



King County

Regenerative Development Demonstration Project
Area Zoning and Land Use Study
2024 King County Comprehensive Plan
November 2024

I. OVERVIEW

This item has been identified by the King County Council as a potential land use and zoning map amendment as part of the 2024 update to the King County Comprehensive Plan. The proposal would implement a demonstration project on four parcels within Vashon Rural Town on Vashon-Maury Island. The purpose of the demonstration project is to determine whether innovative permit processing, site development, and building construction techniques can facilitate development that goes beyond sustainability and results in significant community and environmental benefits, including: net-positive energy and water use; improved ecological performance; health and wellness through walkability, social interaction, and elimination of toxic materials; and diverse, equitable, and affordable housing.

The demonstration project would allow the following county codes and related public rules to be modified or waived if contributing to a walkable community, using natural site characteristics to enhance natural systems, providing a net benefit, and/or contributing to achievement of Living Certification through the International Living Future Institute's Living Building Challenge certification program:

1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water Design Manual;
2. King County road standards: K.C.C. chapter 14.42 and the King County Road Design and Construction Standards,;
3. Density and dimensions: section 212 and section 213 of this ordinance, except that allowed densities shall not be modified or waived;
4. Design requirements: K.C.C. chapter 21A.14;
5. Landscaping and water use: K.C.C. chapter 21A.16;
6. Parking and circulation: K.C.C. chapter 21A.18;
7. Signs: K.C.C. chapter 21A.20;
8. Critical areas: K.C.C. chapter 21A.24, if the modification results in a net improvement to the functions of the critical area; and
9. Landscape installation timing: K.C.C. chapters 27A.30 and 27A.40.

This Area Zoning and Land Use Study reviews the land use designations and implementing zoning for the following parcels and surrounding area:

- 3123039169
- 3123039132
- 3123039068
- 3123039128

II. LAND USE INFORMATION

A. Parcel and Vicinity Information

Parcel Number	Property Name/ Ownership	Land Use Designation	Zoning Classification	Development Conditions	Acres	Present Use
3123039128	J D Properties "Property 1"	rt	CB-P-SO ¹ (portion) R-8-SO ² (portion, Potential R-12-SO) ³	VS-P28 VS-P29 SO-270	4.5	Vacant
3123039169	Morgan Brown "Property 2"	rt	R-8-P-SO (Potential R-12-SO)	VS-P10 SO-270	4.45	Vacant
3123039132	Morgan Brown "Property 3"	rt	CB-P-SO (portion) R-8-SO (portion, Potential R-12-SO)	VS-P28 VS-P29 SO-270	2.18	Vacant
3123039068	Morgan Brown "Property 4"	rt	R-8-SO (Potential R-12-SO)	SO-270	2.86	Vacant

The subject area (the "site") is made up of four parcels that total 13.99 acres. The site is located outside the Urban Growth Area, and within the boundaries of Vashon Rural Town. All four properties therefore have a rural town (rt) land use designation.

¹ CB = Community Business

² R-8 = Residential, 8 units per acre

³ R-12 = Residential, 12 units per acre

Special District Overlays

A special district overlay, SO-270, applies to all four properties. This special district overlay provides an incentive option for building affordable housing in Vashon Rural Town. The overlay has not been used and is proposed for repeal in the committee version of the Comprehensive Plan legislation passed by the Local Services and Land Use ("committee version").⁴

Property-Specific Development Conditions

Various property-specific development conditions ("P-suffix conditions") apply to the properties, as follows.

VS-P28 applies to Properties 1 and 3. The VS-P28 is amended in the committee version and reads:

"1. Buildings fronting on streets, parking lots and pedestrian ways shall meet the following criteria:

A. Buildings shall be set back no more than ten feet from property lines, except to provide for landscaping, courtyards, and other pedestrian or seating areas, and outdoor eating areas.

B. Building height shall be a maximum of three stories.

C. Building walls facing Vashon Highway SW, SW Bank Road, SW 178th Street, 100th Avenue SW, or SW 174th Street shall have openings comprising not less than sixty percent of the width facing the street. No more than twenty feet of continuous width shall be without openings, such as windows and doors.

D. Walkways internal to a private development shall connect to public walkways.

E. Building facades which occupy the full width of street frontages are preferred.

Where facade continuity is interrupted by a parking lot(s) or lot entrance(s), such parking lots or entrances shall not occupy more than the lesser of sixty feet or thirty percent of the lot width in the first sixty feet of street-abutting lot depth, provided this limitation may be increased by up to fifteen feet to provide sidewalks and entrance landscaping.

⁴ <https://mkcelegisearch.kingcounty.gov/LegislationDetail.aspx?ID=6445382&GUID=D52C8883-3290-43F7-86B4-AC5D10C49A7E&Options=Advanced&Search=>.

2. New developments or alterations to an existing building which are valued in excess of fifty percent of the pre-alteration assessed value, shall provide the following public features:

A. Street trees with planting areas (spacing and species consistent with existing street trees) in a manner consistent with road design and construction standards; and

B. A roof or awning that extends over any abutting sidewalk or pedestrian walkway a minimum of five feet or the width of the walkway if the walkway is less than five feet wide."

VS-P29 applies to the CB-zoned portions of Properties 1 and 3. It is proposed to convert to a special district overlay in the committee version. The text of the new special district overlay reads:

"A. The purpose of the Vashon Rural Town Community Business special district overlay, which is SO-320, is to allow compatible land uses in the Vashon Rural Town.

B. The standards of this title and other county codes shall be applicable to development within the Vashon Rural Town Community Business special district overlay except as follows:

1. The allowed uses in K.C.C. chapter 21A.08 are replaced with the following uses. Where one or more development conditions is identified in a land use table in K.C.C. chapter 21A.08 for a specific use and applicable zoning district, they shall also apply to the following uses.

a. Residential land uses:

i. Townhouses;

ii. Apartments;

iii. Senior Assisted Housing; and

iv. Home Occupations under K.C.C. chapter 21A.30;

b. Recreational and cultural land uses:

- i. Park;
 - ii. Theater;
 - iii. Bowling center;
 - iv. Sports Club;
 - v. Library;
 - vi. Museum;
 - vii. Arboretum; and
 - viii. Conference Center;
- c. General services land uses:
- i. General Personal Services;
 - ii. Funeral Home/Crematory;
 - iii. Daycare I;
 - iv. Daycare II;
 - v. Veterinary Clinic, subject to K.C.C. 21A.08.050.B.10.;
 - vi. Automotive Repair;
 - vii. Miscellaneous Repair;
 - viii. Religious Facility;
 - ix. Commercial Kennel;
 - x. Interim Recycling Facility;
 - xi. Hotel/Motel;
 - xii. Bed and Breakfast Guesthouse;
 - xiii. Secondary or High School; and
 - xiv. Specialized Instruction School;
- d. Health care services and residential care services land uses:
- i. Doctor's Office/Outpatient Clinic;
 - ii. Medical or Dental Lab;

- iii. Social Services;
- iv. Nursing and Personal Care Facilities;
- v. Hospital; and
- vi. Community Residential Facility I and II;
- e. Government/Business services land uses:
 - i. Public Agency or Utility Office;
 - ii. Police Facility;
 - iii. Utility Facility;
 - iv. Private Stormwater Management Facility;
 - v. Individual Transportation and Taxi;
 - vi. Trucking and Courier Service;
 - vii. Self-service Storage;
 - viii. Passenger Transportation Service;
 - ix. Telegraph and other Communications (excluding towers);
 - x. General Business Service;
 - xi. Professional Office;
 - xii. Miscellaneous Equipment Rental;
 - xiii. Automotive Parking; and
 - xiv. Commercial/Industrial Accessory Uses (Administrative Offices, employee exercise & food service facilities, storage of agricultural raw materials or products manufactured on-site, owner/caretaker residence, grounds maintenance);
- f. Retail land uses:
 - i. Building Materials and Hardware Store and Garden Materials;
 - ii. Retail Nursery, Garden Center, and Farm Supply Stores;
 - iii. Department and Variety Store;
 - iv. Food Stores;

- v. Farmers Market;
- vi. Auto Supply Stores;
- vii. Apparel and Accessory Stores;
- viii. Furniture and Home Furnishings Stores;
- ix. Eating and Drinking Places;
- x. Remote Tasting Rooms;
- xi. Drug Stores;
- xii. Liquor Stores;
- xiii. Used Goods: Antiques/Secondhand Shops;
- xiv. Sporting Goods and Related Stores;
- xv. Book, Stationery, Video, and Art Supply Stores;
- xvi. Jewelry Stores;
- xvii. Hobby, Toy Game Shops;
- xviii. Photographic and Electronic Shops;
- xix. Photographic and Electronic Shops;
- xx. Fabric Shops;
- xxi. Florist Shops;
- xxii. Personal Medical Supply Stores;
- xxiii. Pet Shops; and
- xxiv. Cannabis Retailer, subject to K.C.C. 21A.08.070 and applicable state

law;

g. Manufacturing land uses:

- i. Cannabis Processor I, subject to K.C.C. 21A.08.080 and applicable state
- ii. Printing and Publishing; and
- iii. Wineries, Breweries and Distilleries, subject to K.C.C. 21A.08.080; and

law;

- h. Regional land uses:
 - i. Wastewater Treatment Facility; and
 - ii. Commuter Parking Lot.

2. The densities and dimensions in K.C.C. chapter 21A.12 apply, except the maximum height limit is three floors, not to exceed forty feet. The third floor shall be set back an additional ten feet from the street property line.”

VS-P10 applies to Property 2. It requires right-of-way dedication, and landscaping along the south and west boundaries of the parcel. It is proposed for removal in the committee version.

Surrounding Properties

The site is fully surrounded by properties with rural town (rt) land use designations. The closest rural town boundary is roughly 660 feet from the site.

Properties to the north have zoning classifications of either R-8-SO (potential R-12-SO) or CB-P-SO and are vacant or contain single-detached residences.

Properties to the west have zoning classifications of R-4-SO, R-1, or I-P⁵ and are vacant or contain single detached residences. Of note, the R-1 area contains a clustered subdivision development platted in 2005.

The property to the south has a zoning classification of I-P and is vacant.

The properties to the east have zoning classifications of R-8 or CB-P-SO and contain either multifamily housing or commercial development.

Existing and Historical Uses

All four parcels that make up the site are vacant. The only developed portion of site is a private road, 101st PI SW, that is part of Property 3 and extends as a panhandle from the main part of property 3 to SW 178th St, running north to south between Island Security Self Storage and three Vashon Household-owned properties.

King County permit records show previous grading permits for the site, but no other historical development. Historical aerial photography shows a greenhouse structure on Property 1 in 2017, but not in previous or subsequent years.

⁵ R-4 = Residential, four units per acre
R-1 = Residential, one unit per acre
I = Industrial

B. Infrastructure and Services

Utilities: The site is within the service area of the King County Water District 19 and Vashon Island Sewer District. However, since the site is vacant, no connections exist today.

Schools: The site is within the Vashon Island #402 school district.

Roads: The site is accessed by SW 178th St, 103rd Ave SW, and 101st PI SW. The former two are local streets. The latter is a private road.

Transit: King County Metro Route #118 runs the length of Vashon Highway SW, with a stop approximately 500 feet from the site.

C. Environmental Constraints

In 2018, a critical area determination was undertaken for Properties 2, 3, and 4.⁶ The cover letter to the determination is quoted here:

“There are three wetlands on these parcels. Wetland A is Category IV, with emergent vegetation that is regularly mowed. The buffer for a high impact land use is 50 feet. Wetlands B and C are both forested Category III wetlands. The buffer for these wetlands is 80 feet.”

A further memo associated with a subsequent pre-application meeting⁷ states that the wetlands on these three parcels cover 2.5 acres of the 9.49 acre site, and that, with the required buffers of 50 and 80 feet, the critical areas cover about half the property.

No other critical areas have been identified on Properties 1 through 3.

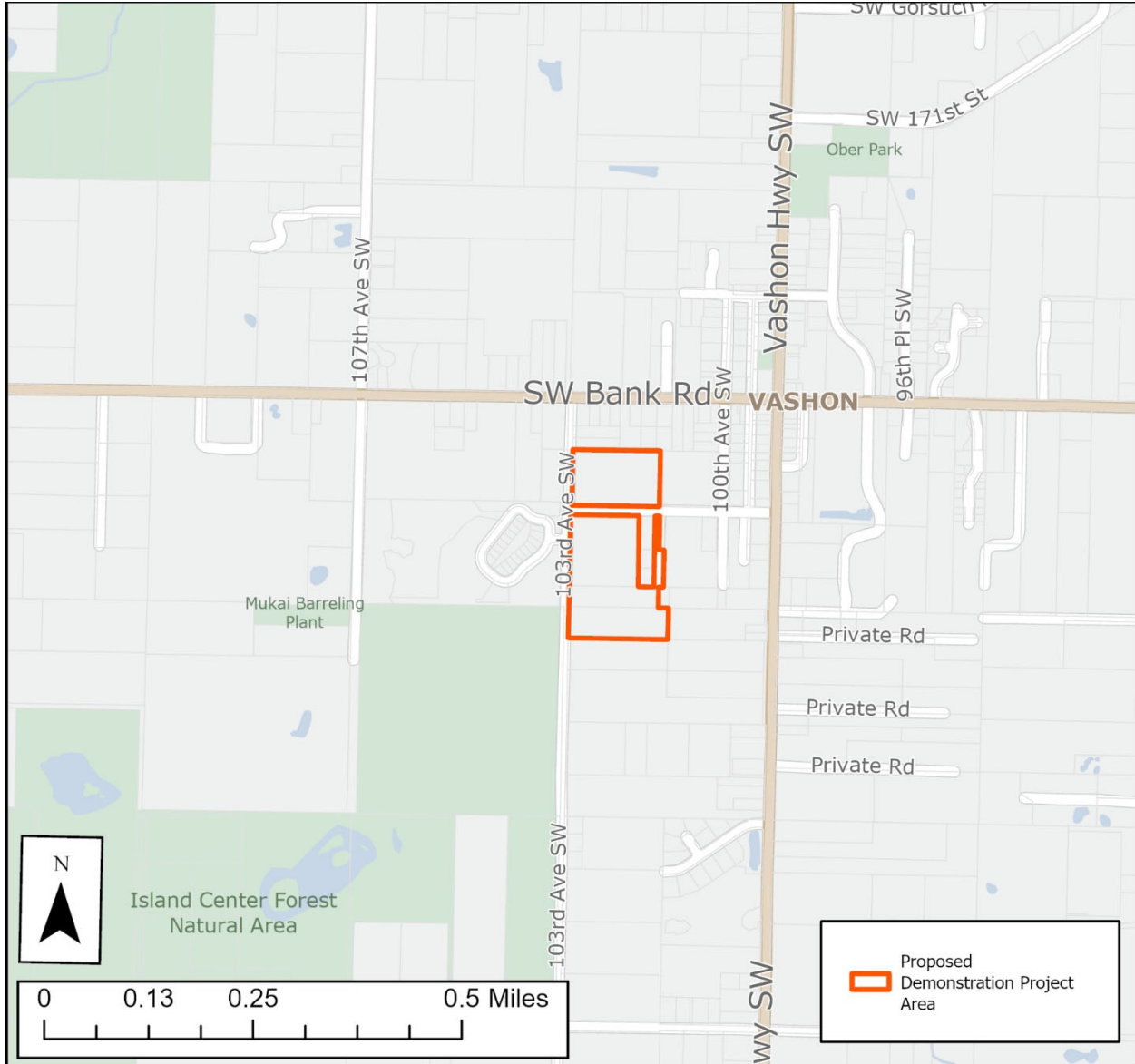
No critical area determination has been conducted for Property 1, and King County iMap does not identify any critical areas on that property.

⁶ CADS18-0412

⁷

D. Maps and Photos

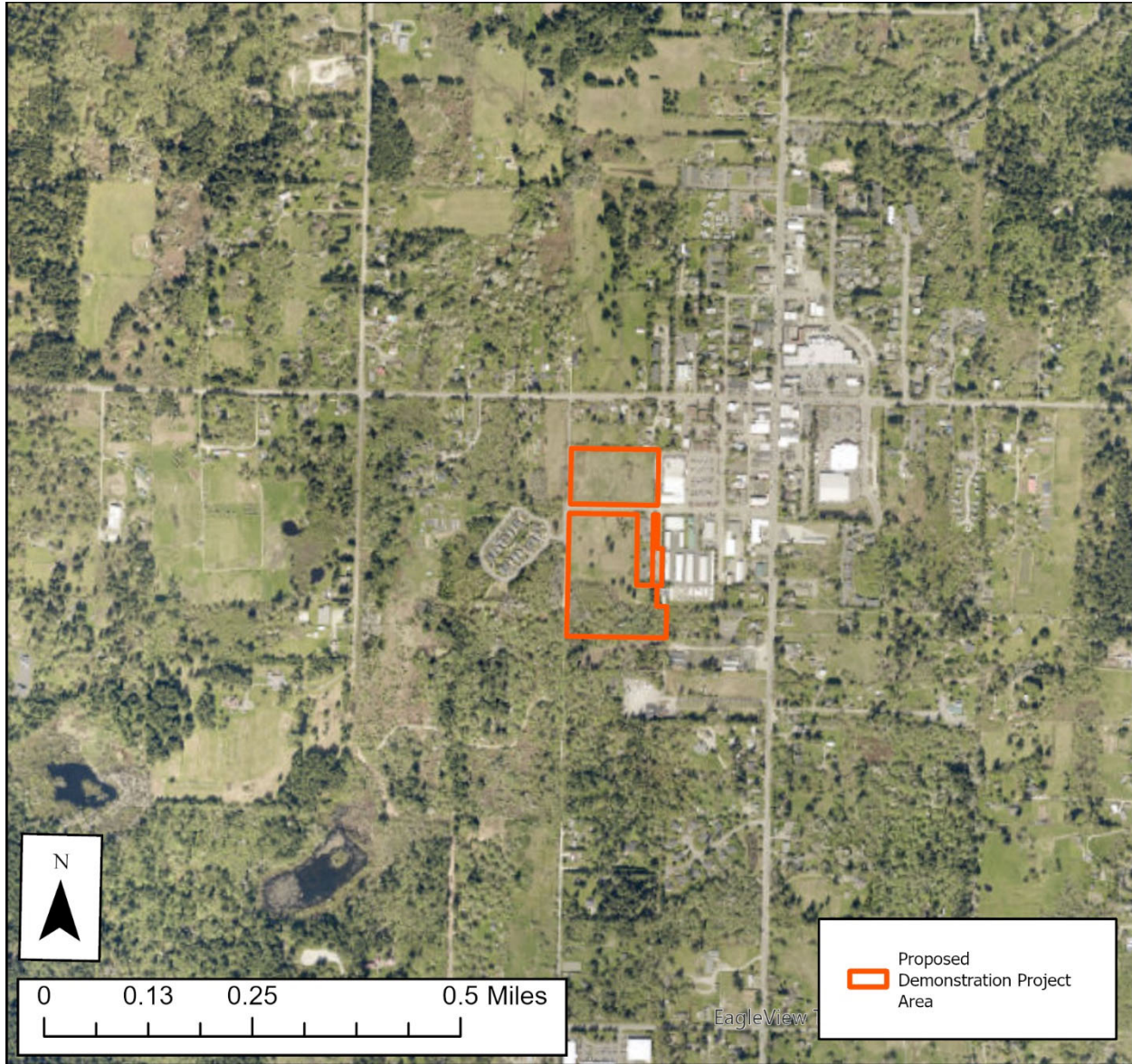
Figure 1 - Vicinity Map



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.



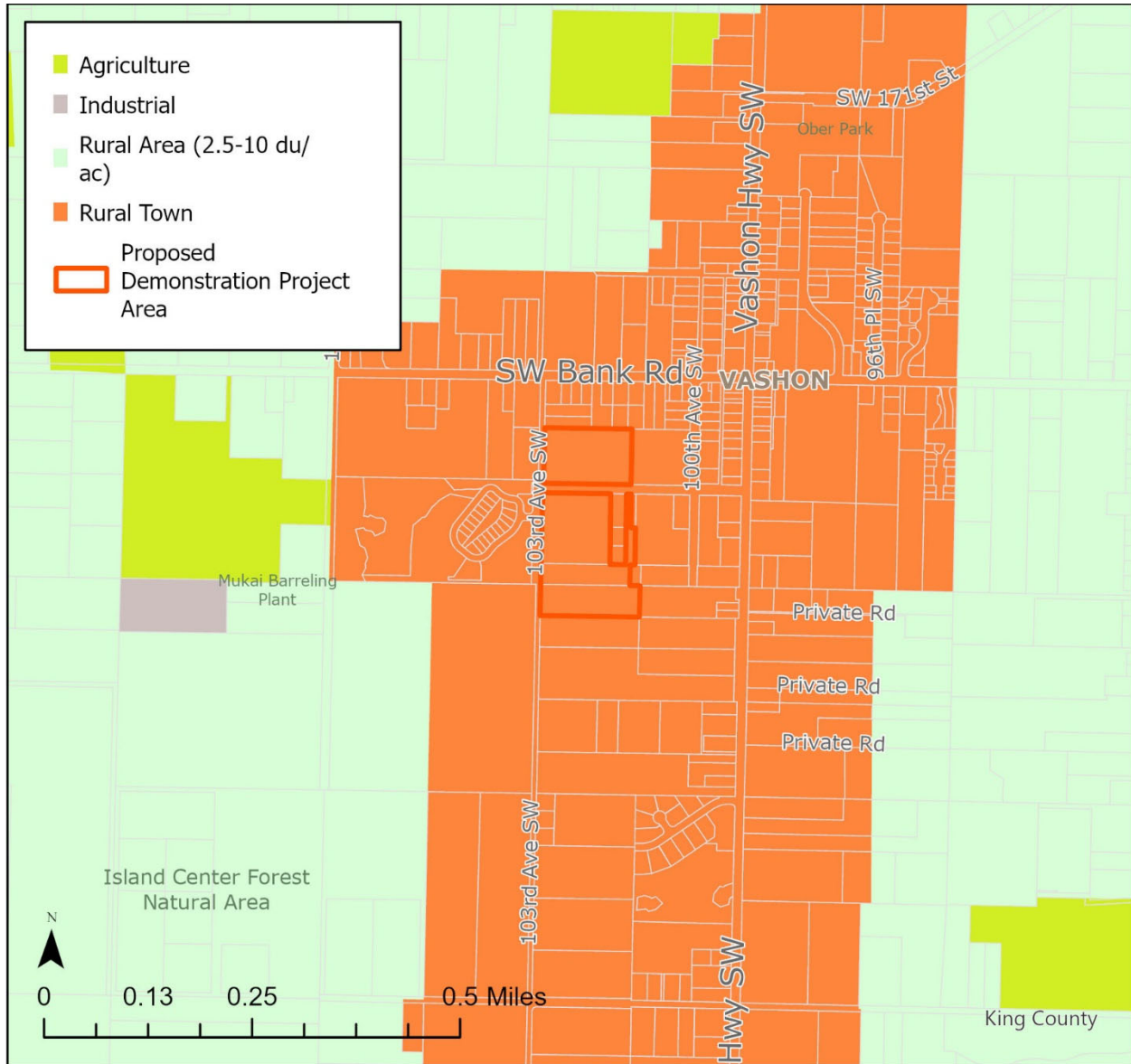
Figure 2 - Aerial



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.



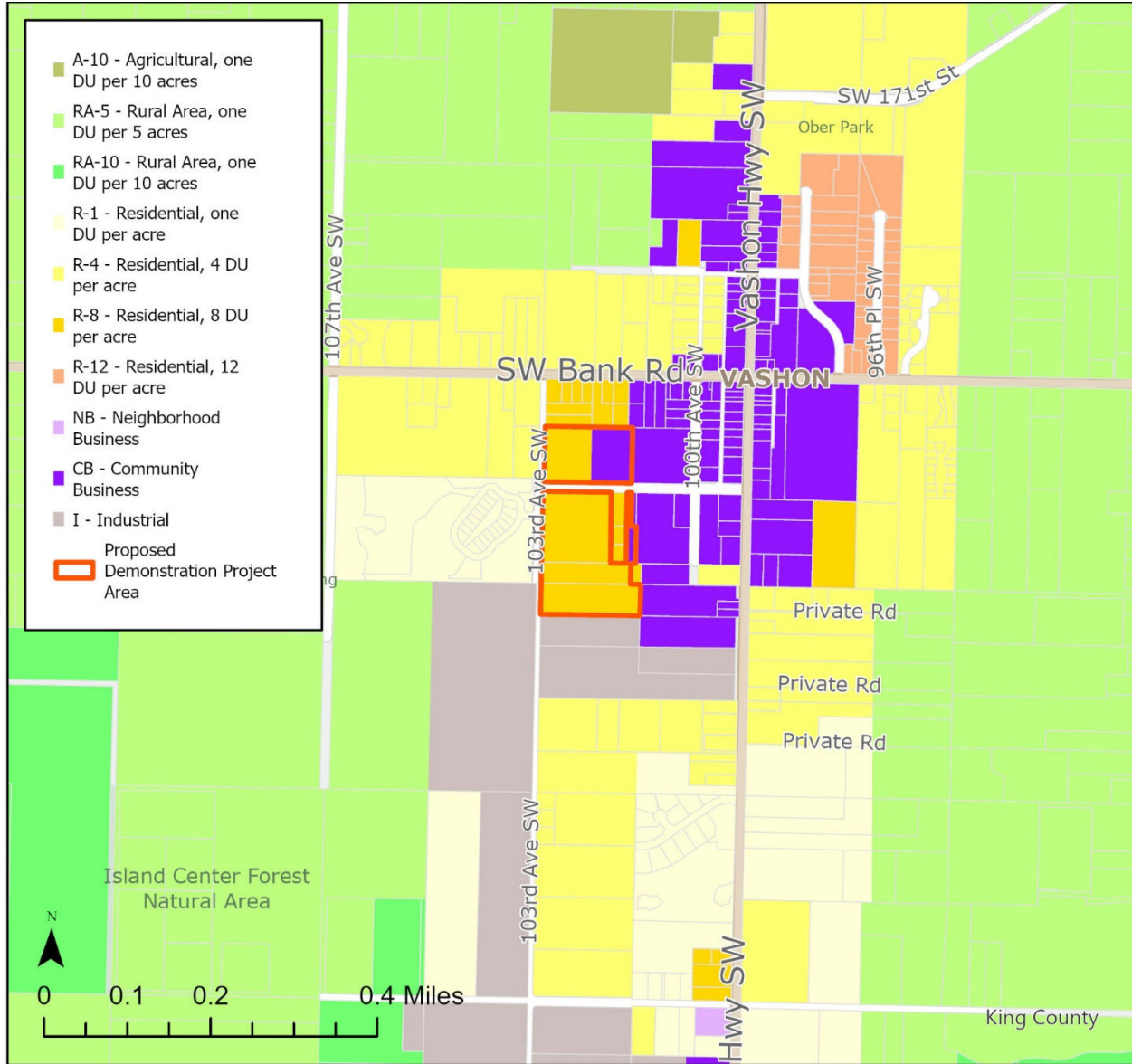
Figure 3 - Comprehensive Plan Land Use Designations



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.



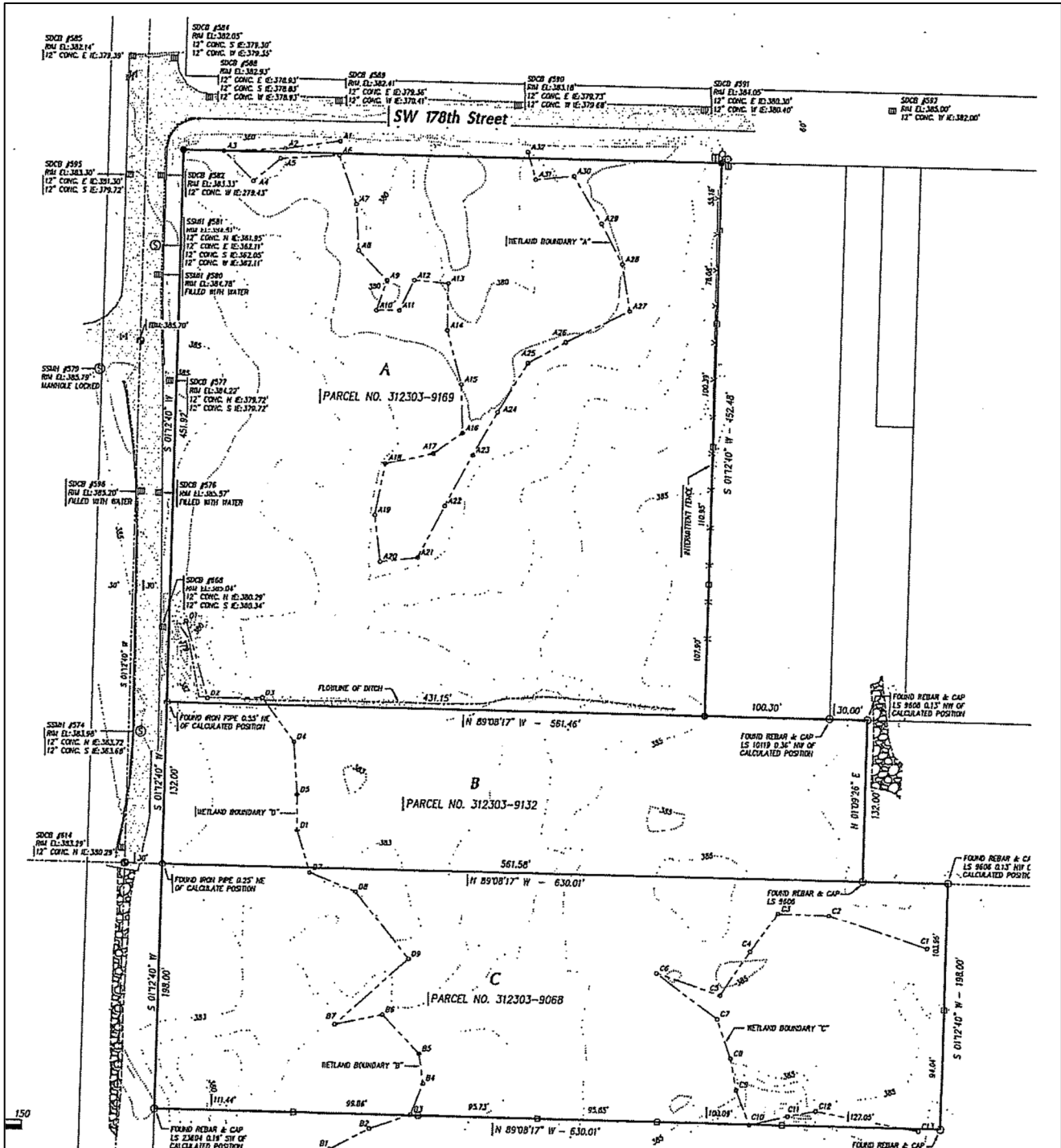
Figure 4 - Zoning



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.



Figure 5 – Critical Areas⁸



⁸ As identified in CADS18-0412. Property 1 not shown; no critical areas have been identified on Property 1.

Figure 6 – Photos



Property 1



Property 2 (Property 3 at tree line)



Private Road (part of Property 3)

III. Policy and Regulatory Context

A. King County Comprehensive Plan Policies

The following Comprehensive Plan policies, as proposed in the version of the Comprehensive Plan legislation passed by the Local Services and Land Use ("committee version"),⁹ are relevant to the site and its potential uses:

Residential Densities

- R-302 Residential development in the Rural Area should only occur:**
- a. In Rural Towns at a variety of densities and housing types as services and infrastructure allow, compatible with protection of historic resources and community character;**
 - b. In rural neighborhood commercial centers at low or middle densities that support housing co-located with commercial development, compatible with rural character and service levels; and**
 - c. Outside Rural Towns and rural neighborhood commercial centers at low densities compatible with traditional rural character and uses; farming, forestry, and mining; and rural service levels.**

Rural Character and Development Standards

- R-310 New subdivisions in the Rural Area should strive to maintain the size and scale of traditional development patterns and rural character.**
- R-311 New subdivisions in the Rural Area should be designed and developed to maximize conservation of existing forest cover and native vegetation, and to minimize impervious surfaces within individual lots and in the subdivision as a whole. King County should continue to evaluate whether existing subdivision standards and new subdivisions in the Rural Area minimize impacts on the natural environment, resource uses, and other adjacent land uses.**
- R-312 Site design standards for new subdivisions in the Rural Area should include: minimization of impervious surfaces; maximizing retention of native soil and vegetation; supporting green stormwater infrastructure; site layout and landscaping that minimizes wildfire risk; limitations on entrance signage; preservation of natural contours, existing meadows, and opportunities for keeping of horses; and other standards to limit features typical of urban or suburban development.**

⁹ Policy numbers reflect those in the committee version.

- R-315 To maintain traditional rural development patterns and ensure continued opportunities for resource activities in the Rural Area, large lot development is preferred in the Rural Area. Clustering of lots is only allowed when:**
- a. The development provides equal or greater protection of the natural environment, natural resource lands, historic resources, or archaeological sites;**
 - b. Clusters are limited in size to be compatible with surrounding large lots or nearby agricultural and forestry uses;**
 - c. The clustered development is offset with a permanent open space or resource land tract preserved for forestry or agriculture, as designated by the owner at time of subdivision or short subdivision, or a permanent open space tract. Under no circumstances shall the tract be reserved for future development; and**
 - d. The development can be served by rural facilities and service levels (such as on-site sewage disposal and fire protection).**

R-317 King County shall continue to support the rural development standards that have been established to protect the natural environment by addressing seasonal clearing limits, impervious surface limits, and resource-based practices. Stormwater management practices should be implemented that emphasize preservation of natural drainage systems and protection of water quality and natural hydrology of surface waters and groundwater. Rural development standards should also, where feasible, incorporate and encourage low impact design principles for managing stormwater on-site by minimizing impervious surfaces, preserving on-site hydrology, retaining native vegetation and forest cover, capturing and reusing rainwater, controlling pollution at the source, and protecting groundwater. King County shall take care that requirements for on-site stormwater management complement requirements for on-site wastewater management.

Rural Towns

- R-405** Rural Towns shall serve as activity centers for the Rural Area and Natural Resource Lands, may be served by a range of utilities and services, and may include several or all of the following land uses, if supported by necessary utilities and other services and if scaled and designed to protect rural character:
- a. Retail, commercial, and industrial uses to serve the surrounding Rural Area and Natural Resource Lands population;
 - b. Residential development, including single detached residences on small lots, as well as multiunit housing and mixed-use developments;
 - c. Other retail, commercial, and industrial uses, such as resource industries, tourism, commercial recreation, and light industry; and
 - d. Public facilities and services such as community services, parks, religious facilities, schools, and fire stations.
- R-406** King County designates Fall City, Snoqualmie Pass, and Vashon as unincorporated Rural Towns. These historical settlements in unincorporated King County should provide services and a range of housing choices for Rural Area residents. The boundaries of the designated Rural Towns are shown on the Land Use Map. Adjustments to these boundaries shall only occur through a subarea plan or area zoning and land use study, and shall not allow significant increases in development potential or environmental impacts. No new Rural Towns are needed to serve the Rural Area.
- R-407** Commercial and industrial development that provides employment, shopping, and community and human services that strengthen the fiscal and economic health of rural communities should locate in Rural Towns if utilities and other services permit. Sidewalks and other pedestrian safety measures should be provided to serve Rural Towns.
- R-408** Roads in Rural Towns should, to the extent practical, allowed by law, and consistent with rural character, incorporate universal design and complete streets infrastructure, to accommodate multimodal transportation, including active transportation users.
- R-409** Rural Towns may contain higher-density housing than allowed in the surrounding Rural Area, and should provide affordable and resource-worker housing. Development density in Rural Towns may approach that achieved in Cities in the Rural Area, when appropriate infrastructure is available.
- R-410** Sewers may be allowed in Rural Towns if necessary to solve existing water quality and public health problems that cannot be addressed by other methods, provided that any extension of sewer mains from urban areas to

serve a Rural Town shall be tightlined systems designed to not serve any intervening lands. All alternatives shall be exhausted before sewers may be allowed. Rural Towns shall not be enlarged to facilitate provision of sewers.

- R-411** Rural Towns should be compact, promoting active transportation while allowing vehicle access to most commercial and industrial uses. New development should be designed to strengthen the desirable characteristics and the historic character of the town, be supported by necessary public facilities and services, and be compatible with historic resources and nearby Rural Area or Natural Resource Land uses. New industrial uses should locate where they do not disrupt pedestrian or bicycle traffic in established retail areas of town or conflict with residential uses.

Rural Nonresidential Uses

- R-321** Nonresidential uses in the Rural Area shall be consistent with the other applicable policies in this chapter and limited to those that:
- a. Provide convenient local products and services for nearby residents;
 - b. Require location in a Rural Area;
 - c. Support the economic vitality of natural resource-based industries;
 - d. Provide adaptive reuse of significant historic resources;
 - e. Provide recreational or tourism opportunities that are compatible with the surrounding Rural Area;
 - f. Provide or support infrastructure for nearby residents; or
 - g. In Rural Towns and on industrial-zoned properties, involve commercial or manufacturing-related development.
- R-322** Nonresidential uses in the Rural Area shall be sited, sized, and landscaped to complement rural character, prevent impacts to the environment, and function with rural services, including on-site wastewater disposal.

Environment

- E-107** Development of environmental regulations, restoration and mitigation projects, and incentive and stewardship programs should be coordinated with Indian tribes, local jurisdictions, federal and state agencies, ((tribes;)) special interest groups, and residents when conserving and restoring the natural environment consistent with Urban Growth Area, Rural Area, and ((designated)) Natural Resource Lands goals.
- E-311** King County should conserve areas where conditions support dynamic ecological processes that sustain important ecosystem and habitat functions and values, and promote structural and landscape diversity.
- E-401** King County shall protect and should enhance surface waters, including streams, lakes, wetlands, and the marine waters and nearshore areas of

Puget Sound, on a watershed basis by analyzing water quantity and quality problems and their impacts to beneficial uses, including fish and wildlife habitat, flood risk reduction, and erosion control. Conditions of and impacts to the downstream receiving marine beaches and waters of Puget Sound shall be included in watershed management efforts.

- E-405 King County shall protect wetlands to achieve no net loss of wetland functions and values within each drainage basin. Acquisition, enhancement, regulations, and incentive programs shall be used to protect and enhance wetland functions and values. Watershed management plans, including Water Resource Inventory Area plans, should be used to coordinate and inform priorities for acquisition, enhancement, regulations, and incentive programs within unincorporated King County to achieve the goal of no net loss of wetland functions and values within each drainage basin.**
- E-410 Enhancement or restoration of degraded wetlands may be allowed to improve wetland functions and values, provided that all wetland functions are evaluated in a wetland management plan, and adequate monitoring, code enforcement, and evaluation is provided and assured by responsible parties. The enhancement or restoration must result in a net improvement to the functions and values of the wetland system. Within available resources, King County should provide technical assistance to small property owners as an incentive to encourage the enhancement or restoration of degraded wetlands.**
- E-411 Provided all wetland functions are evaluated, impact avoidance and minimization sequencing is followed, affected functions are appropriately mitigated, and mitigation sites are adequately monitored, alterations to wetlands may be allowed to:**
- a. Accomplish a public agency or utility development;**
 - b. Provide necessary crossings for utilities, stormwater tightlines and roads; or**
 - c. Allow constitutionally mandated "reasonable use" of the property.**
- E-412 A small Category IV wetland that is less than 2,500 square feet and that is not part of a wetland complex may be altered to move functions to another wetland as part of an approved mitigation plan that is consistent with E-413 and E-414.**
- E-413 Wetland impacts shall be avoided if possible, and minimized in all cases. Applicants shall demonstrate that impacts are unavoidable due to circumstances outside of the applicant's control, and not for the profit or convenience of development. Where impacts cannot be avoided, they should be mitigated on site if the proposed mitigation is practical, ecologically appropriate, and likely to continue providing equivalent or better biological functions in perpetuity. When it is demonstrated that there**

are not enough opportunities available for on-site mitigation, King County may approve off-site mitigation.

E-414 Mitigation projects should contribute to an existing wetland system or restore an area that was historically a wetland. Mitigation should only create new wetlands after site monitoring indicates that hydrologic conditions exist to support a new wetland. Mitigation sites should be strategically located to reduce habitat fragmentation or to restore and enhance area-specific functions within a watershed.

E-415 Land used for wetland mitigation should be preserved in perpetuity. Monitoring and maintenance in conformance with King County standards should be provided or paid for by the project proponent until the success of the site is established. Long-term stewardship should occur at mitigation sites to ensure sites continue to provide desired functions and values.

B. Countywide Planning Policies and Multicounty Planning Policies

Countywide Planning Policies

The following Countywide Planning Policies are relevant to the site and its potential uses:

EN-3 Ensure public and private projects incorporate locally appropriate, low-impact development approaches developed using a watershed planning framework for managing stormwater, protecting water quality, minimizing flooding and erosion, protecting habitat, and reducing greenhouse gas emissions.

EN-4 Encourage the transition to a sustainable energy future by reducing demand through efficiency and conservation, supporting the development of energy management technology, and meeting reduced needs from sustainable sources.

EN-6 Locate development and supportive infrastructure in a manner that minimizes impacts to natural features. Promote the use of traditional and innovative environmentally sensitive development practices, including design, materials, construction, and ongoing maintenance.

EN-8 Use the best available science when establishing and implementing environmental standards.

EN-18 Support and incentivize environmental stewardship on private and public lands to protect and enhance habitat, water quality, and other ecosystem services, including the protection of watersheds and wellhead areas that are sources of the region's drinking water supplies.

EN-23 Reduce the use of toxic pesticides, chemical fertilizers, and other products and promote alternatives that minimize risks to human health and the environment.

EN-25 Prevent, mitigate, and remediate harmful environmental pollutants and hazards, including light, air, noise, soil, and structural hazards, where they have contributed to racialized health or environmental disparities, and increase environmental resiliency in frontline communities.

EN-28 Plan for development patterns that minimize air pollution and greenhouse gas emissions, including:

- a) Directing growth to Urban Centers and other mixed-use or high-density locations that support mass transit, encourage non-motorized modes of travel, and reduce trip lengths;
- b) Facilitating modes of travel other than single-occupancy vehicles including transit, walking, bicycling, and carpooling;
- c) Incorporating energy-saving strategies in infrastructure planning and design;
- d) Encouraging interjurisdictional planning to ensure efficient use of transportation infrastructure and modes of travel;
- e) Encouraging new development to use low emission construction practices, low or zero net lifetime energy requirements, and green building techniques; and
- f) Reducing building energy use through green building methods in the retrofit of existing buildings.

Multicounty Planning Policies

The following Multicounty Planning Policies are relevant to the site and its potential uses:

MPP-RGS-4 Accommodate the region's growth first and foremost in the urban growth area. Ensure that development in rural areas is consistent with the regional vision and the goals of the Regional Open Space Conservation Plan.

MPP-RGS-13 Plan for commercial, retail, and community services that serve rural residents to locate in neighboring cities and existing activity areas to avoid the conversion of rural land into commercial uses.

MPP-RGS-14 Manage and reduce rural growth rates over time, consistent with the Regional Growth Strategy, to maintain rural landscapes and lifestyles and protect resource lands and the environment.

MPP-DP-33 Do not allow urban net densities in rural and resource areas.

MPP-DP-37 Ensure that development occurring in rural areas is rural in character and is focused into communities and activity areas.

MPP-DP-44 Work to conserve valuable rural and resource lands through techniques, such as conservation programs, transfer of development rights, and the purchase of

development rights. Focus growth within the urban growth area, especially cities, to lessen pressures to convert rural and resource areas to residential uses.

MPP-DP-45 Avoid growth in rural areas that cannot be sufficiently served by roads, utilities, and services at rural levels of service.

MPP-En-5 Locate development in a manner that minimizes impacts to natural features. Promote the use of innovative environmentally sensitive development practices, including design, materials, construction, and on-going maintenance.

MPP-En-10 Support and incentivize environmental stewardship on private and public lands to protect and enhance habitat, water quality, and other ecosystem services, including protection of watersheds and wellhead areas that are sources of the region's drinking water supplies.

MPP-En-13 Preserve and restore native vegetation and tree canopy, especially where it protects habitat and contributes to overall ecological function.

MPP-En-17 Maintain and restore natural hydrological functions and water quality within the region's ecosystems and watersheds to recover the health of Puget Sound.

MPP-En-18 Reduce stormwater impacts from transportation and development through watershed planning, redevelopment and retrofit projects, and low impact development.

MPP-En-19 Reduce the use of toxic pesticides, fertilizers, and other products to the extent feasible and identify alternatives that minimize risks to human health and the environment.

MPP-En-20 Restore – where appropriate and possible – the region's freshwater and marine shorelines, watersheds, and estuaries to a natural condition for ecological function and value.

MPP-En-21 Continue efforts to reduce pollutants from transportation activities, including through the use of cleaner fuels and vehicles and increasing alternatives to driving alone, as well as design and land use.

MPP-CC-2 Reduce building energy use through green building and retrofit of existing buildings.

MPP-CC-3 Reduce greenhouse gases by expanding the use of conservation and alternative energy sources, electrifying the transportation system, and reducing vehicle miles traveled by increasing alternatives to driving alone.

MPP-DP-9 Support urban design, historic preservation, and arts to enhance quality of life, support local culture, improve the natural and human-made environments, promote health and well-being, contribute to a prosperous economy, and increase the region's resiliency in adapting to changes or adverse events.

MPP-DP-10 Design public buildings and spaces that contribute to a sense of community and a sense of place.

MPP-DP-15 Design communities to provide safe and welcoming environments for walking and bicycling.

MPP-DP-17 Promote cooperation and coordination among transportation providers, local government, and developers to ensure that joint- and mixed-use developments are designed to promote and improve physical, mental, and social health and reduce the impacts of climate change on the natural and built environments.

C. Underlying Zoning and Zone Purpose

The site has both Community Business (CB) Zoning and Residential, 8 units per acre (R-8) zoning

The committee version of K.C.C. 21A.04.110 describes the purpose of the community business zone in unincorporated King County:

A. The purpose of the community business zone (CB) is to provide convenience and comparison retail and personal services for local service areas that exceed the daily convenience needs of adjacent neighborhoods but that cannot be served conveniently by larger unincorporated activity centers, and to provide retail and personal services in locations within unincorporated activity centers that are not appropriate for extensive outdoor storage or auto related and industrial uses. These purposes are accomplished by:

1. Providing for limited small-scale offices as well as a wider range of the retail, professional, governmental, and personal services than are found in neighborhood business areas;
2. Allowing for mixed-use developments; and
3. Excluding commercial uses with extensive outdoor storage or auto related and industrial uses.

B. Use of this zone is appropriate in unincorporated activity centers, community business centers, commercial outside of centers, or rural towns that are designated by

the Comprehensive Plan and that are served at the time of development by adequate public sewers, water supply, roads, and other needed public facilities and services.

The committee version of K.C.C. 21A.04.080 describes the purpose of the residential (R) zones in unincorporated King County:

A. The purpose of the urban residential zone (R) is to implement Comprehensive Plan goals and policies for housing quality, diversity, and affordability, and to efficiently use urban residential land, public services, and utilities. These purposes are accomplished by:

1. Providing, in the R-1 zone, predominantly single detached residences at a relatively low residential density;
2. Providing, in the R-4 through R-8 zones, for a mix of single detached residences, duplexes, houseplexes, and other development types, with a variety of densities and sizes in locations appropriate for lower or moderate residential densities;
3. Providing, in the R-12 through R-48 zones, for a mix of predominantly apartments and townhouses, mixed-use, and other development types, with a variety of densities and sizes in locations appropriate for moderate to higher residential densities;
4. Allowing only those accessory and complementary nonresidential uses that are compatible with urban residential communities; and
5. Establishing density designations to facilitate advanced area-wide planning for public facilities and services, and to protect critical areas from overdevelopment.

B. Use of these zones are appropriate in urban areas, centers, or rural towns designated by the Comprehensive Plan as follows:

1. The R-1 zone:
 - a. on or adjacent to lands with area-wide environmental constraints where ((development)) clustering is required away from critical areas;

b. on lands designated as urban separators, wildlife habitat network, or critical aquifer recharge areas; or

c. in well-established subdivisions of the same density that are served at the time of development by public or private facilities and services adequate to support planned densities;

2. The R-4 through R-8 zones on lands that are predominantly environmentally unconstrained and are served at the time of development, by adequate public sewers, water supply, roads, and other needed public facilities and services; and

3. The R-12 through R-48 zones on lands in and next to unincorporated activity centers, in community or neighborhood business centers, in mixed-use development, on small, scattered lots integrated into existing residential areas, or in rural towns, that are served at the time of development by adequate public sewers, water supply, roads, and other needed public facilities and services.

D. Allowed Uses

A variety of residential and nonresidential uses are allowed in the CB zone and the R-8 zone. For the CB-zoned portions of the property, VS-P29 (proposed in the committee version to convert to special overlay) replaces the typical CB use allowances, as described in section II.A. above. The demonstration project overlay does not allow for uses not already allowed in the zones, though it does provide an opportunity for use-specific development conditions to be waived if meeting the waiver criteria in the ordinance.

IV. POLICY OPTIONS

Policy options for the Council to consider include:

1. Adopt the demonstration project for the four parcels.
2. Modify the terms of the demonstration project.
Modify the boundaries of the demonstration project.
3. Do not adopt the demonstration project.

V. DEMONSTRATION PROJECT FULL TEXT

A.1. The purpose of the regenerative development demonstration project is to determine whether innovative permit processing, site development, and building construction techniques can facilitate development that goes beyond sustainability and results in significant community and environmental benefits, including: net-positive energy and water use; improved ecological performance; health and wellness through walkability, social interaction, and elimination of toxic materials; and diverse, equitable, and affordable housing. The demonstration project will provide information on application of these techniques to a project with a mix of residential and commercial uses within Vashon Rural Town.

2. The demonstration project will also enable the county to evaluate whether consolidated administrative approval of modifications or waivers and any subsequent hearings, if required, effectively speeds the development review process while maintaining land use coordination and environmental protection, and whether that leads to administrative costs savings for project applicants and King County.

B. Expected benefits from the demonstration project include: restoration and enhancement of local ecosystems, particularly ground and surface waters on site and in the watershed; greater use of non-toxic, sustainable building materials; more efficient use of energy and natural resources; improved resident wellbeing; resilience to climate change; diverse, equitable, and affordable housing; and the opportunity to identify and evaluate potential substantive changes to land use development regulations that support these goals.

C. A request by the applicant to modify or waive development standards for the development proposals shall be evaluated by the department of local services, permitting division, based on the criteria in subsection J. of this section. A request shall first be either approved or denied administratively and may be further reviewed as described in subsection H.3.

of this section. Approval or denial of the proposed modification or waiver shall not be construed as applying to any other development application either within the demonstration project area or elsewhere in the county.

D. A modification or waiver approved by the department of local services, permitting division, in accordance with this section shall be in addition to those modifications or waivers that are currently allowed by this title. The proposed modifications or waivers to development regulations that may be considered regarding regenerative development demonstration projects shall include only the following chapters and related public rules:

1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water Design Manual;
2. King County road standards: K.C.C. chapter 14.42 and the and the King County Road Design and Construction Standards;
3. Density and dimensions: K.C.C. chapter 21A.12, except that allowed densities shall not be modified or waived;
4. Design requirements: K.C.C. chapter 21A.14;
5. Landscaping and water use: K.C.C. chapter 21A.16;
6. Parking and circulation: K.C.C. chapter 21A.18;
7. Signs: K.C.C. chapter 21A.20;
8. Critical areas: K.C.C. chapter 21A.24, if the modification results in a net improvement to the functions of the critical area; and
9. Landscape installation timing: K.C.C. chapters 27A.30 and 27A.40.

E. A demonstration project authorized by this section may contain residential and nonresidential uses subject to the following:

1. The R-8 zoned areas of the demonstration project may include any residential uses as allowed as a permitted use in the R-12 through R-48 zones, subject to any development conditions in K.C.C. 21A.08.030, without the need to request a modification or waiver as described in subsection H. of this section. The applicant may request a modification or waiver of any of the development conditions for residential uses contained in K.C.C. 21A.08.030, subject to the review process described in subsection H. of this section and the criteria in subsection J. of this section;

2. For nonresidential uses anywhere within the demonstration project area, the applicant may request a modification or waiver of the development conditions for nonresidential uses in K.C.C. 21A.xx.xxx (the new section created by section DXC of this ordinance), 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060, and 21A.08.070, subject to the review process described in subsection H. of this section and the criteria in subsection J. of this section.

F. A demonstration project authorized by this section allows a residential basics program for townhouse, apartment, and houseplex building types, consistent with the department of local services public rules chapter 16-04: residential basics program.

G. All related review processes such as subdivision, building permit, inspection, and similar processes for a demonstration project shall be expedited if:

1. Ten percent or more of all for-sale residential units proposed for the demonstration project are placed into a Community Land Trust as affordable to households at eighty percent of area median income; and

2. Either:

a. fifteen percent or more of all rental residential units for the demonstration project are affordable to households at eighty percent of area median income; or

b. seventy percent or more of all rental residential units for the demonstration project are affordable to households at eighty to one hundred fifteen percent of area median income.

H.1. Requests for a modification or waiver made in accordance with this section may only be submitted in writing in relation to the following types of applications:

- a. a site development permit;
- b. a binding site plan;
- c. a building permit;
- d. a short subdivision;
- e. a subdivision;
- f. a conditional use permit; or
- g. a clearing and grading permit.

2. Requests shall be submitted to the department in writing before or in conjunction with an application for one or more of the permits listed in subsection H.1. of this section, together with any supporting documentation. The supporting documentation must illustrate how the proposed modification meets the criteria in subsection J. of this section.

3. Except for an applicant's request for a modification or waiver submitted in conjunction with an application for a subdivision, the notice of application, review and approval of a proposed modification or waiver shall be treated as a Type 2 land use decision in accordance with K.C.C. 20.20.020. The request for a modification or waiver submitted in conjunction with an application for a subdivision shall be treated as a Type 3 land use decision in accordance with K.C.C. 20.20.020.

4. A preapplication meeting with the applicant and the department of local services, permitting division, to determine the need for and the likely scope of a proposed modification or

waiver, is required before submittal of such a request. If a modification or waiver requires approval of the department of natural resources and parks or the department of local services, road services division, that department or division shall be invited to participate in the preapplication meeting.

5. If the applicant requests an adjustment from the county drainage standards, the director shall refer the request to the department of natural resources and parks for decision under K.C.C. chapter 9.04, with the right to appeal within the department of natural resources and parks as provided in K.C.C. 9.04.050.C.6. The department of natural resources and parks shall consider the purposes of this demonstration ordinance as a factor relative to the public interest requirement for drainage adjustments described in K.C.C.9.04.050.C.

6. If the applicant requests a variance from the county road standards, the director shall refer the request to the county road engineer for decision under K.C.C. 14.42.060, with the right to appeal within the department of local services, road services division, as provided in K.C.C. 14.42.060 and the associated public rule. The department of local services, road services division, shall consider the purposes of this demonstration ordinance as a factor relative to the public interest requirement for road variances described in K.C.C. 14.42.060.

7. Administrative appeals of modifications or waivers approved by the director shall be combined with any appeal of the underlying permit decision, if the underlying permit is subject to appeal.

I. An approved development proposal for any of the applications listed in subsection H.1. of this section, including site plan elements or conditions of approval may be amended or modified at the request of the applicant or the applicant's successor in interest designated by the applicant in writing. The director may administratively approve minor modifications to an

approved development proposal. Modifications that result in major changes as determined by the department or as defined by the approval conditions shall be treated as a new application for purposes of vesting and shall be reviewed as applicable to the underlying application pursuant to K.C.C. 20.20.020. Any increase in the total number of dwelling units above the maximum number set forth in the development proposal permit or approval shall be deemed a major modification. The county, through the applicable development proposal permit or approval conditions, may specify additional criteria for determining whether proposed modifications are major or minor. The modifications allowed under this section supersede other modification or revision provisions of K.C.C. Title 16 and Title 19A and this title.

J.1. To be eligible to use the provisions of this section, a demonstration project must be located on a demonstration project site identified in the regenerative development demonstration project map amendment in Attachment I to this ordinance, and the applicant has accepted the site as a King County regenerative development demonstration project.

2. Proposals to modify or waive development regulations for a development application must be consistent with general health, safety, and public welfare standards, and must not violate state or federal law.

3.a. Applications must demonstrate how the proposed project, when considered as a whole with the proposed modifications or waivers to the code, will meet all of the criteria in this subsection J., as compared to development without the modification or waiver, and:

- (1) achieves higher-quality development;
- (2) optimizes site utilization; and
- (4) enhances pedestrian experiences and sense of place and community.

b. Any individual request for a modification or waiver must meet two or more of the following criteria:

(1) contributes to the creation of a walkable community, which includes features such as a connected street and trail network, a mix of housing types, and pedestrian or bike routes throughout the development.

(2) uses the natural site characteristics to enhance the natural systems, providing a net benefit; and

(3) contributes to achievement of Living Certification through the International Living Future Institute's Living Building Challenge certification program.

4. The criteria in this subsection supersede other variance, modification or waiver criteria and provisions of K.C.C. Title 21A.

K. Regulatory modification and waiver applications, or both, authorized by this section shall be filed with the department of local services, permitting division, within three years of January 1, 2025. Complete applications submitted before the end of the three years shall be reviewed and decided on by the department of local services, permitting division. Modifications or waivers contained within an approved development proposal are valid as long as the underlying permit or development application approval is valid. If modifications or waivers are approved as separate applications, they must be incorporated into a valid permit or development application within three years of January 1, 2025. The director may extend the date for filing the demonstration project permit and development applications for a maximum of twelve months. Any deadline in this subsection shall be adjusted to include the time for appeal of all or any portion of the project approval.