



King County

Signature Report

Ordinance: 2020-0032

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

File Number: 2020-0032

AN ORDINANCE relating to development regulations; adopting provisions for a microhousing demonstration project, in accordance with K.C.C. 21A.55.010; and adding a new section to K.C.C. chapter 21A.55.

PREAMBLE:

The availability of affordable housing is a regional vision as expressed in the Washington State Growth Management Act, Vision 2040 multicounty planning policies, the King County countywide planning policies, the Regional Affordable Housing Task Force Five Year Action Plan and the King County Comprehensive Plan.

In particular, the Comprehensive Plan includes specific policy direction to implement this regional vision on a local level, including: providing equitable opportunities for all individuals; allowing a variety of housing types; supporting and incentivizing housing that is affordable at all income levels; and, near frequent transit and commercial areas, encouraging increases in housing density and the siting affordable housing. The Vashon-Maury Island Community Service Area Subarea Plan also directs increasing the inventory of housing that is affordable to very-low-, low- and moderate-income populations on the island. Similarly, the White Center Action Plan directs expansion of opportunities for developing new housing to meet local housing needs, including affordable housing.

The Regional Affordable Housing Task Force Five Year Action Plan also recommends King County update zoning and land use regulations, including in single-family low-rise

zones, to increase and diversify housing choices, including but not limited to micro and efficiency units. Similarly, the King County Comprehensive Plan encourages exploration of alternative housing options and includes policy direction for creation of demonstration projects for new affordable housing models. It also allows impact fee exemptions for affordable housing developments. As a means to provide opportunities for lower rent housing options, the Comprehensive Plan also includes support for residential buildings with shared facilities, such as single-room occupancy buildings, boarding homes, micro-unit buildings and clustered micro homes as well as higher density ownership options, such as condominiums, cooperative mutual housing, cottage housing and other forms of clustered higher density ownership housing.

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

As directed by Workplan Action 6, in 2018 King County issued a request for proposals for alternative housing projects that could be authorized as part of this demonstration project ordinance. The request for proposals was informed by a request for information and an open house for developers held in early 2018 in order to learn more about perceived barriers to constructing alternative housing models. An interbranch group comprised of staff from the department of community and human services, the permitting division of the department of local services, public health - Seattle & King County, the King County

council and the office of performance strategy and budget participated in the review panel of the responses to the request for proposals. In April 2019 the review panel selected two proposals for inclusion in this demonstration project ordinance - one on Vashon Island and one in White Center. Public outreach about these proposals and the draft demonstration project ordinance occurred in July 2019.

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 21A.55 a new section to read as follows:

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

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

b. compare at least two alternative housing options and their accessibility for populations who are otherwise unable to find suitable housing, such as lower-income one person households, low-income seniors, the developmentally disabled, veterans and the homeless;

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

d. implement Phase I of King County Comprehensive Plan Workplan Action 6, as adopted in

Ordinance 18427, and as amended by Ordinances 18427 and 18810.

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

- a. the use of innovative design and development techniques to promote alternative housing options;
- b. the development of new affordable housing built to modern building standards; and
- c. the opportunity to identify and evaluate potential substantive changes to land use and development

regulations that support the development of affordable housing while maintaining community character.

B. The department of local services, permitting division shall implement the alternative housing demonstration project in the White Center neighborhood as described in Attachment A of this ordinance and in the Vashon Rural Town as described in Attachment B of this ordinance.

C.1. An applicant under this section, in conjunction with an application for a site development permit or a building permit, may request in writing a modification or waiver of the development regulations under the following chapters and titles and related public rules:

- a. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water Design Manual;
- b. King County road standards: K.C.C. chapter 14.42 and the county road standards, 2016

update;

- c. King County building code: K.C.C. Title 16;
- d. Permitted uses: K.C.C. chapter 21A.08;
- e. Density and dimensions: K.C.C. chapter 21A.12;
- f. Design requirements: K.C.C. chapter 21A.14;
- g. Landscaping and water use: K.C.C. chapter 21A.16;
- h. Parking and circulation: K.C.C. chapter 21A.18; and
- i. School impact fees: K.C.C. chapter 21A.43.

2. Requests for a waiver or modification made in accordance with this section shall be submitted to the department of local services, permitting division in writing before or in conjunction with a development permit or building permit application together with any supporting documentation. The supporting documentation must illustrate how the proposed modification meets the criteria in this section.

3. The notice of application, review and approval of a proposed modification or waiver under this section shall be treated as a Type 2 land use decision in accordance with K.C.C. 20.20.020. Approval or denial of the proposed modification or waiver shall not be construed as applying to any other development application either within a demonstration project area or elsewhere in the county.

4. A preapplication meeting with the applicant and the department of local services, permitting division to determine the need for and the likely scope of a proposed modification or waiver is required before submittal of such a request. If a modification or waiver requires approval of the department of natural resources and parks or the department of local services, roads services division, that department or division shall be invited to participate in the preapplication meeting.

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

6. If the applicant requests a variance from the county road standards, the director of the department of local services, permitting division shall refer the request to the county road engineer for decision under K.C.C. 14.42.060, with the right to appeal within the department of local services, road services division as

provided in K.C.C. 14.42.060 and the associated public rules. The department of local services, road services division shall consider the purposes of this demonstration project ordinance as a factor relative to the public interest requirement for road variances described in K.C.C. 14.42.060.

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

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

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

1. A demonstration project development proposal for a congregate residence, as defined in subsection E.1. of this section, in the White Center neighborhood identified in Attachment A of this ordinance, is a permitted use under K.C.C. 21A.08.030 and the maximum residential density provisions and the base height provisions of K.C.C. 21A.12.030 and 21A.12.040 do not apply if:

a. the proposal is for no more than a combined total of sixty dwelling units and sleeping units, as defined in subsection E.2. of this section;

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

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

2. A demonstration project development proposal for a congregate residence, as defined in subsection E.1. of this section, in Vashon Rural Town as identified in Attachment B of this ordinance is a permitted use under K.C.C. 21A.08.030 and the maximum residential density provisions of K.C.C.

21A.12.030 do not apply if:

a. the development proposal is for no more than five buildings each containing no more than a combined total of eight dwelling units and sleeping units, as defined in subsection E.2. of this section; and

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

E. For purposes of this section:

1. A congregate residence means a building that contains sleeping units, dwelling units, or a combination of sleeping and dwelling units and where residents share bathrooms or kitchen facilities, or both.

2. A sleeping unit means a room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

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

1. A congregate residence under this section shall include at least one complete common food preparation area. A room or portion of a room designed, arranged, intended or used for cooking or otherwise making food ready for consumption that contains at least one sink, a stove or range, a refrigerator and a countertop, shall be considered a complete food preparation area. In a congregate residence with more than two floors, at least one complete common food preparation area is required on each floor with sleeping units. In a congregate residence in more than one building, at least one complete common food preparation area is required in each building.

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

3. Communal areas, such as common kitchens, lounges, recreation rooms, dining rooms, living rooms, laundry rooms, foyers and lobbies, that are accessible to all residents of the congregate residence shall meet the following standards:

a. The total amount of communal area shall have a floor area that is at least twelve percent of the total floor area of all sleeping and dwelling units. In calculating the total floor area of sleeping units, the abutting ancillary areas associated with those rooms shall be included, such as sleeping lofts, counters, closets, built-ins and private bathrooms; and

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

G. A demonstration project subject to subsection D.2. of this section is eligible for the residential basics program for the structures authorized under that subsection, consistent with the department of local services public rules chapter 16-04: residential basics program.

H.1. An applicant for a development permit or building permit under this section shall include in its application a proposed agreement with King County that addresses at least the following to be undertaken by the applicant:

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

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

c. Measures to ensure that residents have available transportation choices to enable them reasonable access to retail and services, such as by King County metro access transportation, community service vans, bike storage rooms or a carshare service;

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

e. Measures to involve the local community in the proposed development; and

f. The information the applicant will collect and when and how it will be reported to the department of local services, permitting division, and the department of community and human services to assist in evaluation of the demonstration project.

2. The department shall not approve a development permit or building permit application under this section until the proposed agreement under this subsection has been approved by King County.

I. An approved development permit or a building permit under this section, including site plan elements or conditions of approval, may be amended or modified at the request of the applicant or the applicant's successor in interest designated by the applicant in writing. The director may administratively approve minor modifications to an approved permit. Modifications that result in major changes as determined by the department of local services, permitting division or as defined by the approval conditions shall be treated as a new application for purposes of vesting and shall be reviewed as applicable to the underlying application pursuant to K.C.C. 20.20.020. Any increase in the total number of sleeping units and dwelling units above the maximum number set forth in the development permit or building permit approval shall be deemed a major modification. The county, through the applicable development permit or building permit approval conditions, may specify additional criteria for determining whether proposed modifications are major or minor. The modifications allowed under this section supersede other modification or revision provisions of

K.C.C. Title 16 and this title.

J.1. To be eligible to use the provisions of this section, a demonstration project must be located on a demonstration project site identified in section 2 of this ordinance.

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

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

- a. increase the range of healthy affordable housing options;
- b. provide housing options for low- to moderate income households;
- c. provide for the development of lower rent housing options through construction of buildings with shared facilities;
- d. for projects with public funding, meet or exceed the sustainable development standards adopted by Washington department of commerce under RCW 39.35D.080;
- e. for projects without public funding, meet or exceed Master Builders Association of King and Snohomish Counties 4-star Built Green standard; and
- f. provide attractive and well-designed development.

SECTION 2. A. The department of local services, permitting division shall implement section 1 of this ordinance only in all or a portion of each of the following demonstration project sites: the White Center neighborhood as described in Attachment A to this ordinance; and the rural town of Vashon, as described in Attachment B to this ordinance.

B.1. Within two years after the latest of the final certificates of occupancy for the projects developed

under section 1 of this ordinance, the executive must file a report on the demonstration projects 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, the lead staff to the local services, regional roads and bridges committee or its successor and the lead staff to the health, housing and human services committee or its successor that:

- a. describes and evaluates the pertinent preliminary results from the demonstration projects; and
- b. recommends changes, if appropriate based on the evaluation, that should be made to the county

processes and development regulations.

2. If only insufficient or inconclusive data are available when the report required under subsection B.1. of this section is due, the executive must file 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, the lead staff to the local services, regional roads and bridges committee or its successor and the lead staff to the health, housing and human services committee or its successor a report on these demonstration projects that indicates the date a subsequent report or reports will be transmitted to fully evaluate outcomes of the demonstration project sites and recommend changes, if appropriate based on the evaluation, that should be made to the county processes and development regulations.

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