

McD moved S1. S1 as amended carried.

S1

6/5/20

Striking Amendment S1

jn

Sponsor: McDermott

Proposed No.: 2020-0032

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2020-0032, VERSION**

2 **1**

3 On page 1, beginning on line 5, strike everything through page 13, line 282, and insert:

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

5 **SECTION 1. Findings:**

6 A. The availability of affordable housing is a regional vision as expressed

7 in the Washington State Growth Management Act, VISION 2040 multicounty

8 planning policies, the King County countywide planning policies, the Regional

9 Affordable Housing Task Force Five-Year Action Plan and the King County

10 Comprehensive Plan.

11 B. The Comprehensive Plan includes specific policy direction to

12 implement that regional vision on a local level, including: providing equitable

13 opportunities for all individuals; allowing a variety of housing types; supporting

14 and incentivizing housing that is affordable at all income levels; and encouraging

15 increases in housing density and the siting affordable housing near frequent transit

16 and commercial areas. The Vashon-Maury Island Community Service Area

17 Subarea Plan also directs increasing the inventory of housing that is affordable to

18 very-low-, low- and moderate-income populations on the island. Similarly, the

19 White Center Community Action Plan directs expansion of opportunities for
20 developing new housing to meet local housing needs, including affordable
21 housing.

22 C. The Regional Affordable Housing Task Force Five-Year Action Plan
23 also recommends King County update zoning and land use regulations, including
24 in single-family low-rise zones, to increase and diversify housing choices,
25 including but not limited to micro and efficiency units.

26 D. The King County Comprehensive Plan encourages exploration of
27 alternative housing options and includes policy direction for creation of
28 demonstration projects for new affordable housing models. It also allows impact
29 fee exemptions for affordable housing developments. As a means to provide
30 opportunities for lower rent housing options, the Comprehensive Plan also
31 includes support for residential buildings with shared facilities, such as single-
32 room occupancy buildings, boarding homes, micro-units buildings and clustered
33 micro homes as well as higher density ownership options, such as condominiums,
34 cooperative mutual housing, cottage housing and other forms of clustered higher-
35 density ownership housing.

36 E. Consistent with these policies and recommendations, Workplan Action
37 6 of the 2016 King County Comprehensive Plan adopted in Ordinance 18427, and
38 as amended by Ordinances 18427 and 18810, directs development of a
39 demonstration project ordinance to test development regulations for alternative
40 housing models, including microhousing, to increase availability of affordable
41 housing in the Puget Sound region.

42 F. As directed by Workplan Action 6, in 2018 King County issued a
43 request for proposals for alternative housing projects that could be authorized as
44 part of this ordinance. The request for proposals was informed by a request for
45 information and an open house for developers held in early 2018 in order to learn
46 more about perceived barriers to constructing alternative housing models. An
47 interbranch group comprised of staff from the department of community and
48 human services, the permitting division of the department of local services, public
49 health - Seattle & King County, the King County council and the office of
50 performance strategy and budget participated in the review panel of the responses
51 to the request for proposals. In April 2019 the review panel selected two
52 proposals for inclusion in this ordinance - one on Vashon Island and one in North
53 Highline. Public outreach about those proposals and the draft demonstration
54 project ordinance occurred in July 2019.

55 G. As required by K.C.C. 21A.55.030, the demonstration project
56 authorized by this ordinance is consistent with the King County Comprehensive
57 Plan, including the Vashon-Maury Island Community Service Area Subarea Plan
58 and the White Center Community Action Plan.

59 NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 21A.55
60 a new section to read as follows:

61 A.1. The purpose of the alternative housing demonstration project is to:

62 a. encourage private market development of housing options that are
63 affordable to different segments of the county's population by testing removal of certain
64 regulatory barriers to developing such housing;

65 b. compare at least two alternative housing options and their accessibility for
66 populations who are otherwise unable to find suitable housing, such as lower-income
67 one-person households, low-income seniors, people with disabilities, veterans and
68 persons experiencing homeless;

69 c. evaluate the public benefit of providing housing options with smaller living
70 spaces and shared facilities; and

71 d. implement Phase I of King County Comprehensive Plan Workplan Action 6,
72 as adopted in Ordinance 18427, and as amended by Ordinances 18427 and 18810.

73 2. The expected benefits from the alternative housing demonstration project
74 include:

75 a. the use of innovative design and development techniques to promote
76 alternative housing options;

77 b. the development of new affordable housing built to modern building
78 standards; and

79 c. the opportunity to identify and evaluate potential substantive changes to land
80 use and development regulations that support the development of affordable housing
81 while maintaining community character.

82 B. For purposes of this section:

83 1. "Congregate residence" means one or more buildings that contain either
84 sleeping units or dwelling units, or both, and where residents share either sanitation
85 facilities or kitchen facilities, or both.

86 2. "Sleeping unit" means a room or space in which people sleep, and can also
87 include permanent provisions for living, eating, and either sanitation or kitchen facilities

88 but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping
89 units.

90 C. The alternative housing demonstration project shall be implemented in North
91 Highline as described in Attachment A to this ordinance and in the Vashon Rural Town
92 as described in Attachment B to this ordinance.

93 D. Applications shall demonstrate how the proposed project, when considered as
94 a whole with the proposed modifications or waivers to the code, will meet the criteria in
95 this section and, as compared to development without the modification or waiver, the
96 degree to which the project will:

97 a. increase the range of affordable housing options, including providing
98 housing types that meet the needs of the local community;

99 b. provide housing options for low- to moderate-income households;

100 c. provide for the development of lower rent housing options through
101 construction of buildings with shared facilities;

102 d. seek to prevent displacement of the local community's residents;

103 e. for projects with public funding, meet or exceed the sustainable
104 development standards adopted by Washington state Department of Commerce under
105 RCW 39.35D.080;

106 f. for projects without public funding, meet or exceed Master Builders
107 Association of King and Snohomish Counties 4-star Built Green standard; and

108 g. provide attractive and well-designed development.

109 E. The following apply to a demonstration project development proposal under
110 this section and supersede development regulations under this title that are in conflict:

111 1. A demonstration project development proposal for a congregate residence in
112 North Highline identified in Attachment A to this ordinance, is a permitted use under
113 K.C.C. 21A.08.030 and the maximum residential density provisions and the base height
114 provisions of K.C.C. 21A.12.030 and 21A.12.040 do not apply if:

115 a. the proposal is for no more than a combined total of sixty dwelling units and
116 sleeping units;

117 b. each sleeping unit or dwelling unit contains no more than two hundred
118 twenty square feet of floor area; and

119 c. the proposed development does not exceed sixty feet in height.

120 2. A demonstration project development proposal for a congregate residence, in
121 Vashon Rural Town as identified in Attachment B to this ordinance is a permitted use
122 under K.C.C. 21A.08.030 and the maximum residential density provisions of K.C.C.
123 21A.12.030 do not apply if:

124 a. the development proposal is for no more than five buildings with each
125 building containing no more than a combined total of eight dwelling units and sleeping
126 units; and

127 b. except for accessibility units designed to house persons with physical
128 disabilities, sleeping units and dwelling units shall not contain more than three hundred
129 fifty square feet of floor area. Sleeping units and dwelling units designed as accessible
130 for persons with physical disabilities shall contain no more than three hundred eight five
131 feet of net floor area.

132 F. A congregate residence under this section shall meet the following standards:

133 1. A congregate residence shall include at least one common kitchen facility. In

134 a congregate residence with more than two floors, at least one common kitchen facility is
135 required on each floor with sleeping units. In a congregate residence consisting of more
136 than one building, at least one common kitchen facility is required in each building.

137 2. A sleeping unit that does not include sanitation facilities in the sleeping unit
138 shall have access to shared sanitation facilities on the same floor as the sleeping unit.

139 3. Communal areas, such as common kitchen facilities, lounges, recreation
140 rooms, dining rooms, living rooms, laundry rooms, foyers and lobbies, shall be accessible
141 to all residents of the congregate residence and shall meet the following standards:

142 a. The total floor area of communal areas shall be at least twelve percent of the
143 total floor area of all sleeping and dwelling units; and

144 b. Service areas, including, but not limited to hallways and corridors, supply or
145 janitorial storage areas, operations and maintenance areas, staff areas and offices may not
146 be counted toward the communal area total floor area requirement.

147 G.1. An application for a development permit or building permit under this
148 section shall include a proposed agreement with the department of local services,
149 permitting division, that addresses at least the following to be undertaken by the
150 applicant:

151 a. measures to ensure that rents remain affordable, such as rent and income
152 restrictions or the inherent affordability of smaller units;

153 b. measures to reduce displacement of the local community's residents, such as
154 affirmative marketing or maintaining wait lists;

155 c. measures to ensure that residents have available transportation choices to
156 enable them reasonable access to retail and services, such as the Metro transit department

157 Access paratransit services, community service vans, bike storage rooms or carshare
158 services;

159 d. for projects in the Vashon Rural Town, services that will be available to
160 residents of the project, such as case management for vulnerable populations or social
161 connectivity programming;

162 e. measures to incorporate housing needs of the local community into the
163 proposed development;

164 f. measures to involve the local community in the proposed development; and

165 g. what information the applicant will collect and when and how it will be
166 reported to the department of local services, permitting division, and the department of
167 community and human services to assist in evaluation of the demonstration project.

168 2. The department shall not approve a development permit or building permit
169 application under this section until the proposed agreement under this subsection has
170 been approved by the department of local services, permitting division.

171 H.1. A modification or waiver approved by the department of local services,
172 permitting division, in accordance with this section shall be in addition to those
173 modifications or waivers that are currently allowed by this title, K.C.C. Title 9, K.C.C.
174 Title 14 and K.C.C. Title 16.

175 2. An applicant under this section, in conjunction with an application for a site
176 development permit or a building permit, may request in writing a modification or waiver
177 of the development regulations under the following chapters and titles. Proposals to
178 modify or waive development regulations for a development application must be
179 consistent with general health, safety and public welfare standards and must not violate

180 state or federal law:

181 a. drainage review requirements: K.C.C. chapter 9.04 and the Surface Water

182 Design Manual;

183 b. King County road standards: K.C.C. chapter 14.42 and the county road

184 standards, 2016 update;

185 c. King County building code: K.C.C. Title 16;

186 d. permitted uses: K.C.C. chapter 21A.08;

187 e. density and dimensions: K.C.C. chapter 21A.12;

188 f. design requirements: K.C.C. chapter 21A.14;

189 g. landscaping and water use: K.C.C. chapter 21A.16;

190 h. parking and circulation: K.C.C. chapter 21A.18; and

191 i. school impact fees: K.C.C. chapter 21A.43.

192 3. Requests for a waiver or modification made in accordance with this section

193 shall be submitted to the department of local services, permitting division, in writing

194 before or in conjunction with a development permit or building permit application

195 together with any supporting documentation. The supporting documentation must

196 illustrate how the proposed modification meets the criteria in this section.

197 4. The notice of application, review and approval of a proposed modification or

198 waiver under this section shall be treated as a Type 2 land use decision in accordance

199 with K.C.C. 20.20.020. Approval or denial of the proposed modification or waiver shall

200 not be construed as applying to any other development application either within a

201 demonstration project area or elsewhere in the county.

202 5. A preapplication conference with the applicant and the department of local

203 services, permitting division, to determine the need for and the likely scope of a proposed
204 modification or waiver is required before submittal of such a request. If a modification or
205 waiver requires approval of the department of natural resources and parks or the
206 department of local services, roads services division, that department or division shall be
207 invited to participate in the preapplication conference.

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

215 7. If the applicant requests a variance from the county road standards, the
216 director shall refer the request to the county road engineer for decision under K.C.C.
217 14.42.060, with the right to appeal to the department of local services, road services
218 division, as provided in K.C.C. 14.42.060 and the associated public rules. The
219 department of local services, road services division, shall consider the purposes of this
220 demonstration project as a factor relative to the public interest requirement for road
221 variances described in K.C.C. 14.42.060.

222 8. Administrative appeals of modifications or waivers approved by the director
223 shall be combined with any appeal of the underlying permit decision.

224 I. An approved development permit or a building permit under this section,
225 including site plan elements or conditions of approval, may be amended or modified at

226 the request of the applicant or the applicant's successor in interest designated by the
227 applicant in writing. The director may administratively approve minor modifications to
228 an approved permit. Modifications that result in major changes as determined by the
229 department of local services, permitting division, or as defined by the approval conditions
230 shall be treated as a new application for purposes of vesting and shall be reviewed as
231 applicable to the underlying application in accordance with K.C.C. 20.20.020. Any
232 increase in the total number of sleeping units and dwelling units above the maximum
233 number set forth in the development permit or building permit approval shall be deemed
234 a major modification. The county, through the applicable development permit or
235 building permit approval conditions, may specify additional criteria for determining
236 whether proposed modifications are major or minor. The modifications allowed under
237 this section supersede other modification or revision provisions of K.C.C. Title 16 and
238 this title.

239 J. Demonstration project applications shall be accepted by the department of
240 local services, permitting division, for four years from the effective date of this
241 ordinance. Complete applications submitted before the end of the four years, shall be
242 reviewed and decided on by the department of local services, permitting division.

243 K.1. The executive shall file the following reports in the form of a paper original
244 and an electronic copy with the clerk of the council, who shall retain the original and
245 provide an electronic copy to all councilmembers, the council chief of staff, the lead staff
246 to the local services, committee or its successor and the lead staff to the community
247 health and housing services committee or its successor:

248 a. A preliminary report within two years of the final certificate of occupancy

249 for the first project completed under the demonstration project that describes and
250 evaluates the pertinent preliminary results; and

251 b. A final report within two years of the final certificate of occupancy for the
252 second project completed under the demonstration project that describes and evaluates
253 the pertinent results and recommends changes, if appropriate based on evaluation, that
254 should be made to the county processes and development regulations.

255 2. If only insufficient or inconclusive data are available when the report required
256 under subsection K.1. of this section is due, the executive must file in the form of a paper
257 original and an electronic copy with the clerk of the council, who shall retain the original
258 and provide an electronic copy to all councilmembers, the council chief of staff, the lead
259 staff to the local services committee or its successor and the lead staff to the community
260 health and housing services committee or its successor a report on the demonstration
261 projects that indicates the date a subsequent report or reports will be transmitted to fully
262 evaluate outcomes of the demonstration project sites and recommend changes, if
263 appropriate, based on the evaluation, that should be made to the county processes and
264 development regulations.

265 SECTION 3. Severability. If any provision of this ordinance or its application to
266 any person or circumstance is held invalid, the remainder of the ordinance or the
267 application of the provision to other persons or circumstances is not affected."

268

269 Strike Attachment A, Map Amendment #1 Alternative Housing Demonstration Project
270 Overlay – White Center, and insert Attachment A, Map Amendment #1 Alternative
271 Housing Demonstration Project Overlay - North Highline, dated June 9, 2020.

272 Strike Attachment B, Map Amendment #2 Alternative Housing Demonstration Project
273 Overlay – Vashon Rural Town, and insert Attachment B, Map Amendment #2
274 Alternative Housing Demonstration Project Overlay - Vashon, dated June 9, 2020.

275

276 **EFFECT:** Adds project and application considerations related to displacement and local
277 housing needs, establishes a demonstration project duration period, makes technical
278 corrections, and removes the demonstration project from industrial properties in North
279 Highline.