 of~~

674 ~~this ordinance).~~

675 17.a. ~~For properties within the Skyway-West Hill or North Highline community~~
676 ~~service area subarea geographies, only as provided in the inclusionary housing~~
677 ~~regulations in K.C.C. chapter 21A.XX (the new chapter established in section 210 of this~~
678 ~~ordinance).~~

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

689 ~~_____ b. For properties within the Skyway-West Hill or North Highline community~~
690 ~~service area subarea planning geographies, only as provided in the inclusionary housing~~
691 ~~regulations in K.C.C. chapter 21A.XX (the new chapter established in section 2015 of~~
692 ~~this ordinance).~~

693 18. Required on property lines adjoining rural area and residential zones only
694 for a social service agency office reusing a residential structure in existence on January 1,
695 2010.

696 19. On a site zoned A with a building designated as a county landmark in

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697 accordance with the procedures in K.C.C. 20.62.070, additional dwelling units in excess
698 of the maximum density may be allowed under K.C.C. 21A.12.042.

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

703 SECTION 139. Ordinance 10870, Section 344, as amended, and K.C.C.
704 21A.12.070 are hereby amended to read as follows:

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

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

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

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

716 D. If calculations result in a fraction, the fraction shall be rounded to the nearest
717 whole number as follows, except as provided in subsection E of this section and section
718 26 of this ordinance:

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

720 2. Fractions below 0.50 shall be rounded down; and
721 E. For subdivisions and short subdivisions in the RA and A zones, rounding up of
722 the number of development units or lots is not allowed.

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

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

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

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

729 B. RDI shall not be applied within the Skyway-West Hill or North Highline
730 community service area subarea ~~planning~~ geographies.

731 SECTION 150. Ordinance 13274, Section 1, as amended, and K.C.C.
732 21A.37.010 are hereby amended to read as follows:

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

741 1. Providing an effective and predictable incentive process for property owners
742 of rural, resource and urban separator land to preserve lands with a public benefit as

743 described in K.C.C. 21A.37.020; and

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

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

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

752 2. For properties within the Skyway-West Hill or North Highline community
753 service area subarea ~~planning~~ geographies, only as provided in K.C.C. chapter 21A.XX.
754 (the new chapter established in section ~~2115~~ of this ordinance).

755 ~~SECTION 164.~~ Ordinance 13733, Section 12, as amended, and K.C.C.
756 21A.37.130 are hereby amended to read as follows:

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

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

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766 whichever is less.

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

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

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

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

787 (2) ((1))For all other areas in unincorporated King County, in the R-4 through
788 R-48 zones, development rights to build units through this pilot program shall only be

789 sold for units between one hundred fifty percent and two hundred percent of the receiving
790 site's base density as set forth in K.C.C. 21A.12.030.

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

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

797 (b) lessons learned from the pilot program, including feedback from
798 developers who purchased development rights through the program; and

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

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

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

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

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

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812 to incorporated receiving sites through an interlocal agreement or, after the county enacts
813 legislation that complies with chapter 365-198 WAC, to incorporated receiving sites in a
814 city that has enacted legislation that complies with chapter 365-198 WAC. The TDR
815 bank may sell development rights only in whole increments to unincorporated King
816 County receiving sites.

817 D. All offers to purchase development rights from the TDR bank shall be in
818 writing, shall include a certification that the development rights, if used, shall be used
819 only inside an identified city or within the urban unincorporated area, include a minimum
820 ten percent down payment with purchase option, shall include the number of
821 development rights to be purchased, location of the receiving site, proposed purchase
822 price and the required date or dates for completion of the sale, not later than three years
823 after the date of receipt by King County of the purchase offer.

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

827 SECTION 17. Ordinance 10870, Section 578, as amended, and K.C.C.
828 21A.38.050 are hereby amended to read as follows:

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

834 B. Permitted uses shall be those uses permitted in the underlying zone, excluding

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835 the following:

836 1. Motor vehicle, boat and mobile home dealer;

837 2. Gasoline service station;

838 3. Uses with drive-through facilities, except SIC Industry Number 5812 (Eating
839 places) in buildings existing before July 2017;

840 4. SIC Industry Group 598 (Fuel dealers);

841 5. Uses with outside storage, e.g. lumber yards, miscellaneous equipment rental
842 or machinery sales;

843 6. Bulk retail;

844 7. Recreation/cultural uses as set forth in K.C.C. 21A.08.040, except parks,
845 sports clubs, theaters, libraries and museums;

846 8. SIC Major Group 75 (Automotive repair, services and parking) except 7521
847 (automobile parking; but excluding tow-in parking lots);

848 9. SIC Major Group 76 (Miscellaneous repair services), except 7631 (Watch,
849 clock and jewelry repair);

850 10. SIC Major Group 78 (Motion pictures);

851 11. SIC Major Group 80 (Health services), except offices and outpatient clinics
852 (801-804);

853 12. SIC Industry Group 421 (Trucking and courier service);

854 13. Public agency archive;

855 14. Self-service storage;

856 15. Manufacturing land uses as set forth in K.C.C. 21A.08.080, except SIC
857 Industry Code 2759 (Commercial printing);

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- 858 16. Resource land uses as set forth in K.C.C. 21A.08.090;
859 17. SIC Industry Code 7261 (Funeral home/crematory);
860 18. Cemetery, columbarium or mausoleum;
861 19. Interim recycling facility;
862 20. Utility facility, except underground water, gas or wastewater pipelines; and
863 21. Vector waste receiving facility.
- 864 C. The following development standards shall apply to development located in
865 pedestrian-oriented commercial overlay districts:
- 866 1. For properties that have frontage on a public street, the following conditions
867 shall apply:
- 868 a. main building entrances shall be oriented to the public street;
869 b. at the ground floor (at grade), buildings shall be located no more than five
870 feet from the sidewalk or sidewalk improvement, but shall not encroach on the public
871 right-of-way. For buildings existing before August 20, 2020, with setbacks greater than
872 five feet and that have substantial improvements made to them after August 20, 2020, a
873 minimum five-foot-wide pedestrian walkway shall be constructed that connects the main
874 building entrance to the public sidewalk or sidewalk improvement;
- 875 c. building facades shall comprise at least seventy-five percent of the total
876 street frontage for a property and if applicable, at least seventy-five percent of the total
877 pedestrian route frontage for a property;
- 878 d. minimum setbacks of the underlying zoning are waived;
879 e. building facades that front onto a street shall incorporate windows into at
880 least thirty percent of the building facade surface area and overhead protection above all

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881 building entrances and along at least fifty percent of length of the building facade, which
882 may extend over the sidewalk if it does not impede use of the sidewalk by the public;
883 f. ground floor building facades shall include ornamentation such as decorative
884 architectural treatments or finishes, pedestrian scale lighting, and window and door trim;
885 and
886 ~~((...))~~g. buildings facades shall not be comprised of uninterrupted glass curtain
887 walls or mirrored glass;
888 2. vehicle access shall be limited to the rear access alley or rear access street
889 where such an alley or street exists;
890 3. ~~((Floor/Lot))~~Floor-to-lot area ratio shall not exceed 5:1 for nonresidential
891 structures, ~~((including the residential component of mixed use developments, but))~~ not
892 including parking structures;
893 4. ~~((Building setback and height requirements may be waived through the~~
894 application of residential density incentives under K.C.C. chapter 21A.34 or the transfer
895 of development rights under K.C.C. chapter 21A.37, except for areas within fifty feet of
896 the perimeter of any special district overlay area abutting an R-12 or lower density
897 residential zone;
898 5.)) The landscaping requirements of K.C.C. chapter 21A.16 shall apply to all
899 new development and buildings existing before August 20, 2020, that have substantial
900 improvements made to them after August 20, 2020; and
901 ~~((6.))~~ 5. Off-street parking requirements K.C.C. 21A.18.110 and section 26 of
902 this ordinance shall apply, except that the relief from K.C.C. 21A.18.110.A.4. that may
903 be granted by the director shall only allow use of on-street parallel parking in front of or

904 adjacent to the subject parcel for the parking spaces that cannot be accommodated to the
905 rear or sides of buildings.

906 SECTION 182. Ordinance 11567, Section 1, as amended, and K.C.C.

907 21A.38.100 are hereby amended to read as follows:

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

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

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

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

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

- 925 a. any use permitted in the I zone requiring a conditional use permit;
926 b. auction houses;

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- 927 c. livestock sales;
- 928 d. ~~((SIC Industry Group 201 (meat products);~~
- 929 ~~e. SIC Industry Group 202 (dairy products);~~
- 930 ~~f. SIC Industry Group 204 (grain mill products);~~
- 931 ~~g. SIC Industry Group 207 (fats and oils);~~
- 932 ~~h.)) motor vehicle and boat dealers;~~
- 933 ~~((i.)) e. SIC Major Group 24 (lumber and wood products, except furniture)~~
- 934 ~~except 2431 (millwork) and 2434 (wood kitchen cabinets);~~
- 935 ~~((j. SIC Industry Group 311 (leather tanning and finishing);~~
- 936 ~~k.)) f. SIC Major Group 32 (stone, clay, glass and concrete products);~~
- 937 ~~((l. SIC Industry 3999 (manufacturing industries, not elsewhere classified)~~
- 938 ~~dressings of furs, fur stripping and pelts only;~~
- 939 ~~m.)) g. SIC Industry 7534 (tire retreading);~~
- 940 ~~((n.)) h. SIC Major Group 02 (~~((agricultural production—livestock and animal~~~~
- 941 ~~specialties)) raising livestock and small animals);~~
- 942 ~~((o.)) i. SIC Industry 2951 (asphalt paving mixtures and blocks);~~
- 943 ~~((p.)) j. resource accessory uses;~~
- 944 ~~((q.)) k. outdoor storage of equipment or materials occupying more than~~
- 945 ~~twenty-five percent of the site associated with((:~~
- 946 ~~(1) SIC Major Group 15 (building construction—contractors and operative~~
- 947 ~~builders);~~
- 948 ~~(2) SIC Major Group 16 (heavy construction other than building~~
- 949 ~~construction—contractors);~~

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950 ~~(3) SIC Major Group 17 (construction—special trade contractors); and~~
951 ~~(4)) SIC Industry 7312 (outdoor advertising services); and~~
952 ~~((~~⌘~~))~~ 1. interim recycling facilities on lots that directly abut properties outside
953 of the special district overlay.

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

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

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

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

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

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

968 b. ~~the parking stall requirements are reduced fifty percent, but only if:~~

969 ~~(1) the square footage of any enlargement or replacement of an existing~~
970 ~~building in total exceeds one hundred twenty five percent of the square footage of the~~
971 ~~existing building;~~

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

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

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

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

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

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

988 ~~(2) if required parking for a development proposal is located on properties~~
989 ~~outside of the district that directly abut the site, the landscape buffer required by 6.b.(1)~~
990 ~~of this subsection may be placed on the perimeter of the properties on which the parking is~~
991 ~~located that abut other properties outside of this district.~~

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

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

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

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

1000 ~~8. Signage shall be limited to that allowed within the CB zone.~~

1001 ~~9. The roadway improvements of the King county Code shall be waived, but~~
1002 ~~only if a no-protest agreement to participate in future road improvement districts (RID) is~~
1003 ~~signed by an applicant and recorded with the county.~~

1004 ~~10. The pedestrian circulation requirements of this title shall be waived.~~

1005 ~~11. The impervious surface and lot coverage requirements of this title shall be~~
1006 ~~waived)) For nonresidential development, off-street parking shall be no less than twenty-~~
1007 ~~five percent and no more than seventy-five percent of the minimum required in K.C.C.~~
1008 ~~chapter 21A.18.~~

1009 D. For properties that have frontage on a pedestrian street or streets or route or
1010 routes as designated in an applicable plan or area zoning process, except for gasoline
1011 service stations (SIC 5541) and grocery stores (SIC 5411) that also sell gasoline, the
1012 following conditions shall apply:

1013 1. Main building entrances shall be oriented to the pedestrian street;

1014 2. At the ground floor (at grade), buildings shall be located no more than five
1015 feet from the sidewalk or sidewalk improvement, but in no instance shall encroach on the
1016 public right-of-way;

1017 3. Building facades shall comprise at least seventy-five percent of the total
1018 pedestrian street frontage for a property, and if applicable, at least seventy-five percent of
1019 the total pedestrian route frontage for a property;

1020 4. Minimum side setbacks of the underlying zoning are waived;

1021 5. Building facades of ground floor retail, general business service((s)) and
1022 professional office land uses, that front onto a pedestrian street or route shall include
1023 windows and overhead protection;

1024 6. Building facades, along a pedestrian street or route, that are without
1025 ornamentation((s)) or are comprised of uninterrupted glass curtain walls or mirrored glass
1026 are not permitted; and

1027 7. Vehicle access shall be limited to the rear access alley or rear access street
1028 where such an alley or street exists.

1029 NEW SECTION. SECTION 193. There is hereby added to K.C.C. chapter
1030 21A.38 a new section to read as follows:

1031 A. The purpose of the Skyway microenterprise special district overlay is to
1032 promote small-scale commercial opportunities and provide for pedestrian-oriented retail
1033 and service commercial areas that complement and link to nearby CB zones. The special
1034 district overlay shall only be established in the Skyway-West Hill subarea ~~planning~~
1035 geography, areas designated as an unincorporated center on the adopted Urban Centers
1036 map of the King County Comprehensive Plan and on properties zoned NB or O.

1037 B. In addition to the development standards in this title, the following
1038 development standards shall also apply to commercial development within the special
1039 district overlay. Where a conflict exists, the following standards shall apply:

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- 1040 1. Commercial space per tenant shall not be larger than one thousand square feet
1041 in size;
- 1042 2. Parking shall comply with the standards of K.C.C. chapter 21A.18, except
1043 that:
- 1044 a. required off-street parking and access shall be to rear or side of building; and
 - 1045 b. on-street parking within two hundred and fifty feet of the site may be
1046 counted toward the off-street parking requirement for the commercial uses;
- 1047 3. Permitted uses shall be those uses permitted in the underlying zone,
1048 excluding the following:
- 1049 a. automotive repair;
 - 1050 b. automotive service;
 - 1051 c. gasoline service stations;
 - 1052 d. uses with drive-through facilities;
 - 1053 e. vector waste receiving facility;
 - 1054 f. self-service storage;
 - 1055 g. cemetery, columbarium or mausoleum;
 - 1056 h. automobile parking, unless accessory to a permitted primary use occurring
1057 on the property; and
 - 1058 i. interim recycling facility; and
- 1059 4. In addition to the uses permitted in the underlying zone, the following uses
1060 shall also be permitted:
- 1061 a. apparel and accessory stores;
 - 1062 b. furniture and home furnishings stores;

1063 c. Used goods: antiques/secondhand shops; and

1064 d. Jewelry stores.

1065 NEW SECTION. SECTION 2014. There is hereby added to K.C.C. chapter
1066 21A.38 a new section to read as follows:

1067 A. The purpose of the North Highline pedestrian-oriented special district overlay
1068 is to require pedestrian-oriented development that facilitates walkability and connectivity
1069 between commercial areas and community amenities in North Highline's downtown
1070 core.

1071 B. In addition to the development standards in this title, the following
1072 development standards shall also apply to new and substantially improved development
1073 within the special district overlay. Where a conflict exists, the following standards shall
1074 apply:

1075 1. Main building entrances shall be oriented to a public street;

1076 2. At the ground floor, also known as "at grade," buildings shall be located no
1077 more than five feet from the sidewalk or sidewalk improvement, but shall not encroach
1078 on the public right-of-way;

1079 3. Building facades shall comprise at least seventy-five percent of the total street
1080 frontage for a property;

1081 4. Building facades shall include windows and overhead protection;

1082 5. Building facades that are without ornamentation or are comprised of
1083 uninterrupted glass curtain walls or mirrored glass are not permitted; and

1084 6. Vehicle access shall be limited to the rear access alley where such an alley
1085 exists.

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1086 ~~7.C.~~ For nonresidential development, off-street parking shall be no less than
1087 twenty-five percent and no more than seventy-five percent of the minimum required in
1088 K.C.C. chapter 21A.18~~;~~ ~~and~~

1089 ~~8.D.~~ Marijuana processors and producers are not allowed uses.

1090 SECTION 2115. Sections ~~2246~~ through ~~3024~~ of this ordinance should constitute
1091 a new chapter in K.C.C. Title 21A.

1092 NEW SECTION. SECTION 2246. There is hereby added to the chapter
1093 established in section ~~2145~~ of this ordinance a new section to read as follows:

1094 A. The purpose of the inclusionary housing regulations is to provide for the
1095 creation of new affordable dwelling units, particularly in areas where there is with a high
1096 risk for displacement.

1097 B. The regulations and incentives in this chapter shall apply only to the Skyway-
1098 West Hill and North Highline community service area subarea geographies, as follows:

1099 1. The standards in section 23 of this ordinance shall apply to areas with an
1100 unincorporated activity center land use designation;

1101 2. The voluntary incentives in section 24 of this ordinance shall apply to areas
1102 that do not have an unincorporated activity center land use designation; and

1103 3. The standards in sections 25, 26, 27, 28, 29 and 30 of this ordinance shall
1104 apply to any inclusionary housing project.

1105 C. Development or substantial improvement of one dwelling unit, an accessory
1106 dwelling unit, mobile home parks, cottage housing or senior citizen assisted housing shall
1107 not be subject to this chapter. Accessory dwelling units shall not be used to meet the
1108 requirements of this section.~~The purpose of this chapter is to establish inclusionary~~

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1109 ~~housing regulations that provide for the creation of new affordable dwelling units in areas~~
1110 ~~with a high risk for displacement due to the potential for new development and~~
1111 ~~redevelopment in those communities.~~

1112 ~~NEW SECTION. SECTION 2317. There is hereby added to the chapter~~
1113 ~~established in section 15 of this ordinance a new section to read as follows:~~

1114 ~~———— The definitions in K.C.C. chapter 21A.06 and the following definitions apply to~~
1115 ~~this chapter unless the context clearly requires otherwise. Where definitions in this~~
1116 ~~section differ from the definitions in K.C.C. chapter 21A.06, the following definitions~~
1117 ~~shall control.~~

1118 ~~———— A. "Affordable dwelling unit" means a dwelling unit reserved for occupancy by~~
1119 ~~households having housing expenses at an affordability level no greater than thirty (30)~~
1120 ~~percent of a given percent of the King County median household income (AMI), adjusted~~
1121 ~~for household size.~~

1122 ~~———— B. "Area Median Income" or "AMI" means the median household income for~~
1123 ~~King County as established by the United States Department of Housing and Urban~~
1124 ~~Development.~~

1125 ~~———— C. "Dwelling unit" is as defined in K.C.C. 21A.06.345 through 21A.06.370,~~
1126 ~~except for accessory dwelling units as defined in K.C.C. 21A06.350.~~

1127 ~~———— D. "Market rate dwelling unit" means a dwelling unit that is not restricted to a~~
1128 ~~specified affordable rent or sale price.~~

1129 ~~———— E. "Total allowed density" means total number of both market rate dwelling units~~
1130 ~~and affordable dwelling units allowed to be constructed in a development based on the~~
1131 ~~maximum density allowed in this chapter.~~

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1132 ~~NEW SECTION. SECTION 18.~~ There is hereby added to the chapter established
 1133 in section ~~2145~~ of this ordinance a new section to read as follows:

1134 A. This section shall apply ~~within the Skyway and White Center Unincorporated~~
 1135 ~~Activity Centers, as designated by the King County Comprehensive Plan to the~~
 1136 ~~unincorporated activity center land use designation.~~

1137 B. New or substantially improved residential or mixed-use developments shall
 1138 provide affordable dwelling units, ~~and may exceed the base density allowed in the zoning~~
 1139 ~~classification,~~ in accordance with the standards listed ~~in the table in this subsection.~~
 1140 ~~Additional density is authorized with the use of transfers of development rights in~~
 1141 ~~accordance with K.C.C. chapter 21A.37 as shown in the table in this subsection.~~

1142

<u>Mandatory Affordability Requirements</u>			<u>TDR Allowance</u>
<u>Occupancy Type and AMI</u>	<u>Minimum Percentage of Total Units Required to be Affordable</u>	<u>Maximum Density (as percentage of base density)</u>	<u>Additional Maximum Density Allowed with purchase of TDRs</u>
<u>Owner Occupied at 80% AMI</u>	<u>100%</u>	<u>200%</u>	<u>None</u>
	<u>30%</u>	<u>150%</u>	<u>Additional 50%, up to 200% of base density</u>
	<u>15%</u>	<u>125%</u>	<u>Additional 50%, up to 175% of</u>

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			<u>base density</u>
<u>Any combination of 80% AMI (Owner) and 60% AMI (Rental)</u>	<u>100%</u>	<u>200%</u>	<u>None</u>
	<u>25%</u>	<u>150%</u>	<u>Additional 50%, up to 200% of base density</u>
	<u>12%</u>	<u>125%</u>	<u>Additional 50%, up to 175% of base density</u>
<u>Rental at 60% AMI</u>	<u>100%</u>	<u>200%</u>	<u>None</u>
	<u>20%</u>	<u>150%</u>	<u>Additional 50%, up to 200% of base density</u>
	<u>10%</u>	<u>125%</u>	<u>Additional 50%, up to 175% of base density</u>
<u>Rental at 50% AMI</u>	<u>100%</u>	<u>200%</u>	<u>None</u>
	<u>15%</u>	<u>150%</u>	<u>Additional 50%, up to 200% of base density</u>
	<u>7%</u>	<u>125%</u>	<u>Additional 50%, up to 175% of base density</u>
Mandatory Affordability Requirements			
Affordability Level	Occupancy Type		Minimum Percentage of Total Units Required to be Affordable

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80% AMI	Owner-occupied	30%
80% AMI (Owner-occupied) or 60% AMI (Rental)	Combination	25%
60% AMI	Renter-occupied	20%
50% AMI	Renter-occupied	15%

1144 ~~———— C. The maximum density for new and substantially improved residential or~~
 1145 ~~mixed-use developments providing affordable dwelling units in subsection B. may be~~
 1146 ~~increased to one hundred and fifty percent of the base density allowed in the zone as~~
 1147 ~~established in K.C.C. chapter 21A.12 if the development provides affordable dwelling~~
 1148 ~~units at the rate established by the standards in subsection B. of this section.~~

1149 NEW SECTION. SECTION 2419. There is hereby added to the chapter
 1150 established in section ~~2115~~ of this ordinance a new section to read as follows:

1151 A. This section shall apply within the Skyway-West Hill and North Highline
 1152 community service area subarea ~~planning~~ geographies except for areas with an
 1153 unincorporated activity center land use designation, outside of the Skyway and White
 1154 Center Unincorporated Activity Centers, as designated by the King County
 1155 Comprehensive Plan.

1156 B. New or substantially improved ~~development may residential or mixed-use~~
 1157 ~~developments shall~~ only exceed the base density allowed in the zoning classification in
 1158 accordance with the standards listed in the table in this subsection. Additional density is
 1159 authorized with the use of transfers of development rights in accordance with K.C.C.
 1160 chapter 21A.37 as shown in the table below, allowed in the zone as established in K.C.C.

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1161 ~~chapter 21A.12 if the development provides affordable dwelling units as established in~~
 1162 ~~subsections C. and D. of this section. in this subsection.~~

1163

<u>Affordability Requirements</u>			<u>TDR Allowance</u>
<u>Occupancy Type and AMI</u>	<u>Minimum Percentage of Total Units Required to be Affordable</u>	<u>Maximum Density (as percentage of base density)</u>	<u>Additional Maximum Density Allowed with purchase of TDRs</u>
<u>Developments with 9 or fewer units</u>	<u>0%</u>	<u>100%</u>	<u>Up to 150% base density</u>
<u>Rental at 80% AMI with TDR¹</u>	<u>25%</u>	<u>150%</u>	<u>Additional 50% utilizing the "TDR for affordable housing" pilot program, up to 200% of base density</u>
<u>Rental at 60% AMI</u>	<u>100%</u>	<u>200%</u>	<u>None</u>
	<u>20%</u>	<u>150%</u>	<u>Additional 50%, up to 200% of base density</u>
	<u>10%</u>	<u>125%</u>	<u>Additional 50%, up to 175% of base density</u>
<u>Rental at 50% AMI</u>	<u>100%</u>	<u>200%</u>	<u>None</u>
	<u>15%</u>	<u>150%</u>	<u>Additional 50%, up to 200% of</u>

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			<u>base density</u>
	<u>7%</u>	<u>125%</u>	<u>Additional 50%, up to 175% of base density</u>
<u>Owner Occupied at 100% AMI with TDR¹</u>	<u>30%</u>	<u>150%</u>	<u>Additional 50% utilizing the "TDR for affordable housing" pilot program, up to 200% of base density</u>
<u>Owner Occupied at 80% AMI</u>	<u>100%</u>	<u>200%</u>	<u>None</u>
	<u>30%</u>	<u>150%</u>	<u>Additional 50%, up to 200% of base density</u>
	<u>15%</u>	<u>125%</u>	<u>Additional 50%, up to 175% of base density</u>
<u>Any combination of 80% AMI (Owner) and 60% AMI (Rental)</u>	<u>100%</u>	<u>200%</u>	<u>None</u>
	<u>25%</u>	<u>150%</u>	<u>Additional 50%, up to 200% of base density</u>
	<u>12%</u>	<u>125%</u>	<u>Additional 50%, up to 175% of base density</u>

1164

1165 Notes:

1166 1. Developments shall utilize transfers of development rights in accordance with
 1167 K.C.C. chapter 21A.37 and provide percentages at the affordability levels listed. The
 1168 maximum density may be increased by up to an additional fifty percent, for a total of up
 1169 to two hundred percent of the base density, if the developer utilizes the "TDR for

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1170 affordable housing" pilot program in accordance with K.C.C. 21A.37.130 for each
 1171 additional dwelling unit above one hundred and fifty percent of base density.——C.1.
 1172 The maximum density for new and substantially improved residential or mixed-use
 1173 developments may be increased to one hundred fifty percent of the base density if the
 1174 development provides the following percentages of dwelling units at the following
 1175 affordability levels:

Affordability Level	Occupancy Type	Minimum Percentage of Total Units Required to be Affordable
80% AMI	Owner-occupied	30%
80% AMI (Owner-occupied) or 60% AMI (Rental)	Combination	25%
60% AMI	Renter-occupied	20%
50% AMI	Renter-occupied	15%

1176 ~~——2. The maximum density may be increased by an additional fifty percent, for a~~
 1177 ~~total of two hundred percent of the base density, if the developer utilizes transfers of~~
 1178 ~~development rights in accordance with K.C.C. chapter 21A.37 for each additional~~
 1179 ~~dwelling unit above one hundred and fifty percent of base density.~~
 1180 ~~——D. The maximum density may be increased to two hundred percent of the base~~
 1181 ~~density if the development provides the following percentages of dwelling units at the~~
 1182 ~~following affordability levels:~~

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Affordability Level	Minimum Percentage of Total Units Required to be Affordable
80% AMI (Owner-occupied)	100%
60% AMI (Renter-occupied)	100%
60% AMI (Renter-occupied) or 80% AMI (Owner-occupied)	100%

1183 NEW SECTION. SECTION 250. There is hereby added to the chapter
1184 established in section ~~2115~~ of this ordinance a new section to read as follows:
1185 A. The number of required affordable dwelling units shall be calculated by
1186 multiplying the total number of dwelling units to be constructed by the applicable
1187 percentages of affordable dwelling units as established in section 23 or 24 of this
1188 ordinance, and for purposes of providing an affordable dwelling unit, fractions shall be
1189 rounded in accordance with K.C.C. 21A.12.070, except as follows:
1190 1. -For fractions below 0.50, the applicant shall pay a fee based on the fraction
1191 multiplied by the value of a single affordable dwelling unit. The fee and affordable
1192 dwelling unit value shall be calculated using the same method as required for payment in
1193 lieu of providing affordable dwelling units in section 29 of this ordinance. The revenues
1194 generated from the fee shall be dedicated to affordable housing projects in the same
1195 community service area subarea geography where the development is occurring; and
1196 ~~—— A. The total allowed density for dwelling units to be constructed shall be~~
1197 ~~calculated by multiplying the site area as established in K.C.C. chapter 21A.12 by the~~
1198 ~~applicable maximum residential density in this chapter. If the calculation of units results~~
1199 ~~in a fraction, the fraction shall be rounded to the nearest whole number as follows:~~

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- 1200 ~~1. Fractions of 0.50 or above shall be rounded up; and~~
- 1201 ~~2. Fractions below 0.50 shall be rounded down.~~
- 1202 ~~B. The number of required affordable dwelling units shall be calculated by~~
- 1203 ~~multiplying the total number of dwelling units to be constructed by the applicable~~
- 1204 ~~percentages of affordable dwelling units as established in this chapter.~~
- 1205 ~~1. If the calculation results in a fraction, the fraction shall be rounded to the~~
- 1206 ~~nearest whole number as follows:~~
- 1207 ~~a. Fractions of 0.50 or above shall be rounded up, and the affordable dwelling~~
- 1208 ~~unit shall be included in the development; or~~
- 1209 ~~b.(1) Fractions below 0.50 do not require an affordable unit to be provided in~~
- 1210 ~~the development. The applicant shall pay a fee based on the fraction multiplied by the~~
- 1211 ~~value of a single affordable dwelling unit.~~
- 1212 ~~(2) The fee and affordable dwelling unit value shall be calculated as~~
- 1213 ~~established by the department of community and human services.~~
- 1214 ~~(3) The revenues generated from the fee shall be dedicated to affordable~~
- 1215 ~~housing projects in the community where the development is occurring.~~
- 1216 2. ~~The number of required a~~ffordable dwelling units in the development shall
- 1217 be calculated~~provided~~ as follows:
- 1218 a. Studio dwelling units meeting the affordability requirements in this chapter
- 1219 shall be counted as one-half of one affordable dwelling unit;
- 1220 ~~b. One-bedroom and two-bedroom dwelling units meeting the affordability~~
- 1221 ~~requirements in this chapter~~ shall be counted as one affordable dwelling unit;
- 1222 cb. Three-bedroom dwelling units ~~meeting the affordability requirements of~~

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1223 ~~this chapter~~ shall be counted as one and one-half affordable dwelling units; and

1224 ~~de.~~ Dwelling units ~~meeting the affordability requirements of this chapter and~~

1225 with four or more bedrooms shall be counted as two affordable dwelling units.

1226 ~~BC.~~ The total number of market-rate dwelling units and affordable dwelling units

1227 shall not exceed the total allowed density as established in ~~subsection A. of this~~

1228 ~~section~~ this chapter and K.C.C. chapter 21A.12.

1229 ~~NEW SECTION. SECTION 21.~~ There is hereby added to the chapter established

1230 ~~in section 15 of this ordinance a new section to read as follows:~~

1231 ~~A. As a condition of development permit issuance, the department shall approve~~

1232 ~~the preliminary calculation of the number of required affordable dwelling units and~~

1233 ~~allowed market rate dwelling units.~~

1234 ~~B.1. As a condition of issuance for the certificate of occupancy for the dwelling~~

1235 ~~units, the department shall approve the final calculation of the number of required~~

1236 ~~affordable dwelling units and constructed market rate dwelling units. Within thirty days~~

1237 ~~of issuance, a covenant or deed restriction on the property shall be recorded reflecting the~~

1238 ~~following:~~

1239 ~~a. a statement that the length of the term of the affordability shall be for the life~~

1240 ~~of the development project or fifty years, whichever is longer;~~

1241 ~~b. the total allowed density;~~

1242 ~~c. the number of market rate dwelling units;~~

1243 ~~d. the number and affordability of owner-occupied and rental affordable~~

1244 ~~dwelling units based on the standards of this chapter; and~~

1245 ~~e. signatures of the property owner and the director.~~

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1246 ~~2. The covenant or deed restriction shall be subject to review and approval by~~
1247 ~~the department of community and human services before recording.~~

1248 NEW SECTION. SECTION 262. There is hereby added to the chapter
1249 established in section ~~2115~~ of this ordinance a new section to read as follows:

1250 For developments subject to this chapter:

1251 A. The affordable dwelling units shall:

- 1252 1. Have a similar or larger unit size and bedroom ~~count~~ composition as the
1253 market-rate dwelling units in the development;
- 1254 2. Be integrated throughout the development;
- 1255 3. Be constructed with materials and finishes of comparable quality ~~and~~
1256 ~~workmanship~~ asto the market-rate dwelling units in the development; ~~and~~
- 1257 4. Meet accessibility standards at the same ratio as required by the development;
1258 and
- 1259 5. Have access equal to that of the market-rate dwelling units to on-site
1260 amenities including, but not limited to, parks, outdoor play areas, pools, exercise facilities
1261 and equipment, gathering spaces, bicycle repair facilities, shared work spaces and similar
1262 on-site amenities.

1263 B. All the dimensional standards of K.C.C. chapter 21A.12 and any applicable
1264 property-specific development standards and special district overlays apply, except as
1265 specifically prescribed by this chapter. The following modifications shall only be utilized
1266 for developments that provide housing in conformance with section 23 or 24 of this
1267 ordinance:

1268 ~~1. C. Except for properties subject to P-Suffix XX-PXX (the p-suffix~~

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1269 established in Map Amendment 17 of Attachment D to this ordinance), which shall
1270 follow the height limits set in the overlay. The maximum height limits are as follows:

1271 a1. In the R-18, R-24 and R-48 zones, eighty feet;

1272 b2. In the NB zone, sixty-five feet;

1273 c3. In the CB zone, eighty feet; ~~and~~

1274 d4. In the RB and O zones, eighty-five feet; and

1275 e. For properties subject to P-Suffix NH-PXX (the p-suffix established in Map
1276 Amendment 17 of Attachment D to this ordinance): the height limits set in the P-Suffix;:-

1277 D2. In the R-18, R-24 and R-48 zones, any portion of a building that exceeds
1278 the ~~lowest~~ base height for the zone set forth in K.C.C. chapter 21A.12 shall be set back an
1279 additional ten feet from the street property line and interior property line;:-

1280 3E. In the NB, CB, RB and O zones, any portion of a building that exceeds the
1281 ~~base~~maximum height allowed for the zone by K.C.C. 21A.12.040.B.6. shall be set back
1282 an additional ten feet from the street property line and interior property line;:-

1283 4. The percentages of residential uses in mixed use developments in K.C.C.
1284 21A.14.110 do not apply. The percentages are as follows:

1285 a. aA maximum of seventy-five percent of the total built floor area when
1286 located in NB zones; and

1287 b. a maximum of eighty-five percent of the total built floor area when located
1288 in CB, RB and O zones;

1289 5. The building floor area ratios in K.C.C. 21A.14.130 do not apply.

1290 Developments subject to this chapter shall not have a floor area ratio maximum; and

1291 6. The parking and circulation standards of K.C.C. chapter 21A.18 apply.

1292 except:

1293 a. The minimum required parking spaces for apartments and townhouses shall
1294 be one space per dwelling unit;

1295 b. The minimum required parking spaces for nonresidential uses of the project
1296 shall be the minimum required in K.C.C. 21A.18.020, or the minimum required in any
1297 applicable property-specific development standard or special district overlay, whichever
1298 is less; and

1299 c. The director may authorize a reduction of up to fifty percent of the minimum
1300 required number of spaces for inclusionary housing projects without a required a parking
1301 study. The director shall consider proximity to transit, bedroom composition, availability
1302 of on-street parking and proposed nonresidential uses when determining the size of the
1303 reduction.

1304 ~~—— F.1. The parking standards of K.C.C. chapter 21A.18 apply, except that required~~
1305 ~~off-street parking shall be reduced to one space per dwelling unit.~~

1306 ~~—— 2. An additional parking waiver of up to fifty percent may be approved with~~
1307 ~~completion of parking study in accordance with K.C.C. 21A.18.030.B.~~

1308 ~~—— 3. Nonresidential uses of the project, if any, shall provide parking in accordance~~
1309 ~~with K.C.C. chapter 21A.18 or any applicable property-specific development standards~~
1310 ~~and special district overlays.~~

1311 NEW SECTION. SECTION 272. There is hereby added to the chapter
1312 established in section ~~2116~~ of this ordinance a new section to read as follows:

1313 A. As a condition of development permit issuance, the department shall approve
1314 the ~~preliminary~~ calculation of the number of required affordable dwelling units and

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1315 allowed market-rate dwelling units.

1316 ~~B.1. As a condition of~~Before issuance ~~of~~ the certificate of occupancy, ~~for the~~
1317 ~~dwelling units, the department shall approve the final calculation of the number of~~
1318 ~~required affordable dwelling units and constructed market rate dwelling units. Within~~
1319 ~~thirty days of issuance, the applicant shall record~~ a covenant or deed restriction on the
1320 property, in a form and substance acceptable to the prosecuting attorney's office and
1321 department of community of human services, on the property shall be recorded reflecting
1322 the following:

1323 - ~~1a. a~~A statement that the length of the term of the affordability shall be for the
1324 life of the development project for renter-occupied dwelling units or fifty years from
1325 the date of initial occupancy for owner-occupied dwelling units, whichever is longer;

1326 -~~2b. T~~he total number of units; allowed density;

1327 -~~3e. t~~The number of market-rate dwelling units;

1328 -~~4d. T~~he number and affordability of owner-occupied and rental affordable
1329 dwelling units based on the standards of this chapter;

1330 ~~_____ 5. A statement that for any owner-occupied dwelling units, the covenants or~~
1331 ~~declarations have been reviewed by the director and the terms ensure that the purposes of~~
1332 ~~this chapter are accomplished; and~~

1333 ~~_____ 6. Reporting requirements as required by the department of community and~~
1334 ~~human services, including subsequent community preference and affirmative marketing~~
1335 ~~reports after the certificate of occupancy is issued; and~~

1336 -~~7e. S~~signatures of the property owner and the director.

1337 ~~_____ 2. The covenant or deed restriction shall be subject to review and approval by~~

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1338 ~~the department of community and human services before recording.~~

1339 NEW SECTION. SECTION 283. There is hereby added to the chapter

1340 established in section ~~2145~~ of this ordinance a new section to read as follows:

1341 For developments subject to this chapter:

1342 A.1. ~~At the time of submittal of a building~~As part of a complete permit

1343 application ~~to the department,~~ the applicants shall submit a community preference and

1344 affirmative marketing plan. ~~to the department of community and human services.~~ The

1345 plan ~~shall~~must include:

1346 1a. ~~Aa~~ Aa tenant selection process ~~that provides a preference for no more than forty~~

1347 ~~percent of the~~ affordable dwelling units ~~constructed in compliance with this chapter to~~

1348 ~~that provides a preference for~~ housing applicants with a current or past connection to the

1349 ~~Skyway West Hill and North Highline community service areas~~respective subarea

1350 ~~planning~~ geographies where the project is located. The plan should provide no more

1351 than and aim to provide forty percent of the affordable dwelling units to tenants that meet

1352 the requirements for community preference;

1353 - 2b. ~~Aa~~ Aa an advertising and outreach plan designed to provide information to and

1354 attract potential housing applicants who would otherwise be less likely to apply,

1355 ~~regardless without regard to~~ protected class status as established by federal, state and

1356 local laws. An affirmative advertising and outreach plan should generally help potential

1357 housing applicants know about vacancies, feel welcome to apply and have the

1358 opportunity to rent units; and

1359 -3e. ~~Aa~~ Aa process for housing applicants to file an appeal regarding the tenant

1360 selection process and verification of eligibility for preference.

1361 ~~-B2.~~ Before issuance of the building permit or subdivision approval, the
1362 community preference and affirmative marketing plan shall be ~~subject to review~~ed and
1363 ~~approved~~ by the department of community and human services.

1364 ~~—————3. The department of community and human services may request refinements~~
1365 ~~from the applicant to the community preference and affirmative marketing plan before~~
1366 ~~approving;~~

1367 CB.1. At least sixty days before issuance of certificate of occupancy, the
1368 applicant shall~~Applicants must~~ submit a community preference and affirmative marketing
1369 initial report. ~~_to the department of community and human services no less than sixty~~
1370 ~~days before requesting a certificate of occupancy.~~The initial report ~~must~~shall include:

1371 a. information describing the activities conducted to implement the community
1372 preference and affirmative marketing plan; and

1373 b. information regarding the number of housing applicants:

1374 (1) that requested a preference;

1375 (2) deemed eligible under the preference criteria;~~and~~

1376 (3) eligible for the preference that were selected for housing; and

1377 (4) that appealed the preference selection process and the outcome of each

1378 appeal.

1379 ~~—————2. Before issuance of the certificate of occupancy, the community preference~~

1380 ~~and affirmative marketing report shall be subject to review and approval by the~~

1381 ~~department of community and human services.~~

1382 2. Before issuance of the certificate of occupancy, the community preference
1383 and affirmative marketing initial report shall be subject to review and approval by the
1384 department of community and human services.

1385 ~~_____ 3. The department of community and human services may request additional~~
1386 ~~actions from the applicant before approving;~~

1387 ~~_____ C. The department of community and human services may request a subsequent~~
1388 ~~report after the certificate of occupancy is approved to evaluate the community~~
1389 ~~preference and affirmative marketing plan outcomes; and~~

1390 D. The department of community and human services shall provide guidance and
1391 technical assistance to the applicant to ensure the community preference and affirmative
1392 marketing plan and community preference and affirmative marketing report complies
1393 with federal, state and local laws and regulations.

1394 NEW SECTION. SECTION 294. There is hereby added to the chapter
1395 established in section ~~2145~~ of this ordinance a new section to read as follows:

1396 ~~_____ A. The director may, at their discretion, approve a request for alternative~~
1397 ~~compliance for the inclusionary housing requirements. Requests for such modifications~~
1398 ~~shall clearly set forth the facts upon which the request for relief is sought. Alternative~~
1399 ~~compliance may include:~~

1400 ~~_____ 1. Providing affordable housing units off-site at another location within the~~
1401 ~~same community service area subarea geography where the project is proposed;~~

1402 ~~_____ 2. Payment to the county in lieu of constructing affordable housing units to be~~
1403 ~~used to create affordable housing units within the same community services area subarea~~
1404 ~~geography; or~~

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1405 3. Such other means proposed by the applicant and approved at the discretion of
1406 the director, consistent with the following criteria for alternative compliance.

1407 B. Alternative compliance requests may only be approved when all of the
1408 following requirements are met:

1409 1. The applicant demonstrates that the proposed alternative compliance method
1410 achieves provides the same number and quality an affordable housing benefit equal to or
1411 better than units as providing those provided the affordable housing units on site;

1412 2. The affordable housing units provided through the alternative compliance
1413 method will provide the same mix of rental or owner-occupied units as would have
1414 otherwise been provided on site; and

1415 3. In no case shall the director approve an alternative compliance request that
1416 results in zero affordable housing units being constructed on-site.

1417 C. If an alternative compliance request is approved that includes off-site
1418 affordable housing units, any building permits required for off-site affordable housing
1419 units shall be submitted before issuance of building permits or final subdivision approval
1420 for the subject property. Certificates of occupancy for off-site affordable housing units
1421 shall be issued before issuance of the final certificate of occupancy for the subject
1422 property.

1423 D. If an alternative compliance request is approved that includes payment in lieu
1424 of constructing affordable housing units, the formula for payments shall be established by
1425 department of community and human services through a public rule under K.C.C. chapter
1426 2.98. The formula should be based on the cost to the county to construct and maintain an
1427 affordable dwelling unit. The payment obligation shall be paid before issuance of any

1428 building permits or final subdivision approval for the project.

1429 E. As part of the application review process for an inclusionary housing proposal,
1430 the director may authorize modifications to the dimensional standards in K.C.C. Title
1431 21A. Approval of modifications may only be granted if the applicant demonstrates that
1432 the subject property cannot otherwise reasonably achieve the minimum density.

1433 F.1. As part of the application review process for an inclusionary housing
1434 proposal, the director may modify or waive the requirements for affordable dwelling
1435 units under this chapter if the applicant ~~— This chapter may be modified for a~~
1436 ~~development proposal, at the director's discretion, if an applicant demonstrates by a~~
1437 ~~preponderance of the evidence~~ that the cost of complying with this chapter would
1438 deprive the property owner of all economically beneficial use of the property or would is
1439 ~~either create severe economic impact that~~ unduly burdens the property owner.

1440 ~~2. and negatively disproportionate to or does not address the harm this chapter is~~
1441 ~~intended to prevent.~~ Requests for such modifications shall clearly set forth the facts upon
1442 which the request for relief is sought.

1443 3. Review of a modification or waiver of the requirements of this subsection F.
1444 may include the director considering the following factors, at a minimum:

1445 a. The severity of the economic impact caused by the application of the
1446 requirements of this chapter;

1447 b. -A modification under subsection E. is not sufficient to alleviate the severity
1448 of economic impact caused by the application of the requirements of this chapter;

1449 c. The extent to which alternative uses of the property or configurations of the
1450 proposed development would alleviate the need for the requested waiver or modification;

1451 d. The extent to which any economic impact was due to decisions by the
1452 applicant or property owner; and

1453 e. Other factors relevant to whether the burden should be borne by the property
1454 owner.

1455 4. The waiver or modification may be approved only to the extent necessary to
1456 grant relief from the deprivation of all economically beneficial use of the property or
1457 severe economic impact.

1458 5. The following factors, on their own, shall not be a sufficient basis for the
1459 director to grant a waiver or modification for the requirements of this chapter:

1460 a. decrease in property value;

1461 b. inability for a property owner to fully utilize the increase in residential
1462 development capacity through implementation of this chapter; or

1463 c. the fact that any such increase in residential development capacity,
1464 combined with the requirements of this chapter, did not leave the property owner in a
1465 better financial position than would have been the case with no increase in residential
1466 development capacity and no application of the requirements of this chapter.

1467 NEW SECTION. SECTION 30. There is hereby added to the chapter established
1468 in section 21 of this ordinance a new section to read as follows:

1469 A. The executive shall track the use of the inclusionary housing regulations in
1470 this chapter. The information shall be publicly available on a county website, and shall
1471 include, at a minimum, information describing:

1472 1. The number and location of developments that applied to the department for
1473 approval and the number and location of developments that were subject to the
1474 requirements of this chapter;

1475 2. The number and location of developments that applied for any alternative
1476 compliance, the number and location of developments that were granted such alternative
1477 compliance and the terms of each alternative compliance;

1478 3. The number of market rate units and the number of affordable units
1479 constructed, including the location of all affordable units; and

1480 4. The amount of revenue collected through in lieu and fractional fees for each
1481 subarea geography, and the amount and location those fees were spent in the subarea
1482 geography.

1483 B.1. In conjunction with the Comprehensive Plan update required by K.C.C.
1484 20.18.060.B., excluding the 2024 Comprehensive Plan update, the executive shall
1485 analyze the inclusionary housing regulations to determine whether the purposes of the
1486 Comprehensive Plan and the inclusionary housing regulations are being met, and shall
1487 propose code changes to address any recommendations from that analysis as part of the
1488 Comprehensive Plan update to improve the efficacy of the regulations.

1489 2. If the executive or council finds that the inclusionary housing regulations are
1490 not effective at providing for affordable housing units, nothing in this section shall
1491 prevent the executive from transmitting or the council from adopting an ordinance that
1492 modifies the regulations outside of the timeline in K.C.C. 20.18.060.

1493 C. The department shall be available to brief the local services and land use
1494 committee or its successor at least once per year on the implementation and overall

1495 efficacy of the inclusionary housing regulations and the information required by this
1496 section.

1497 SECTION 3125. The following are hereby repealed:

- 1498 A. Ordinance 11575, Section 2, as amended, and K.C.C. 20.12.015;
- 1499 B. Ordinance 11351, Section 1, as amended, and K.C.C. 21A.38.090;
- 1500 C. The White Center Community Action Plan portions of Attachments I, II, III
1501 and IV to Ordinance 11568; ~~and~~
- 1502 D. Attachments I, II, III, IV and V to Ordinance 11166; and
- 1503 E. Attachments F and G to Ordinance 19146.

1504 SECTION 3225. Severability. If any provision of this ordinance or its
1505 application

1506 to any person or circumstance is held invalid, the remainder of the ordinance or the
1507 application of the provision to other persons or circumstances is not affected."
1508

1509 Strike Attachment A, 2022 Update to the 2016 King County Comprehensive Plan, as
1510 adopted by Ordinance 18427, and as amended by Ordinance 18623 Ordinance 18810,
1511 Ordinance 19034, and Ordinance 19146, dated March 2022, and insert Attachment A,
1512 2022 Update to the 2016 King County Comprehensive Plan, dated December 2022. The
1513 clerk of the council is instructed to engross changes from any adopted amendments and
1514 correct any scrivener's errors. Upon final adoption, council staff is instructed to reflect
1515 the enactment number throughout Attachment A, incorporate adopted changes into the
1516 King County Comprehensive Plan, modify all Comprehensive Plan and technical maps in
1517 Attachment A to reflect the changes in any adopted amendments, update the tables of
1518 contents as necessary, update footnote numbers as necessary, and provide an electronic
1519 copy of each to the executive.

1520
1521 Strike Attachment B, Skyway-West Hill Community Service Area Subarea Plan, dated
1522 July 26, 2022, and insert Attachment B, Skyway-West Hill Community Service Area
1523 Subarea Plan, dated December 2022. The clerk of the council is instructed to engross
1524 changes from any adopted amendments and correct any scrivener's errors. Line numbers
1525 have been added to the attachment for ease of reference. The clerk of the council is
1526 instructed to remove line numbers in the attachment on the final version of this legislation
1527 adopted by the council before presentation to the executive. Upon final adoption, council
1528 staff is instructed to reflect the enactment number throughout Attachment B, modify all

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1529 Comprehensive Plan and technical maps to reflect the changes in any adopted
1530 amendments, incorporate any adopted amendments, update the tables of contents as
1531 necessary, update footnote numbers as necessary, and provide an electronic copy of each
1532 to the executive.

1533

1534 Strike Attachment C, North Highline Community Service Area Subarea Plan, dated July
1535 26, 2022, and insert Attachment C, North Highlight Community Service Area Subarea
1536 Plan, dated December 2022. The clerk of the council is instructed to engross changes
1537 from any adopted amendments and correct any scrivener's errors. Line numbers have
1538 been added to the attachment for ease of reference. The clerk of the council is instructed
1539 to remove line numbers in the attachment on the final version of this legislation adopted
1540 by the council before presentation to the executive. Upon final adoption, council staff is
1541 instructed to reflect the enactment number throughout Attachment C, modify all
1542 Comprehensive Plan and technical maps to reflect the changes in any adopted
1543 amendments, incorporate any adopted amendments, update the tables of contents as
1544 necessary, update footnote numbers as necessary, and provide an electronic copy of each
1545 to the executive.

1546

1547 Strike Attachment D, Amendments to Land Use and Zoning Maps, 2022 update to 2016
1548 King County Comprehensive Plan, and insert Attachment D, Amendments to Land Use
1549 and Zoning Maps, 2022 update to 2016 King County Comprehensive Plan, dated
1550 December 2022. The clerk of the council is instructed to engross changes from any
1551 adopted amendments and correct any scrivener's errors. Upon final adoption, council

1552 staff is instructed to reflect the enactment number throughout Attachment D, and
1553 coordinate with executive staff to assign new P-suffix or Special District Overlay
1554 numbers, modify all Comprehensive Plan and technical maps, and provide an electronic
1555 copy of each to the executive.

1556

1557 **EFFECT prepared by J. Tracy/E. Auzins:**

1558 **The proposed striking amendment would make the following changes:**

1559 **In the proposed ordinance:**

- 1560 1. Include additional findings and make changes to the existing findings;
- 1561 2. Move the proposed definitions from a new section to the existing definitions
1562 chapter, K.C.C. 21A.06;
- 1563 3. Add a definition for "community preference";
- 1564 4. In order to provide more clarity on allowed heights, add a new "maximum height"
1565 row in the dimensional tables in K.C.C. 21.12. This would not alter the allowed
1566 heights for buildings not subject to the inclusionary housing (IH) requirements of
1567 this ordinance, nor would it change the conditions under which these heights
1568 could be achieved. It would simply be a change in terminology from multiple
1569 "base heights" to one "base height" with other "maximum heights" allowed under
1570 certain conditions;
- 1571 5. Add the maximum heights for IH developments to the dimensional tables in
1572 21A.12;
- 1573 6. Remove requirements from SO-050 (Skyway-West Hill pedestrian oriented
1574 commercial special district overlay) that conflict with the IH regulations;

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- 1575 7. Clarify that the maximum commercial size in the Skyway microenterprise special
1576 district overlay is "per tenant;"
- 1577 8. Clarify that the access and facade requirements of the North Highline pedestrian-
1578 oriented special district overlay apply only to new and substantially improved
1579 development;
- 1580 9. Add a section clarifying the applicability of the IH requirements;
- 1581 10. Exclude single dwelling units, accessory dwelling units, mobile home parks,
1582 cottage housing, and senior citizen assisted housing from being subject to IH
1583 requirements;
- 1584 11. Clarify that accessory dwelling units cannot be used to meet IH requirements;
- 1585 12. Add Executive-requested language on TDR allowances/requirements in North
1586 Highline and Skyway West-Hill;
- 1587 13. Add Executive-requested language on developments with 100% affordable units
1588 in the mandatory IH area;
- 1589 14. Add a new IH option to provide fewer affordable units in exchange for a smaller
1590 density bonus;
- 1591 15. Change the unit calculation for studio units, which would count as ½ affordable
1592 unit rather than 1 affordable unit;
- 1593 16. For developments providing affordable housing in accordance with the IH
1594 standards, modify standards for percentages of residential uses in mixed use
1595 developments, to allow a higher percentage to be residential, remove floor area
1596 ratio limits, and remove parking study requirement for reducing parking ratios;

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- 1597 17. Specify that affordable units in IH developments must have equal access to
1598 amenities as market rate units;
- 1599 18. Make changes to reporting requirements;
- 1600 19. Clarify the community preference allowance;
- 1601 20. Add clarity on the purpose of an advertising and outreach plan for community
1602 preference;
- 1603 21. Allow for alternative compliance with the IH regulations through off-site
1604 construction or fee-in-lieu, with criteria for when alternative compliance may be
1605 approved, and a requirement for DCHS to establish the formula for the fee;
- 1606 22. Allow the director to modify dimensional standards for IH proposals if the
1607 applicant demonstrates that the subject property cannot otherwise reasonably
1608 achieve the permitted or required density;
- 1609 23. Allow the director to modify or waive the IH requirements in the case of severe
1610 economic hardship, subject to criteria; and
- 1611 24. Make other technical and clarifying changes, including adding and updating cross
1612 references in multiple sections of code, reworking IH requirement tables, and
1613 reorganizing sections of the proposed IH chapter.

1614 **In Attachment A (2022 Update to 2016 Comprehensive Plan):**

- 1615 25. Add a new section describing subarea planning;
- 1616 26. Add a new subarea planning schedule; and
- 1617 27. Make other technical and clarifying changes.

1618 **In Attachment B (Skyway-West Hill CSA Subarea Plan):**

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- 1619 28. Modify policy SWH-2 to include funding as way to achieve community-identified
1620 equitable development outcomes;
- 1621 29. Modify policy SWH-14 from "support" to "prioritize" the development of
1622 community identified amenities;
- 1623 30. Modify policy SWH-40 from "encourage" to "prioritize" the development of new
1624 locally-owned businesses;
- 1625 31. Add an implementation chapter; and
- 1626 32. Make other technical and clarifying changes.
- 1627 **In Attachment C (North Highline CSA Subarea Plan):**
- 1628 33. Add a map showing the 2020 Transportation Needs Report Improvements;
- 1629 34. Add an implementation chapter; and
- 1630 35. Make other technical and clarifying changes.
- 1631 **In Attachment D:**
- 1632 36. In Map Amendment 17, clarify that a new P-suffix in White Center that limits the
1633 size of commercial space is "per tenant;" and
- 1634 37. Make technical and clarifying changes.