S1

7/15/22 LSLU Striker

		Sponsor:	Perry						
	[J. Tracy]	Proposed No.:	2022-0162						
1	STRIKING AMENDMENT TO	O PROPOSED O	ORDINANCE 2022-0162, VERSION						
2	<u>1</u>								
3	On page 2, beginning on line 24,	strike everything	through page 54, line 1139, and insert:						
4	"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:								
5	SECTION 1. Findings:								
6	A. The last statutorily red	quired comprehen	sive plan update required by RCW						
7	36.70A.130(4)(a) was met with t	he 2012 King Co	unty Comprehensive Plan that was						
8	adopted by Ordinance 17485. En	ngrossed Substitu	te House Bill 2342, passed by the						
9	Legislature and signed into law a	s Chapter 113, La	nws of Washington 2020, by the						
10	Governor as a result of 2020 legi	slative session, m	odified the schedule for the Growth						
11	Management Act-mandated updates to Comprehensive Plans. As a result, RCW								
12	36.70A.130(5)(a) requires King County and the cities within King County to complete a								
13	review of their comprehensive plans on or before June 30, 2024, and every eight years								
14	thereafter. This 2022 update doe	s not serve as the	statutory update required by RCW						
15	36.70A.130.								
16	B. The Growth Managen	nent Act ("the GM	MA") and the King County Code						
17	generally allow the adoption of c	omprehensive pla	in updates only once per year. The						
18	amendments to policies and text in this ordinance constitute the 2022 update to the 2016								

19	King County Comprehensive Plan, as amended. The GMA and K.C.C. 20.18.030 require
20	that King County adopt development regulations and map amendments to be consistent
21	with and implement the Comprehensive Plan. The changes to development regulations
22	and maps in this ordinance are needed to maintain conformity with the King County
23	Comprehensive Plan. They bear a substantial relationship to, are necessary for, the
24	public health, safety and general welfare of King County and its residents.
25	C. As required by K.C.C. 2.16.055.B., the subarea plans:
26	1. Were developed consistent with the Comprehensive Plan;
27	2. Are based on a scope of work established with the community;
28	3. Establish a long-range vision and policies to implement that vision in a
29	manner that is consistent with and not redundant to policy direction in the
30	Comprehensive Plan;
31	4. Establish performance metrics and monitoring for implementation of the
32	subarea plans, which will be reviewed and reported on biennially and monitored by the
33	community and the council;
34	5. Were developed and reviewed using tools and resources developed by the
35	office of equity and social justice, including community engagement, language access
36	and equity impact review tools. The county used the "County engages in dialogue" and
37	"County and community work together" levels of engagement;
38	6. Incorporate the findings of an equity impact analysis and proposals to address
39	equity impacts. During the development of the subarea plan, the public review draft

included preliminary findings of any equity impacts that were further refined and

submitted as part of the subarea plan proposal;

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42	7. Include a review of policies specific to the subarea in the Comprehensive
43	Plan and previously adopted subarea or community plans, and, where appropriate,
44	include transferred policies from those plans to the subarea plan;
45	8. Include a review the land use designations and zoning classifications in the
46	subarea geography, including all special district overlays and property-specific
47	development conditions, and include transmitted map amendments necessary to
48	implement land use and zoning updates and the vision and policies within the subarea
49	plan;
50	9. Incorporate by reference the community needs list and associated
51	performance metrics as required in K.C.C. 2.16.055.C.; and
52	10. Were developed in coordination and collaboration with councilmember
53	offices that represent the Skyway-West Hill and North Highline subarea geographies
54	throughout the development of the subarea plans.
55	D. In 2019, the King County council passed Motion 15539, which requested that
56	the executive conduct a study that identifies concrete actions that the county can take to
57	develop and retain existing affordable housing in Skyway-West Hill and North Highline.
58	E. In 2020, the county adopted the 2020 update to the 2016 King County
59	Comprehensive Plan via Ordinance 19146. The update included Workplan Action 19,
60	directing King County to complete an Anti-displacement Strategies Report for Skyway-
61	West Hill and North Highline, which incorporates the study elements of Motion 15539.
62	Action 19 states that the due dates and deliverables in the Action supersede those that
63	were included in Motion 15539.
64	F. In September 2021, the Skyway-West Hill and North Highline

Anti-displacement Strategies Report ("the report") was transmitted to the council. As stated in the report, its "recommended anti-displacement strategies provide a concrete path for King County's efforts to address historic disinvestment and structural racism in two diverse and culturally rich neighborhoods, in alignment with King County's affordable housing and equity and social justice goals."

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

H. As a result of the analysis, the report determined that "the combination of rising housing prices, the high rate of cost burdened households, and lower than average incomes put Skyway-West Hill and North Highline residents at increased risk of displacement." Additionally, the Affordable Housing Incentives Analysis: North Highline Skyway-West Hill Report states that "the incentives that currently exist for creating affordable housing in new market-rate buildings are not high enough to

incentivize the inclusion of these affordable units on most of the properties in these areas."

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- I. To address those displacement risks, the report recommends development of an inclusionary housing program for Skyway-West Hill and North Highline that includes both mandatory and voluntary elements.
- J. Specific to mandatory inclusionary housing, the report recommends that the provisions "apply to the areas in Skyway-West Hill and North Highline with the highest opportunity for residential and commercial densities, and thus the highest risk of displacement." The Report states "[t]he Skyway Business District is the largest commercial area in the community. The Business District has significant potential for commercial and mixed-use infill development and redevelopment. Such development would also likely increase the potential for new residential development in the adjacent high- and medium-density zones. In North Highline, the White Center UAC is a highdensity hub of commercial and residential development. Similar to the Skyway Business District, this area is also expected to receive substantively more growth in housing and employment than the rest of the community. Part of the expected growth is anticipated as a result of near-term public investments, such as planned bus rapid transit routes through the commercial hubs in both communities. These investments will increase the hubs' attractiveness as prime locations for new commercial and residential development. Additionally, the County is currently updating the subarea plans for both communities. It is likely that these updated plans will include policies and zoning changes that reflect the communities' expressed desires to revitalize and reinvest in these residential and commercial hubs, including creating opportunities for new development. It is also

anticipated that the plans will direct action to address the displacement risks associated with the potential for increased development in these areas. The current neighborhood conditions indicate the risk of displacement in both high-density residential and commercial areas will increase as new development occurs. King County should implement a mandatory inclusionary housing program in these geographies now to ward off displacement pressures caused by future development." Given that, the report recommends that the mandatory inclusionary housing provisions apply to the Skyway and White Center Unincorporated Activity Centers.

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

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

M. The King County Countywide Planning Policies, King County

Comprehensive Plan, Skyway-West Hill Community Service Area Subarea Plan, North

133	Highline Community Service Area Subarea Plan and Regional Affordable Housing Task
134	Force Final Report and Recommendations support the development and use of anti-
135	displacement measures, including mandatory inclusionary housing and community
136	preference provisions.
137	SECTION 2. A. Attachments A, B, C and D to this ordinance are adopted as
138	amendments to the 2016 King County Comprehensive Plan, as adopted in Ordinance
139	18472 and its attachments and as amended by Ordinance 1862, Ordinance 18810,
140	Ordinance 19034 and Ordinance 19146.
141	B. The elements of the 2016 King County Comprehensive Plan in Attachment A
142	to this ordinance are hereby amended to read as set forth in this ordinance and are
143	incorporated herein by this reference.
144	C. The Skyway-West Hill Community Service Area Subarea Plan in Attachment
145	B to this ordinance is hereby adopted as an amendment to and an element of the 2016
146	King County Comprehensive Plan.
147	D. The North Highline Community Service Area Subarea Plan in Attachment C
148	to this ordinance is hereby adopted as an amendment to and an element of the 2016 King
149	County Comprehensive Plan.
150	E. The land use and zoning amendments in sections 12 through 14 of this
151	ordinance and Attachment D to this ordinance are hereby adopted as amendments to
152	Appendix A to Ordinance 12824, as amended, and as the official land use and zoning
153	controls for those portions of unincorporated King County defined in those sections of
154	this ordinance and attachments to this ordinance.

155	F. The King County department of local services, permitting division, shall
156	update the geographic information system data layers accordingly to reflect adoption of
157	this ordinance.
158	SECTION 3. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.
159	20.12.010 are hereby amended to read as follows:
160	Under the King County Charter, the state Constitution and the Washington state
161	Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King
162	County Comprehensive Plan via Ordinance 11575 and declared it to be the
163	Comprehensive Plan for King County until amended, repealed or superseded. The
164	Comprehensive Plan has been reviewed and amended multiple times since its adoption in
165	1994. Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the
166	2016 King County Comprehensive Plan, as adopted in Ordinance 18427 and as amended
167	by Ordinance 18623, Ordinance 18810, Ordinance 19034 ((and)), Ordinance 19146 and
168	this ordinance. The Comprehensive Plan shall be the principal planning document for the
169	orderly physical development of the county and shall be used to guide subarea plans,
170	functional plans, provision of public facilities and services, review of proposed
171	incorporations and annexations, development regulations and land development
172	decisions.
173	SECTION 4. Ordinance 11653, Section 6, as amended, and K.C.C. 20.12.017 are
174	hereby amended to read as follows:
175	The following provisions complete the zoning conversion from K.C.C. Title 21 to
176	Title 21A pursuant to K.C.C. 21A.01.070:

177	A. Ordinance 11653 adopts area zoning to implement the 1994 King County
178	Comprehensive Plan pursuant to the Washington State Growth Management Act, chapter
179	36.760A RCW. Ordinance 11653 also converts existing zoning in unincorporated King
180	County to the new zoning classifications in the 1993 Zoning Code, codified in Title 21A,
181	pursuant to the area zoning conversion guidelines in K.C.C. 21A.01.070. The following
182	are adopted as attachments to Ordinance 11653:
183	Appendix A: 1994 Zoning Atlas, dated November 1994, as amended December
184	19, 1994.
185	Appendix B: Amendments to Bear Creek Community Plan P-Suffix Conditions.
186	Appendix C: Amendments to Federal Way Community Plan P-Suffix Conditions
187	Appendix D: Amendments to Northshore Community Plan P-Suffix Conditions.
188	Appendix E: Amendments to Highline Community Plan P-Suffix Conditions.
189	Appendix F: Amendments to Soos Creek Community Plan P-Suffix Conditions.
190	Appendix G: Amendments to Vashon Community Plan P-Suffix Conditions.
191	Appendix H: Amendments to East Sammamish Community Plan P-Suffix
192	Conditions.
193	Appendix I: Amendments to Snoqualmie Valley Community Plan P-Suffix
194	Conditions.
195	Appendix J: Amendments to Newcastle Community Plan P-Suffix Conditions.
196	Appendix K: Amendments to Tahoma/Raven Heights Community Plan P-Suffix
197	Conditions.
198	Appendix L: Amendments to Enumclaw Community Plan P-Suffix Conditions.
199	Appendix M: Amendments to West Hill Community Plan P-Suffix Conditions.

200	Appendix N: Amendments to Resource Lands Community Plan P-Suffix
201	Conditions.
202	Appendix O: 1994 Parcel List, as amended December 19, 1994.
203	Appendix P: Amendments considered by the council January 9, 1995.
204	B. Area zoning adopted by Ordinance 11653, including potential zoning, is
205	contained in Appendices A and O. Amendments to area-wide P-suffix conditions
206	adopted as part of community plan area zoning are contained in Appendices B through N
207	Existing P-suffix conditions whether adopted through reclassifications or community
208	plan area zoning are retained by Ordinance 11653 except as amended in Appendices B
209	through N.
210	C. The department is hereby directed to correct the official zoning map in
211	accordance with Appendices A through P of Ordinance 11653.
212	D. The 1995 area zoning amendments attached to Ordinance 12061 in Appendix
213	A are adopted as the official zoning control for those portions of unincorporated King
214	County defined therein.
215	E. Amendments to the 1994 King County Comprehensive Plan area zoning,
216	Ordinance 11653 Appendices A through P, as contained in Attachment A to Ordinance
217	12170 are hereby adopted to comply with the Decision and Order of the Central Puget
218	Sound Growth Management Hearings Board in Vashon-Maury Island, et. al. v. King
219	County, Case No. 95-3-0008.
220	F. The Vashon Area Zoning adopted in Ordinance 12824, as amended, including
221	as amended by Ordinance 17842 ((and)), Ordinance 18427 and Ordinance 19119, is

222	adopted as the official zoning control for that portion of unincorporated King County
223	defined therein.
224	G. The 1996 area zoning amendments attached to Ordinance 12531 in Appendix
225	A are adopted as the official zoning control for those portions of unincorporated King
226	County defined therein. Existing p-suffix conditions whether adopted through
227	reclassifications or area zoning are retained by Ordinance 12531.
228	H. The Black Diamond Urban Growth Area Zoning Map attached to Ordinance
229	12533 as Appendix B is adopted as the official zoning control for those portions of
230	unincorporated King County defined therein. Existing p-suffix conditions whether
231	adopted through reclassifications or area zoning are retained by Ordinance 12533.
232	I. The King County Zoning Atlas is amended to include the area shown in
233	Appendix B as UR - Urban Reserve, one DU per 5 acres. Existing p-suffix conditions
234	whether adopted through reclassifications or area zoning are retained by Ordinance
235	12535. The language from Ordinance 12535, Section 1.D., shall be placed on the King
236	County Zoning Atlas page #32 with a reference marker on the area affected by Ordinance
237	12535.
238	J. The Northshore Community Plan Area Zoning is amended to add the Suffix "-
239	DPA, Demonstration Project Area,"((5)) to the properties identified on Map A attached to
240	Ordinance 12627.
241	K. The special district overlays, as designated on the map attached to Ordinance
242	12809 in Appendix A, are hereby adopted pursuant to K.C.C. 21A.38.020 and
243	21A.38.040.

244 L. The White Center Community Plan Area Zoning, as revised in the 245 Attachments to Ordinance 11568, is the official zoning for those portions of White Center 246 in unincorporated King County defined herein. 247 M. Ordinance 12824 completes the zoning conversion process begun in 248 Ordinance 11653, as set forth in K.C.C. 21A.01.070, by retaining, repealing, replacing or 249 amending previously adopted p-suffix conditions or property-specific development 250 standards pursuant to K.C.C. 21A.38.020 and K.C.C. 21A.38.030 as follows: 251 1. Resolutions 31072, 32219, 33877, 33999, 34493, 34639, $35137((\frac{1}{2}))$ and 252 37156 adopting individual zone reclassifications are hereby repealed and p-suffix 253 conditions are replaced by the property specific development standards as set forth in 254 Appendix A to Ordinance 12824; 255 2. All ordinances adopting individual zone reclassifications effective before 256 February 2, 1995, including but not limited to Ordinances 43, 118, 148, 255, 633, 1483, 257 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765, 2781, 258 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313, 3360, 3424, 3494, 3496, 3501, 259 3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051, 4053, 260 4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867, 4812, 261 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171, 5184, 262 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854, 5984, 263 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832, 6885, 264 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653, 7677, 265 7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375, 8427,

8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865, 8866,

267	9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194, 10287,
268	10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271 and 11651, are hereby
269	repealed and p-suffix conditions are replaced by the property specific development
270	standards as set forth in Appendix A to Ordinance 12824;
271	3. All ordinances establishing individual reclassifications effective after

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- February 2, 1995, are hereby amended, as set forth in Appendix C to Ordinance 12824, to retain, repeal or amend the property specific development standards (p-suffix conditions) contained therein;
- 4. All ordinances adopting area zoning pursuant to Resolution 25789 or converted by Ordinance 11653 are repealed as set forth in subsection M.4.a. through n. of this section. All p-suffix conditions contained therein are repealed or replaced by adopting the property specific development standards as set forth in Appendix A to Ordinance 12824, the special district overlays as designated in Appendix B to Ordinance 12824 or the special requirements as designated in Appendix A to Ordinance 12822.
- a. The Highline Area Zoning attached to Ordinance 3530, as amended, is hereby repealed.
- b. The Shoreline Community Plan Area Zoning, attached to Ordinance 5080 as
 Appendix B, as amended, is hereby repealed.
- 285 c. The Newcastle Community Plan Area Zoning, attached to Ordinance 6422
 286 as Appendix B, as amended is hereby repealed.
- d. The Tahoma/Raven Heights Community Plan Area Zoning, attached to
 Ordinance 6986 as Appendix B, as amended, is hereby repealed.

289	e. The Revised Federal Way area zoning, adopted by Ordinance 7746, as
290	amended, is hereby repealed.
291	f. The Revised Vashon Community Plan Area Zoning, attached to Ordinance
292	7837 as Appendix B, as amended, is hereby repealed.
293	g. The Bear Creek Community Plan Area Zoning, attached to Ordinance 8846
294	as Appendix B, as amended, is hereby repealed.
295	h. The Resource Lands Area Zoning, adopted by Ordinance 8848, as amended,
296	is hereby repealed.
297	i. The Snoqualmie Valley Community Plan Area Zoning, as adopted by
298	Ordinance 9118, is hereby repealed.
299	j. The Enumclaw Community Plan Area Zoning attached to Ordinance 9499,
300	as amended, is hereby repealed.
301	k. The Soos Creek Community Plan Update Area Zoning, adopted by
302	Ordinance 10197, Appendix B, as amended, is hereby repealed.
303	1. The Northshore Area Zoning adopted by Ordinance 10703 as Appendices B
304	and E, as amended, is hereby repealed.
305	m. The East Sammamish Community Plan Update Area Zoning, as revised in
306	Appendix B attached to Ordinance 10847, as amended, is hereby repealed.
307	n. The West Hill Community Plan Area Zoning adopted in Ordinance 11166,
308	as amended, is hereby repealed; and
309	5. All ordinances adopting area zoning pursuant to Title 21A and not converted
310	by Ordinance 11653, including community or Comprehensive Plan area zoning and all
311	subsequent amendments thereto, are amended as set forth in subsection M.5.a. through f.

312	of this section. All property specific development standards (p-suffix conditions) are
313	retained, repealed, amended or replaced by the property specific development standards
314	as set forth in Appendix A to Ordinance 12824, the special district overlays as designated
315	in Appendix B to Ordinance 12824 or the special requirements as designated in Appendix
316	A to Ordinance 12822.
317	a. The White Center Community Plan Area Zoning, contained in the
318	Attachments to Ordinance 11568, as ((subsequently amended, is hereby further))
319	amended as set forth in Appendix D to Ordinance 12824, Ordinance 19119 and this
320	ordinance.
321	b. All property specific development standards established in Ordinance
322	11653, as amended, are hereby amended as set forth in Appendix E to Ordinance 12824.
323	c. All property specific development standards established in Attachment A to
324	Ordinance 11747, as amended, are hereby amended as set forth in Appendix F.
325	d. All property specific development standards established in Ordinance
326	12061, as amended, are hereby amended as set forth in Appendix G to Ordinance 12824.
327	e. All property specific development standards established in Ordinance
328	12065, as amended, are hereby amended as set forth in K.C.C. 20.12.170.
329	f. All property specific development standards established in Attachment A to
330	Ordinance 12170, as amended, are hereby amended as set forth in Appendix H.
331	SECTION 5. Ordinance 2883, Section 1, as amended, and K.C.C. 20.12.240 are
332	hereby amended to read as follows:
333	The ((White Center Community Action Plan, a bound and published document
334	(Attachment I), as revised in the Attachments to Ordinance 11568)) North Highline

335 Community Service Area Subarea Plan, dated July 26, 2022, in Attachment C to this 336 ordinance, is adopted as ((an amplification and augmentation)) a subarea plan and an 337 element of the King County Comprehensive Plan ((for King County)) and, as such, 338 constitutes official county policy for the geographic area of unincorporated King County 339 defined ((therein)) in the plan. 340 SECTION 6. Ordinance 11166, Section 2, as amended, and K.C.C. 20.12.337 are 341 hereby amended to read as follows: 342 The ((West Hill Community Plan, a bound and published document, as revised in 343 the Attachments to Ordinance 11166, as supplemented by the Skyway-West Hill Land 344 Use Strategy, Phase 1 of the)) Skyway-West Hill Community Service Area Subarea Plan, 345 dated ((July 2020)) July 26, 2022, in Attachment B to this ordinance, is adopted as a 346 subarea plan and an element of the King County Comprehensive Plan and, as such, 347 constitutes official county policy for the geographic area of unincorporated King County 348 defined in the plan ((and strategy. In the case of conflict between the West Hill 349 Community Plan and the Skyway-West Hill Land Use Strategy, Phase 1 of the Skyway-350 West Hill Subarea Plan, the Skyway-West Hill Land Use Strategy, Phase 1 of the 351 Skyway-West Hill Subarea Plan, controls.)) 352 SECTION 7. Ordinance 10870, Section 340, as amended, and K.C.C. 353 21A.12.030 are hereby amended to read as follows:

A. Densities and dimensions - residential and rural zones.

RURAL				RESIDENTIAL									
STANDARDS	RA-	RA-	RA-	RA-20	UR	R-1	R-4	R-6	R-8	R-	R-	R-	R-
	2.5	5	10			(17)				12	18	24	48
Base Density:	0.2	0.2	0.1	0.05	0.2	1	4	6	8	12	18	24	48
Dwelling	du/a	du/a	du/ac	du/ac	du/ac	du/	du/	du/a	du/a	du/a	du/a	du/a	du/a

ATTACHMENT 2

Unit/Acre	С	c			(21)	ac	ac	С	c	c	С	c	c
(15) (28)							(6)						
Maximum	0.4						6	9	12	18	27	36	72
Density:	du/a						du/	du/a	du/a	du/a	du/a	du/a	du/a
Dwelling	c						ac	c	c	c	c	c	c
Unit/Acre	(20)						(22)	12	16	24	36	48	96
(1)							8	du/a	du/a	du/a	du/a	du/a	du/a
							du/	c	c	c	c	c	c
							ac	(27)	(27)	(27)	(27)	(27)	(27)
							(27)						
Minimum							85%	85%	85%	80%	75%	70%	65%
Density:							(12)	(12)	(12)	(18)	(18)	(18)	(18)
(2)							(18)	(18)	(18)				
							(23)						
Minimum Lot	1.87	3.75	7.5 ac	15 ac									
Area (13)	5 ac	ac											
Minimum Lot	135	135	135 ft	135 ft	35 ft	35 ft	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Width	ft	ft			(7)	(7)							
(3)													
Minimum Street	30 ft	30 ft	30ft	30 ft	30 ft	20 ft	10 ft	10ft	10 ft				
Setback	(9)	(9)	(9)	(9)	(7)	(7)	(8)	(8)	(8)	(8)	(8)	(8)	(8)
(3)						(29)							
Minimum	5 ft	10ft	10 ft	10 ft	5 ft								
Interior	(9)	(9)	(9)	(9)	(7)	(7)				(10)	(10)	(10)	(10)
Setback						(29)							
(3) (16)													
Base Height	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft	35 ft	35 ft	35 ft	60 ft	60 ft	60 ft	60 ft
(4)						(29)	(25)	45 ft	45 ft		80 ft	80 ft	80 ft
								(14)	(14)		(14)	(14)	(14)
								(25)	(25)				
Maximum	25%	20%	15%	12.5%	30%	30%	55%	70%	75%	85%	85%	85%	90%
Impervious	(11)	(11)	(11)	(11)	(11)	(11)	(26)	(26)	(26)	(26)	(26)	(26)	(26)
Surface:	(19)	(19)	(19)	(19)	(26)	(26)							
Percentage (5)	(26)	(26)	(24)	(26)									

				(26)										
355	B. Dev	elopm	nent co	onditio	ns.									
356	1. Thi	s max	imum	n densi	ty may	be ach	ieved o	only th	rough	the a	pplica	tion o	f <u>:</u>	
357	<u>a.</u> res	sident	ial de	nsity ii	ncentiv	es in ac	cordan	ice wit	h K.C	C.C. cl	napter	21A.:	34 or	
358	transfers of dev	elopn	nent r	ights in	accore	dance v	vith K.	C.C. c	haptei	: 21A.	.37, o	r any		
359	combination of	densi	ty inc	entive	or dens	sity trai	nsfer <u>; c</u>	<u>or</u>						
360	b. Fo	or proj	perties	s withi	n the S	kyway-	West I	Hill or	North	High	line c	ommı	<u>unity</u>	
361	service area sul	oarea j	planni	ing geo	<u>ographi</u>	es, only	as pro	ovided	in the	e inclu	ısiona	ry hoi	<u>ısing</u>	
362	regulations in I	K.C.C.	. chap	ter 21 <i>A</i>	4.XX (1	the nev	chapt	er esta	blishe	ed in s	ection	15 o	f this	
363	ordinance).													
364	2. Als	o see	K.C.O	C. 21A	.12.060).								
365	3. The	ese sta	ındard	ls may	be mod	dified u	nder th	ne prov	ision	s for z	ero-lo	ot-line	and	
366	townhouse dev	elopm	ents.											
367	4.a. H	eight	limits	may t	e incre	ased if	portio	ns of th	ne stru	ıcture	that e	exceed	l the	
368	base height lim	it pro	vide o	ne add	litional	foot of	street	and in	terior	setba	ck for	each	foot	
369	above the base	heigh	t limit	t, but tl	he max	imum l	neight 1	may no	ot exce	eed se	venty	-five	feet.	
370	((b.)) Netting o	r fenc	ing ar	nd supp	ort stru	uctures	for the	nettin	g or f	encing	g usec	l to co	ntain	
371	golf balls in the	opera	ation	of golf	course	s or go	lf drivi	ng ran	ges ar	e exe	mpt fi	om th	ie	
372	additional inter	ior se	tback	require	ements	but the	maxin	num h	eight s	shall r	not ex	ceed		
373	seventy-five fee	et, exc	cept fo	or recre	eation c	or multi	use pa	rks, wł	nere th	ne ma	ximuı	n heig	;ht	
374	shall not exceed	d one	hundr	ed twe	enty-fiv	e feet,	unless	a golf	ball tr	ajecto	ory stu	ıdy re	quires	3
375	a higher fence.													
376	((e.))	<u>b.</u> A	ccesso	ory dw	elling u	ınits an	d acces	ssory li	iving	quarte	ers sha	all not		
377	exceed base he	ights,	excep	ot that t	his req	uireme	nt shal	l not aj	oply to	o acce	essory	dwel	ling	

378	units constructed wholly within an existing dwelling unit.
379	5. Applies to each individual lot. Impervious surface area standards for:
380	a. Regional uses shall be established at the time of permit review;
381	b. Nonresidential uses in rural area and residential zones shall comply with
382	K.C.C. 21A.12.120 and 21A.12.220;
383	c. Individual lots in the R-4 through R-6 zones that are less than nine thousand
384	seventy-six square feet in area shall be subject to the applicable provisions of the nearest
385	comparable R-6 or R-8 zone; and
386	d. A lot may be increased beyond the total amount permitted in this chapter
387	subject to approval of a conditional use permit.
388	6. Mobile home parks shall be allowed a base density of six dwelling units per
389	acre.
390	7. The standards of the R-4 zone apply if a lot is less than fifteen thousand
391	square feet in area.
392	8. At least twenty linear feet of driveway shall be provided between any garage,
393	carport or other fenced parking area and the street property line. The linear distance shall
394	be measured along the center line of the driveway from the access point to such garage,
395	carport or fenced area to the street property line.
396	9.a. Residences shall have a setback of at least one hundred feet from any
397	property line adjoining A, M or F zones or existing extractive operations. However,
398	residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or
399	existing extractive operations shall have a setback from the rear property line equal to
400	fifty percent of the lot width and a setback from the side property equal to twenty-five

percent of the lot width.

- b. Except for residences along a property line adjoining A, M or F zones or existing extractive operations, lots between one acre and two and one-half acres in size shall conform to the requirements of the R-1 zone and lots under one acre shall conform to the requirements of the R-4 zone.
- 10.a. For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be ten feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet.
 - b. For townhouse and apartment development, the setback shall be twenty feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.
 - 11. Lots smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or larger, the maximum impervious surface area allowed shall be at least ten thousand square feet. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than one-half acre, an additional ten percent of the lot area may be used for structures that are determined to be medically necessary, if the applicant submits with the permit application a notarized affidavit, conforming with K.C.C. 21A.32.170A.2.

424	12. For purposes of calculating minimum density, the applicant may request that
425	the minimum density factor be modified based upon the weighted average slope of the
426	net buildable area of the site in accordance with K.C.C. 21A.12.087.
427	13. The minimum lot area does not apply to lot clustering proposals as provided
428	in K.C.C. chapter 21A.14.
429	14. The base height to be used only for projects as follows:
430	a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a
431	fifteen percent finished grade; and
432	b. in R-18, R-24 and R-48 zones:
433	(1) using residential density incentives and transfer of density credits in
434	accordance with this title; or
435	(2) for properties within the Skyway-West Hill or North Highline community
436	service area subarea planning geographies, only if meeting the requirements of K.C.C.
437	chapter 21A.XX (the new chapter established in section 15 of this ordinance).
438	15. Density applies only to dwelling units and not to sleeping units.
439	16. Vehicle access points from garages, carports or fenced parking areas shall
440	be set back from the property line on which a joint use driveway is located to provide a
441	straight line length of at least twenty-six feet as measured from the center line of the
442	garage, carport or fenced parking area, from the access point to the opposite side of the
443	joint use driveway.
444	17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to
445	be clustered if the property is located within or contains:
446	(1) a floodplain;

447	(2) a critical aquifer recharge area;
448	(3) a regionally or locally significant resource area;
449	(4) existing or planned public parks or trails, or connections to such facilities;
450	(5) a category type S or F aquatic area or category I or II wetland;
451	(6) a steep slope; or
452	(7) an urban separator or wildlife habitat network designated by the
453	Comprehensive Plan or a community plan.
454	b. The development shall be clustered away from critical areas or the axis of
455	designated corridors such as urban separators or the wildlife habitat network to the extent
456	possible and the open space shall be placed in a separate tract that includes at least fifty
457	percent of the site. Open space tracts shall be permanent and shall be dedicated to a
458	homeowner's association or other suitable organization, as determined by the director,
459	and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and
460	designated urban separators shall be placed within the open space tract to the extent
461	possible. Passive recreation, with no development of recreational facilities, and natural-
462	surface pedestrian and equestrian trails are acceptable uses within the open space tract.
463	18. See K.C.C. 21A.12.085.
464	19. All subdivisions and short subdivisions in R-1 and RA zones within the
465	North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North
466	Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and
467	Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East
468	Sammamish Community Planning Area that drains to Patterson Creek shall have a
469	maximum impervious surface area of eight percent of the gross acreage of the plat.

4/0	Distribution of the allowable impervious area among the platted lots shall be recorded on
471	the face of the plat. Impervious surface of roads need not be counted towards the
472	allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
473	more restrictive shall be required.
474	20. This density may only be achieved on RA 2.5 zoned parcels receiving
475	density from rural forest focus areas through a transfer of density credit pursuant to
476	K.C.C. chapter 21A.37.
477	21. Base density may be exceeded, if the property is located in a designated
478	rural city urban growth area and each proposed lot contains an occupied legal residence
479	that predates 1959.
480	22.a. The maximum density is four dwelling units per acre for properties zoned
481	R-4 when located in the Rural Town of Fall City.
482	b. For properties within the Skyway-West Hill or North Highline community
483	service area subarea planning geographies, only as provided in the inclusionary housing
484	regulations in K.C.C. chapter 21A.XX (the new chapter established in section 15 of this
485	ordinance).
486	23. The minimum density requirement does not apply to properties located
487	within the Rural Town of Fall City.
488	24. The impervious surface standards for the county fairground facility are
489	established in the King County Fairgrounds Site Development Plan, Attachment A to
490	Ordinance 14808 on file at the department of natural resources and parks and the
491	department of local services, permitting division. Modifications to that standard may be
492	allowed provided the square footage does not exceed the approved impervious surface

493	square footage established in the King County Fairgrounds Site Development Plan
494	Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808,
495	by more than ten percent.
496	25. For cottage housing developments only:
497	a. The base height is twenty-five feet.
498	b. Buildings have pitched roofs with a minimum slope of six and twelve may
499	extend up to thirty feet at the ridge of the roof.
500	26. Impervious surface does not include access easements serving neighboring
501	property and driveways to the extent that they extend beyond the street setback due to
502	location within an access panhandle or due to the application of King County Code
503	requirements to locate features over which the applicant does not have control.
504	27. Only in accordance with:
505	<u>a.</u> K.C.C. 21A.34.040.F.1.g., F.6. or K.C.C. 21A.37.130.A.2; or
506	b. For properties within the Skyway-West Hill or North Highline community
507	service area subarea planning geographies, only as provided in the inclusionary housing
508	regulations in K.C.C. chapter 21A.XX (the new chapter established in section 15 of this
509	ordinance).
510	28. On a site zoned RA with a building listed on the national register of historic
511	places, additional dwelling units in excess of the maximum density may be allowed under
512	K.C.C. 21A.12.042.
513	29. Height and setback requirements shall not apply to regional transit authority
514	facilities.
515	SECTION 8. Ordinance 10870, Section 341, as amended, and K.C.C.

516 21A.12.040 are hereby amended to read as follows:

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

	RESOURCE				COMMERCIAL/INDUSTRIAL					
	AGRIC	CULTURE	F	M	NEIGHBOR	COMMUNI	REGIONA	0	I	
Z			О	I	-HOOD	TY	L	F	N	
0			R	N	BUSINESS	BUSINESS	BUSINESS	F	D	
N			Е	Е				I	U	
Е			S	R				C	S	
S			T	A				Е	Т	
				L					R	
									I	
									A	
									L	
STANDARDS	A-10	A-35	F	M	NB	СВ	RB	О	I	
Base Density:	0.1	.0286	.0125		8 du/ac	48 du/ac	36 du/ac (2)	48		
Dwelling	du/ac	du/ac	du/ac		(2)	(2)	48 du/ac (1)	du/ac		
Unit/Acre (19)								(2)		
Maximum					12 du/ac	72 du/ac	48 du/ac	72		
Density:					(3)	(16)	(3)	du/ac		
Dwelling					16 du/ac	96 du/ac	72 du/ac	(16)		
Unit/Acre					(15)	(17)	(16) 96	96		
							du/ac (17)	du/ac		
								(17)		
Minimum Lot	10	35 acres	80	10						
Area	acres		acres	acres						
Maximum Lot	4 to 1	4 to 1								
Depth/										
Width										
Ratio										
Minimum	30 ft	30 ft (4)	50 ft	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft	
Street	(4)		(4)							
Setback										
Minimum	10 ft	10 ft (4)	100 ft	(12)	10 ft (18)	20 ft (7)	20 ft (7)	20 ft	20 ft (7)	

Interior	(4)		(4)		20 ft (14)			(7)	50 ft (8)
Setback									
Base Height	35 ft	35 ft	35 ft	45 ft	45 ft				
(10)					45 ft (6)	60 ft (6)	65 ft (6)	65 ft	
						65 ft (17)		(6)	
Maximum					1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1	2.5/1
Floor/Lot								(9)	
Ratio:									
Square Feet									
Maximum	15%	10%	10%		85%	85%	90%	75%	90%
Impervious	35%	35%	35%						
Surface:	(11)	(11)	(11)						
Percentage									
(13)									

B. Development conditions.

- 1. In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.
- 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.
 - 3. These densities may only be achieved:
- a. through the application of residential density incentives or transfer of development rights in mixed-use developments and, in the NB 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
- b. for properties within the Skyway-West Hill or North Highline community service area subarea planning geographies, as provided in the inclusionary housing regulations in K.C.C. chapter 21A.XX (the new chapter established in section 15 of this

532	ordinance).
533	4.a. in the F zone, scaling stations may be located thirty-five feet from property
534	lines. Residences shall have a setback of at least thirty feet from all property lines.
535	b. for lots between one acre and two and one-half acres in size, the setback
536	requirements of the R-1 zone shall apply. For lots under one acre, the setback
537	requirements of the R-4 zone shall apply.
538	c. for developments consisting of three or more single-detached dwellings
539	located on a single parcel, the setback shall be ten feet along any property line abutting
540	R-1 through R-8, RA and UR zones.
541	5. Gas station pump islands shall be placed no closer than twenty-five feet to
542	street front lines.
543	6. This base height allowed only for mixed-use developments and for stand-
544	alone townhouse development in the NB zone on property designated commercial outside
545	of center in the urban area.
546	7. Required on property lines adjoining rural area and residential zones.
547	8. Required on property lines adjoining rural area and residential zones for
548	industrial uses established by conditional use permits.
549	9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C.
550	chapter 21A.14.
551	10. <u>a.</u> Height limits may be increased if portions of the structure building that
552	exceed the base height limit provide one additional foot of street and interior setback for
553	each foot above the base height limit, provided the maximum height may exceed seventy-
554	five feet only in mixed use developments. Netting or fencing and support structures for

555	the netting or fencing used to contain golf balls in the operation of golf courses or golf
556	driving ranges are exempt from the additional interior setback requirement provided that
557	the maximum height shall not exceed seventy-five feet.
558	b. For properties within the Skyway-West Hill or North Highline community
559	service area subarea planning geographies, building height may only be increased beyond
560	the height allowed in subsection B.6. of this section if meeting the requirements of
561	K.C.C. chapter 21A.XX (the new chapter established in section 15 of this ordinance).
562	11. Applicable only to lots containing less than one acre of lot area.
563	Development on lots containing less than fifteen thousand square feet of lot area shall be
564	governed by impervious surface standards of the nearest comparable R-4 through R-8
565	zone.
566	12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.
567	13. The impervious surface area for any lot may be increased beyond the total
568	amount permitted in this chapter subject to approval of a conditional use permit.
569	14. Required on property lines adjoining rural area and residential zones unless
570	a stand-alone townhouse development on property designated commercial outside of
571	center in the urban area is proposed to be located adjacent to property upon which an
572	existing townhouse development is located.
573	15.a. Only as provided for walkable communities under K.C.C. 21A.34.040.F.8.
574	well-served by transit or for mixed-use development through the application of rural area
575	and residential density incentives under K.C.C. 21A.34.040.F.1.g; or
576	b. For properties within the Skyway-West Hill or North Highline community
577	service area subarea planning geographies, only as provided in the inclusionary housing

578	regulations in K.C.C. chapter 21A.XX (the new chapter established in section 15 of this
579	ordinance).
580	16.a. Only for mixed-use development through the application of residential
581	density incentives under K.C.C. chapter 21A.34 or the transfer of development rights
582	under K.C.C. chapter 21A.37. In the RB zone on property located within the Potential
583	Annexation Area of a rural city, this density is not allowed; or
584	b. For properties within the Skyway-West Hill or North Highline community
585	service area subarea planning geographies, only as provided in the inclusionary housing
586	regulations in K.C.C. chapter 21A.XX (the new chapter established in section 15 of this
587	ordinance).
588	17.a. Only for mixed-use development through the application of residential
589	density incentives through the application of residential density incentives under K.C.C.
590	chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37.
591	Upper-level setbacks are required for any facade facing a pedestrian street for any portion
592	of the structure greater than forty-five feet in height. The upper_level setback shall be at
593	least one foot for every two feet of height above forty-five feet, up to a maximum
594	required setback of fifteen feet. The first four feet of horizontal projection of decks,
595	balconies with open railings, eaves, cornices((5)) and gutters shall be permitted in
596	required setbacks. In the RB zone on property located within the Potential Annexation
597	Area of a rural city, this density is not allowed; or
598	b. For properties within the Skyway-West Hill or North Highline community
599	service area subarea planning geographies, only as provided in the inclusionary housing
600	regulations in K.C.C. chapter 21A.XX (the new chapter established in section 15 of this

601	ordinance).
602	18. Required on property lines adjoining rural area and residential zones only
603	for a social service agency office reusing a residential structure in existence on January 1,
604	2010.
605	19. On a site zoned A with a building designated as a county landmark in
606	accordance with the procedures in K.C.C. 20.62.070, additional dwelling units in excess
607	of the maximum density may be allowed under K.C.C. 21A.12.042.
608	SECTION 9. Ordinance 10870, Section 561 and K.C.C. 21A.34.020 are hereby
609	amended to read as follows:
610	A. Residential density incentives (RDI) shall be used only on sites served by
611	public sewers and only in the following zones:
612	$((A_{-}))$ 1. In R-4 through R-48 zones; and
613	((B-)) 2. In NB, CB, RB and O zones when part of a mixed((-))-use development.
614	B. RDI shall not be applied within the Skyway-West Hill or North Highline
615	community service area subarea planning geographies.
616	SECTION 10. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010
617	are hereby amended to read as follows:
618	A. The purpose of the transfer of development rights program is to transfer
619	residential density from eligible sending sites to eligible receiving sites through a
620	voluntary process that permanently preserves urban, rural and resource lands that provide
621	a public benefit. The TDR provisions are intended to supplement land use regulations,
622	resource protection efforts and open space acquisition programs and to encourage
623	increased residential development density or increased commercial square footage

624	especially inside cities, where it can best be accommodated with the least impacts on the
625	natural environment and public services by:
626	1. Providing an effective and predictable incentive process for property owners
627	of rural, resource and urban separator land to preserve lands with a public benefit as
628	described in K.C.C. 21A.37.020; and
629	2. Providing an efficient and streamlined administrative review system to ensure
630	that transfers of development rights to receiving sites are evaluated in a timely way and
631	balanced with other county goals and policies, and are adjusted to the specific conditions
632	of each receiving site.
633	B. The TDR provisions in this chapter shall only apply to TDR receiving site
634	development proposals:
635	1. submitted on or after September 17, 2001, and applications for approval of
636	TDR sending sites submitted on or after September 17, 2001; and
637	2. For properties within the Skyway-West Hill or North Highline community
638	service area subarea planning geographies, only as provided in K.C.C. chapter 21A.XX.
639	(the new chapter established in section 15 of this ordinance).
640	SECTION 11. Ordinance 13733, Section 12, as amended, and K.C.C.
641	21A.37.130 are hereby amended to read as follows:
642	A.1. The sale of development rights by the TDR bank shall be at a price that
643	equals or exceeds the fair market value of the development rights, except as provided in
644	subsection A.2. of this section. The fair market value of the development rights shall be
645	established by the department of natural resources and shall be based on the amount the
646	county paid for the development rights and the prevailing market conditions.

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

- b. In order to qualify for this program, all units built using the development rights must be either:
- (1) rental housing permanently priced to serve households with a total household income at or below ((forty)) sixty percent of the median income for the county as defined by the United States Department of Housing and Urban Development, adjusted for household size. A covenant on the property that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval; or
- (2) housing reserved for income- and asset-qualified home buyers with total household income at or below ((forty)) sixty percent of the median income for the county as defined by the United Stated Department of Housing and Urban Development, adjusted for household size. The units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with no restriction placed on resale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.
- c. In unincorporated King County, in the R-4 through R-48 zones, development rights to build units through this pilot program shall only be sold for units between one hundred fifty percent and two hundred percent of the receiving site's base

density as set forth in K.C.C. 21A.12.030.

- d.(1) The department of natural resources and parks shall track the sale of development rights and completion of units constructed through this program. When the one hundred unit threshold is reached, the department shall, within six months of that date, transmit a report to the council that includes, but is not limited to:
- (a) the location of the receiving sites where development rights under this pilot program were used;
- (b) lessons learned from the pilot program, including feedback from developers who purchased development rights through the program; and
- (c) a recommendation on whether to make the pilot program permanent, repeal the program((₇)) or modify the program.
- (2) the report shall be accompanied by a proposed ordinance effectuating the recommendation in subsection A.2.d.(1)(c) of this section.
- (3) the report and proposed ordinance shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff to the mobility and environment committee or its successor.
- B. When selling development rights, the TDR bank may select prospective purchasers based on the price offered for the development rights, the number of development rights offered to be purchased((,)) and the potential for the sale to achieve the purposes of the TDR program.
- 691 C. The TDR bank may sell development rights only in whole or half increments 692 to incorporated receiving sites through an interlocal agreement or, after the county enacts

legislation that complies with chapter 365-198 WAC, to incorporated receiving sites in a city that has enacted legislation that complies with chapter 365-198 WAC. The TDR bank may sell development rights only in whole increments to unincorporated King County receiving sites.

- D. All offers to purchase development rights from the TDR bank shall be in writing, shall include a certification that the development rights, if used, shall be used only inside an identified city or within the urban unincorporated area, include a minimum ten percent down payment with purchase option, shall include the number of development rights to be purchased, location of the receiving site, proposed purchase price and the required date or dates for completion of the sale, not later than three years after the date of receipt by King County of the purchase offer.
- E. Payment for purchase of development rights from the TDR bank shall be in full at the time the development rights are transferred unless otherwise authorized by the department of natural resources and parks.
- <u>SECTION 12.</u> Ordinance 11567, Section 1, as amended, and K.C.C. 21A.38.100 are hereby amended to read as follows:
- A. The purpose of the <u>North Highline</u> commercial((//)) <u>and</u> industrial special district overlay is to accommodate and support existing commercial((//)) <u>and</u> industrial areas ((outside of activity centers by providing incentives for the redevelopment of underutilized commercial or industrial lands and)) by permitting a range of appropriate uses consistent with ((maintaining the quality of)) nearby residential areas.

714	B. The ((eommercial/industrial)) special district overlay shall be designated only
715	through the area zoning process and applied to areas substantially developed with a mix
716	of commercial and light industrial uses and zoned CB, RB, O or I.
717	C. The standards of this title and other county codes shall be applicable to
718	development within the ((eommercial/industrial)) special district overlay except as
719	follows:
720	1. Legally established commercial or industrial uses that exist within an area as
721	of ((the effective date of legislation applying the commercial/industrial special district
722	overlay)) November 28, 1994, but that are not otherwise permitted by the zoning, shall be
723	considered permitted uses upon only the lots that they occupied as of that date.
724	2. Permitted uses shall include those of the base zone and I zone, ((with the
725	exception of)) except that the following are not allowed:
726	a. any use permitted in the I zone requiring a conditional use permit;
727	b. auction houses;
728	c. livestock sales;
729	d. ((SIC Industry Group 201 (meat products);
730	e. SIC Industry Group 202 (dairy products);
731	f. SIC Industry Group 204 (grain mill products);
732	g. SIC Industry Group 207 (fats and oils);
733	h.)) motor vehicle and boat dealers;
734	((i.)) e. SIC Major Group 24 (lumber and wood products, except furniture)
735	except 2431 (millwork) and 2434 (wood kitchen cabinets);
736	((j. SIC Industry Group 311 (leather tanning and finishing);

131	$\frac{\text{k.}}{\text{Major Group }}$ 32 (stone, clay, glass and concrete products);
738	((l. SIC Industry 3999 (manufacturing industries, not elsewhere classified)
739	dressing of furs, fur stripping and pelts only;
740	m.)) g. SIC Industry 7534 (tire retreading);
741	((n.)) h. SIC Major Group 02 (((agricultural production—livestock and animal
742	specialties)) raising livestock and small animals);
743	((e.)) i. SIC Industry 2951 (asphalt paving mixtures and blocks);
744	((p.)) <u>j.</u> resource accessory uses;
745	$((q_{\overline{+}}))$ <u>k.</u> outdoor storage of equipment or materials occupying more than
746	twenty-five percent of the site associated with((÷
747	(1) SIC Major Group 15 (building construction-contractors and operative
748	builders);
749	(2) SIC Major Group 16 (heavy construction other than building
750	construction-contractors);
751	(3) SIC Major Group 17 (construction special trade contractors); and
752	(4))) SIC Industry 7312 (outdoor advertising services); and
753	$((\mathbf{r}.))$ <u>l.</u> interim recycling facilities on lots that directly abut properties outside
754	of the <u>special</u> district <u>overlay</u> .
755	3. Use limitations of the base zone shall not apply to commercial/industrial
756	accessory uses.
757	4. ((The minimum parking requirements of this title shall be reduced as follows,
758	except that the reductions do not apply to new construction on vacant property or the

759	vacant portions of partially-developed property where that construction is not an
760	enlargement or replacement of an existing building:
761	a. the parking stall requirements are reduced one hundred percent, but only if:
762	(1) the square footage of any enlargement or replacement of an existing
763	building does not in total exceed one hundred twenty-five percent of the square footage
764	of the existing building;
765	(2) the building fronts on an existing roadway improved to urban standards or
766	a roadway programmed to be improved to urban standards as a capital improvement
767	project, that accommodates on-street parking; and
768	(3) there is no net decrease in existing off-street parking space; and
769	b. the parking stall requirements are reduced fifty percent, but only if:
770	(1) the square footage of any enlargement or replacement of an existing
771	building in total exceeds one hundred twenty-five percent of the square footage of the
772	existing building;
773	(2) the height of the enlarged or replacement building does not exceed the
774	base height of the zone in which it is located;
775	(3) the building fronts on an existing roadway improved to urban standards or
776	a roadway programmed to be improved to urban standards as a capital improvement
777	project, that accommodates on-street parking; and
778	(4) there is no net decrease in existing off-street parking spaces, unless it
779	exceeds the minimum requirements of subsection C.4.b.
780	5. The landscaping requirements of this title shall be waived, but only if:

781	a. street trees, installed and maintained by the adjacent property owner, shall be
782	substituted in lieu of landscaping;
783	b.(1) except as otherwise provided in 4.b.(2) of this subsection, any portion of
784	the overlay district that directly abuts properties outside of the district shall provide,
785	along those portions, a landscape buffer area no less than fifty percent of that required by
786	this title, and areas of a lot used for outdoor storage of equipment or materials shall be
787	screened from adjacent R zone properties by use of no less than ten feet of Type 1
788	landscaping or a totally view obscuring fence or structure; and
789	(2) if required parking for a development proposal is located on properties
790	outside of the district that directly abut the site, the landscape buffer required by 6.b.(1)
791	of this subsection may be place on the perimeter of the properties on which the parking is
792	located that abut other properties outside of this district.
793	6. The setback requirements of this title shall be waived, but only if:
794	a. setback widths along any street that is not an alley forming a boundary of the
795	overlay district shall comply with this title; and
796	b. any portion of the overlay district that directly abuts properties outside of
797	the district shall provide, along those portions, a setback no less than fifty percent of that
798	required by this title.
799	7. The building height limits of this title shall be waived, except that the height
800	limit within fifty feet of the perimeter of the overlay district shall be thirty feet.
801	8. Signage shall be limited to that allowed within the CB zone.

802	9. The roadway improvements of the King county Code shall be waived, but
803	only if a no-protest agreement to participate in future road improvement districts (RID) is
804	signed by an applicant and recorded with the county.
805	10. The pedestrian circulation requirements of this title shall be waived.
806	11. The impervious surface and lot coverage requirements of this title shall be
807	waived)) For nonresidential development, off-street parking shall be no less than twenty-
808	five percent and no more than seventy-five percent of the minimum required in K.C.C.
809	chapter 21A.18.
810	D. For properties that have frontage on a pedestrian street or streets or route or
811	routes as designated in an applicable plan or area zoning process, except for gasoline
812	service stations (SIC 5541) and grocery stores (SIC 5411) that also sell gasoline, the
813	following conditions shall apply:
814	1. Main building entrances shall be oriented to the pedestrian street;
815	2. At the ground floor (at grade), buildings shall be located no more than five
816	feet from the sidewalk or sidewalk improvement, but in no instance shall encroach on the
817	public right-of-way;
818	3. Building facades shall comprise at least seventy-five percent of the total
819	pedestrian street frontage for a property, and if applicable, at least seventy-five percent of
820	the total pedestrian route frontage for a property;
821	4. Minimum side setbacks of the underlying zoning are waived;
822	5. Building facades of ground floor retail, general business service((5)) and
823	professional office land uses, that front onto a pedestrian street or route shall include
824	windows and overhead protection;

825	6. Building facades, along a pedestrian street or route, that are without
826	ornamentation((5)) or are comprised of uninterrupted glass curtain walls or mirrored glass
827	are not permitted; and
828	7. Vehicle access shall be limited to the rear access alley or rear access street
829	where such an alley or street exists.
830	NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter
831	21A.38 a new section to read as follows:
832	A. The purpose of the Skyway microenterprise special district overlay is to
833	promote small-scale commercial opportunities and provide for pedestrian-oriented retail
834	and service commercial areas that complement and link to nearby CB zones. The special
835	district overlay shall only be established in the Skyway-West Hill subarea planning
836	geography, areas designated as an unincorporated center on the adopted Urban Centers
837	map of the King County Comprehensive Plan and on properties zoned NB or O.
838	B. In addition to the development standards in this title, the following
839	development standards shall also apply to commercial development within the special
840	district overlay. Where a conflict exists, the following standards shall apply:
841	1. Commercial space shall not be larger than one thousand square feet in size;
842	2. Parking shall comply with the standards of K.C.C. chapter 21A.18, except
843	that:
844	a. required off-street parking and access shall be to rear or side of building; and
845	b. on-street parking within two hundred and fifty feet of the site may be
846	counted toward the off-street parking requirement for the commercial uses;

847	3. Permitted uses shall be those uses permitted in the underlying zone,
848	excluding the following:
849	a. automotive repair;
850	b. automotive service;
851	c. gasoline service stations;
852	d. uses with drive-through facilities;
853	e. vactor waste receiving facility;
854	f. self-service storage;
855	g. cemetery, columbarium or mausoleum;
856	h. automobile parking, unless accessory to a permitted primary use occurring
857	on the property; and
858	i. interim recycling facility; and
859	4. In addition to the uses permitted in the underlying zone, the following uses
860	shall also be permitted:
861	a. apparel and accessory stores;
862	b. furniture and home furnishings stores;
863	c. Used goods: antiques/secondhand shops; and
864	d. Jewelry stores.
865	NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter
866	21A.38 a new section to read as follows:
867	A. The purpose of the North Highline pedestrian-oriented special district overlay
868	is to require pedestrian-oriented development that facilitates walkability and connectivity
869	between commercial areas and community amenities in North Highline's downtown core

870	B. In addition to the development standards in this title, the following
871	development standards shall also apply to development within the special district overlay
872	Where a conflict exists, the following standards shall apply:
873	1. Main building entrances shall be oriented to a public street;
874	2. At the ground floor, also known as "at grade," buildings shall be located no
875	more than five feet from the sidewalk or sidewalk improvement, but shall not encroach
876	on the public right-of-way;
877	3. Building facades shall comprise at least seventy-five percent of the total stree
878	frontage for a property;
879	4. Building facades shall include windows and overhead protection;
880	5. Building facades that are without ornamentation or are comprised of
881	uninterrupted glass curtain walls or mirrored glass are not permitted;
882	6. Vehicle access shall be limited to the rear access alley where such an alley
883	exists;
884	7. For nonresidential development, off-street parking shall be no less than
885	twenty-five percent and no more than seventy-five percent of the minimum required in
886	K.C.C. chapter 21A.18; and
887	8. Marijuana processors and producers are not allowed uses.
888	SECTION 15. Sections 16 through 24 of this ordinance should constitute a new
889	chapter in K.C.C. Title 21A.
890	NEW SECTION. SECTION 16. There is hereby added to the chapter established
891	in section 15 of this ordinance a new section to read as follows:
892	The purpose of this chapter is to establish inclusionary housing regulations that

893	provide for the creation of new affordable dwelling units in areas with a high risk for
894	displacement due to the potential for new development and redevelopment in those
895	communities.
896	NEW SECTION. SECTION 17. There is hereby added to the chapter established
897	in section 15 of this ordinance a new section to read as follows:
898	The definitions in K.C.C. chapter 21A.06 and the following definitions apply to
899	this chapter unless the context clearly requires otherwise. Where definitions in this
900	section differ from the definitions in K.C.C. chapter 21A.06, the following definitions
901	shall control.
902	A. "Affordable dwelling unit" means a dwelling unit reserved for occupancy by
903	households having housing expenses at an affordability level no greater than thirty (30)
904	percent of a given percent of the King County median household income (AMI), adjusted
905	for household size.
906	B. "Area Median Income" or "AMI" means the median household income for
907	King County as established by the United States Department of Housing and Urban
908	Development.
909	C. "Dwelling unit" is as defined in K.C.C. 21A.06.345 through 21A.06.370,
910	except for accessory dwelling units as defined in K.C.C. 21A06.350.
911	D. "Market-rate dwelling unit" means a dwelling unit that is not restricted to a
912	specified affordable rent or sale price.
913	E. "Total allowed density" means total number of both market-rate dwelling units
914	and affordable dwelling units allowed to be constructed in a development based on the
915	maximum density allowed in this chapter.

916 <u>NEW SECTION. SECTION 18.</u> There is hereby added to the chapter established 917 in section 15 of this ordinance a new section to read as follows:

A. This section shall apply within the Skyway and White Center Unincorporated Activity Centers, as designated by the King County Comprehensive Plan.

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B. New or substantially improved residential or mixed-use developments shall provide affordable dwelling units in accordance with the standards listed below.

Mandatory Affordability Requirements		
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%

mixed-use developments providing affordable dwelling units in subsection B. may be increased to one-hundred and fifty percent of the base density allowed in the zone as

C. The maximum density for new and substantially improved residential or

established in K.C.C. chapter 21A.12 if the development provides affordable dwelling

units at the rate established by the standards in subsection B. of this section.

<u>NEW SECTION. SECTION 19.</u> There is hereby added to the chapter established in section 15 of this ordinance a new section to read as follows:

A. This section shall apply within the Skyway-West Hill and North Highline community service area subarea planning geographies outside of the Skyway and White Center Unincorporated Activity Centers, as designated by the King County Comprehensive Plan.

B. New or substantially improved residential or mixed-use developments shall only exceed the base density allowed in the zone as established in K.C.C. chapter 21A.12 if the development provides affordable dwelling units as established in subsections C. and D. of this section.

C.1. The maximum density for new and substantially improved residential or mixed-use developments may be increased to one hundred fifty percent of the base density if the development provides the following percentages of dwelling units at the following 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%

941 2. The maximum density may be increased by an additional fifty percent, for a 942 total of two hundred percent of the base density, if the developer utilizes transfers of 943 development rights in accordance with K.C.C. chapter 21A.37 for each additional 944

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

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

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

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

A. The total allowed density for dwelling units to be constructed shall be calculated by multiplying the site area as established in K.C.C. chapter 21A.12 by the applicable maximum residential density in this chapter. If the calculation of units results in a fraction, the fraction shall be rounded to the nearest whole number as follows:

- 1. Fractions of 0.50 or above shall be rounded up; and
- 2. Fractions below 0.50 shall be rounded down.

956	B. The number of required affordable dwelling units shall be calculated by
957	multiplying the total number of dwelling units to be constructed by the applicable
958	percentages of affordable dwelling units as established in this chapter.
959	1. If the calculation results in a fraction, the fraction shall be rounded to the
960	nearest whole number as follows:
961	a. Fractions of 0.50 or above shall be rounded up, and the affordable dwelling
962	unit shall be included in the development; or
963	b.(1) Fractions below 0.50 do not require an affordable unit to be provided in
964	the development. The applicant shall pay a fee based on the fraction multiplied by the
965	value of a single affordable dwelling unit.
966	(2) The fee and affordable dwelling unit value shall by calculated as
967	established by the department of community and human services.
968	(3) The revenues generated from the fee shall be dedicated to affordable
969	housing projects in the community where the development is occurring.
970	2. The number of required affordable dwelling units in the development shall be
971	provided as follows:
972	a. Studio, one-bedroom and two-bedroom dwelling units meeting the
973	affordability requirements in this chapter shall be counted as one affordable dwelling
974	unit;
975	b. Three-bedroom dwelling units meeting the affordability requirements of this
976	chapter shall be counted as one and one-half affordable dwelling units; and
977	c. Dwelling units meeting the affordability requirements of this chapter and

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

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979	C. The total number of market-rate dwelling units and affordable dwelling units
980	shall not exceed the total allowed density as established in subsection A. of this section.
981	NEW SECTION. SECTION 21. There is hereby added to the chapter established
982	in section 15 of this ordinance a new section to read as follows:
983	A. As a condition of development permit issuance, the department shall approve
984	the preliminary calculation of the number of required affordable dwelling units and
985	allowed market-rate dwelling units.
986	B.1. As a condition of issuance for the certificate of occupancy for the dwelling
987	units, the department shall approve the final calculation of the number of required
988	affordable dwelling units and constructed market-rate dwelling units. Within thirty days
989	of issuance, a covenant or deed restriction on the property shall be recorded reflecting the
990	following:
991	a. a statement that the length of the term of the affordability shall be for the life
992	of the development project or fifty years, whichever is longer;
993	b. the total allowed density;
994	c. the number of market-rate dwelling units;
995	d. the number and affordability of owner-occupied and rental affordable
996	dwelling units based on the standards of this chapter; and
997	e. signatures of the property owner and the director.
998	2. The covenant or deed restriction shall be subject to review and approval by
999	the department of community and human services before recording.
1000	NEW SECTION. SECTION 22. There is hereby added to the chapter established
1001	in section 15 of this ordinance a new section to read as follows:

1002	For developments subject to this chapter:
1003	A. The affordable dwelling units shall:
1004	1. Have a similar or larger unit size and bedroom count as the market-rate
1005	dwelling units in the development;
1006	2. Be integrated throughout the development;
1007	3. Be constructed with materials and finishes of comparable quality and
1008	workmanship as the market-rate dwelling units in the development; and
1009	4. Meet accessibility standards at the same ratio as required by the development.
1010	B. All the dimensional standards of K.C.C. chapter 21A.12 and any applicable
1011	property-specific development standards and special district overlays apply, except as
1012	specifically prescribed by this chapter.
1013	C. Except for properties subject to P-Suffix XX-PXX (the p-suffix established in
1014	Map Amendment 17 of Attachment D to this ordinance), which shall follow the height
1015	limits set in the overlay, height limits are as follows:
1016	1. In the R-18, R-24 and R-48 zones, eighty feet;
1017	2. In the NB zone, sixty-five feet;
1018	3. In the CB zone, eighty feet; and
1019	4. In the RB and O zones, eighty-five feet.
1020	D. In the R-18, R-24 and R-48 zones, any portion of a building that exceeds the
1021	lowest base height for the zone set forth in K.C.C. chapter 21A.12 shall be set back an
1022	additional ten feet from the street property line and interior property line.
1023	E. In the NB, CB, RB and O zones, any portion of a building that exceeds the
1024	base height allowed for the zone by K.C.C. 21A.12.040.B.6. shall be set back an

1025	additional ten feet from the street property line and interior property line.
1026	F.1. The parking standards of K.C.C. chapter 21A.18 apply, except that required
1027	off-street parking shall be reduced to one space per dwelling unit.
1028	2. An additional parking waiver of up to fifty percent may be approved with
1029	completion of parking study in accordance with K.C.C. 21A.18.030.B.
1030	3. Nonresidential uses of the project, if any, shall provide parking in accordance
1031	with K.C.C. chapter 21A.18 or any applicable property-specific development standards
1032	and special district overlays.
1033	NEW SECTION. SECTION 23. There is hereby added to the chapter established
1034	in section 15 of this ordinance a new section to read as follows:
1035	For developments subject to this chapter:
1036	A.1. At the time of submittal of a building permit application to the department,
1037	applicants shall submit a community preference and affirmative marketing plan to the
1038	department of community and human services. The plan must include:
1039	a. a tenant selection process that provides a preference for no more than forty
1040	percent of affordable dwelling units constructed in compliance with this chapter to
1041	housing applicants with a current or past connection to the Skyway-West Hill and North
1042	Highline community service area subarea planning geographies;
1043	b. an advertising and outreach plan designed to attract potential housing
1044	applicants regardless of protected class status as established by federal, state and local
1045	laws; and
1046	c. a process for housing applicants to file an appeal regarding the tenant
1047	selection process and verification of eligibility for preference.

1048	2. Before issuance of the building permit, the community preference and
1049	affirmative marketing plan shall be subject to review and approval by the department of
1050	community and human services.
1051	3. The department of community and human services may request refinements
1052	from the applicant to the community preference and affirmative marketing plan before
1053	approving;
1054	B.1. Applicants must submit a community preference and affirmative marketing
1055	report to the department of community and human services no less than sixty days before
1056	requesting a certificate of occupancy. The report must include:
1057	a. information describing the activities conducted to implement the community
1058	preference and affirmative marketing plan; and
1059	b. information regarding the number of housing applicants:
1060	(1) that requested a preference;
1061	(2) deemed eligible under the preference criteria; and
1062	(3) eligible for the preference that were selected for housing.
1063	2. Before issuance of the certificate of occupancy, the community preference
1064	and affirmative marketing report shall be subject to review and approval by the
1065	department of community and human services.
1066	3. The department of community and human services may request additional
1067	actions from the applicant before approving;
1068	C. The department of community and human services may request a subsequent
1069	report after the certificate of occupancy is approved to evaluate the community
1070	preference and affirmative marketing plan outcomes; and

1071	D. The department of community and human services shall provide guidance and
1072	technical assistance to the applicant to ensure the community preference and affirmative
1073	marketing plan and community preference and affirmative marketing report complies
1074	with federal, state and local laws and regulations.
1075	NEW SECTION. SECTION 24. There is hereby added to the chapter established
1076	in section 15 of this ordinance a new section to read as follows:
1077	This chapter may be modified for a development proposal, at the director's
1078	discretion, if an applicant demonstrates by a preponderance of the evidence that the cost
1079	of complying with this chapter is either unduly and negatively disproportionate to or does
1080	not address the harm this chapter is intended to prevent. Requests for such modifications
1081	shall clearly set forth the facts upon which the request for relief is sought.
1082	SECTION 25. The following are hereby repealed:
1083	A. Ordinance 11575, Section 2, as amended, and K.C.C. 20.12.015;
1084	B. Ordinance 11351, Section 1, as amended, and K.C.C. 21A.38.090;
1085	C. The White Center Community Action Plan portions of Attachments I, II, III
1086	and IV to Ordinance 11568; and
1087	D. Attachments I, II, III, IV and V to Ordinance 11166; and
1088	E. Attachments F and G to Ordinance 19146.
1089	SECTION 25. Severability. If any provision of this ordinance or its application
1090	to any person or circumstance is held invalid, the remainder of the ordinance or the
1091	application of the provision to other persons or circumstances is not affected."
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ATTACHMENT 2

1093	Strike Attachment B, Skyway-West Hill Community Service Area Subarea Plan, and
1094	insert Attachment B, Skyway-West Hill Community Service Area Subarea Plan, July 26,
1095	2022.
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1097	Strike Attachment C, North Highline Community Service Area Subarea Plan, and insert
1098	Attachment C, North Highline Community Service Area Subarea Plan, dated July 26,
1099	2022.
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