



Legislation Details (With Text)

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On agenda: **Final action:** 12/6/2022

Enactment date: 12/22/2022 **Enactment #:** 19555

Title: AN ORDINANCE related to comprehensive planning and development regulations; amending Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010, Ordinance 11653, Section 6, as amended, and K.C.C. 20.12.017, Ordinance 2883, Section 1, as amended, and K.C.C. 20.12.240, Ordinance 11166, Section 2, as amended, and K.C.C. 20.12.337, Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030, Ordinance 10870, Section 341, as amended, and K.C.C. 21A.12.040, Ordinance 10870, Section 344, as amended, and K.C.C. 21A.12.070, Ordinance 10870, Section 561, and K.C.C. 21A.34.020, Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010, Ordinance 13733, Section 12, as amended, and K.C.C. 21A.37.130, Ordinance 10870, Section 578, as amended, and K.C.C. 21A.38.050 and Ordinance 11567, Section 1, as amended, and K.C.C. 21A.38.100, adding new sections to K.C.C. chapter 21A.06, adding new sections to K.C.C. chapter 21A.38, adding a new chapter to K.C.C. Title 21A and repealing Ordinance 11575, Section 2, as amended, and K.C.C. 20.12.015, Ordinance 11351, Section 1, as amended, and K.C.C. 21A.38.090, The White Center Community Action Plan portions of Attachments I, II, III and IV to Ordinance 11568, Attachments I, II, III, VI and V to Ordinance 11166 and Attachments F and G to Ordinance 19146.

Sponsors: Sarah Perry, Girmay Zahilay, Joe McDermott

Indexes: Comprehensive Plan, Development Regulations

Code sections: 20.12.010 -, 20.12.015 - ., 20.12.017 - ., 20.12.240 - ., 20.12.337 - ., 21A -, 21A.12.030 -, 21A.12.040 -, 21A.34.020 - ., 21A.37.010 -, 21A.37.130 -, 21A.38 -, 21A.38.090 -, 21A.38.100 - .

Attachments: 1. Ordinance 19555, 2. A. 2022 Update to the 2016 King County Comprehensive Plan, dated December 2022, 3. B. Skyway-West Hill Community Service Area Subarea Plan, dated December 2022, 4. C. North Highline Community Service Area Subarea Plan, dated December 2022, 5. D. Amendments to Land Use and Zoning Maps, 2022 updated to 2016 King County Comprehensive Plan, dated December 2022, 6. A. 2022 Update to the 2016 King County Comprehensive Plan, as adopted by Ordinance 18427, and as amended by Ordinance 18623 Ordinance 18810, Ordinance 19034, and Ordinance 19146 - March 2022, 7. B. Skyway-West Hill Community Service Area Subarea Plan, July 26, 2022, 8. B. Skyway-West Hill Community Service Area Subarea Plan, An Element of the King County Comprehensive Plan, 9. C. North Highline Community Service Area Subarea Plan, dated July 26, 2022, 10. C. North Highline Community Service Area Subarea Plan, An Element of the King County Comprehensive Plan, 11. D. Amendments to Land Use and Zoning Maps, 2022 update to 2016 King County Comprehensive Plan, 12. 2022-0162 transmittal letter, 13. 2022-0162 Regulatory Note of Checklist of Criteria, 14. 2022-0162 Department of Commerce Letter, 15. 2022-0162 Summary of Proposed Ordinance relating of the 2022 annual update of the 2016 King County Comprehensive Plan, including adoption of the Skyway-West Hill and North Highline Subarea Plans, 16. 2022-0162 Policy I-207 Analysis of Proposed Amendments to Comprehensive Plan, 17. 2022-0162 Area Land Use and Zoning Studies King County Comprehensive Plan, March 2022, 18. 2022-0162 Skyway-West Hill Subarea Plan Executive Recommended Land Use and Zoning Map Amendments, 19. 2022-0162 fiscal note, 20. 2022-0162 Legislative Review Form, 21. 2022-0162_SR_2022KCCP_04-26-22, 22. 2022-0162 2022CompPlan_Schedule_04212022, 23. 2022-0162_CompPlan_Schedule_06302022, 24. 2022-0162 S1_Striker, 25. 2022-0162 S1 B SWH Subarea Plan 7-26-22, 26. 2022-0162 S1 C NoHI Subarea Plan 7-26-22, 27. 2022-0162 Glossary_of_Acronyms, 28. 2022-0162_SR_2022KCCP_07-26-22, 29. 2022-0162_REVISED SR_2022KCCP, 30. 2022-0162 Invoice & Affidavit - \$452.58, 31. 2022-0162 Invoice & Affidavit - \$80.00, 32. SEPA Addendum - 2022 KC Comp Plan Update - September 2022, 33. SEPA

NOD-CompPlan2022, 34. SEPA_Checklist 2022 CompPlan, 35. TD DS and NoA Existing Environ Docs 2022 KC Comp Plan Update - September 2022, 36. FinalSEPAmemo_2022KCCP, 37. AffidavitofPublication_2022KCCPSEPA, 38. 2022-0162 Invoice & Affidavit - Renton Reporter - \$280.70, 39. 2022-0162 Invoice & Affidavit - Snoqualmie Valley Record - \$172.38, 40. 2022-0162 Invoice & Affidavit - Covington Reporter - \$172.38, 41. Acknowledge-Letter-2022-S-4657, 42. 2022-0162 - ORD. 19555 - Seattle Times -\$230.26

Date	Ver.	Action By	Action	Result
12/6/2022	2	Metropolitan King County Council	Passed as Amended	Pass
11/22/2022	2	Metropolitan King County Council	Deferred	
7/26/2022	1	Local Services and Land Use Committee	Recommended Do Pass Substitute	Pass
4/26/2022	1	Local Services and Land Use Committee	Deferred	
4/19/2022	1	Metropolitan King County Council	Introduced and Referred	

Clerk 12/07/2022

AN ORDINANCE related to comprehensive planning and development regulations; amending Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010, Ordinance 11653, Section 6, as amended, and K.C.C. 20.12.017, Ordinance 2883, Section 1, as amended, and K.C.C. 20.12.240, Ordinance 11166, Section 2, as amended, and K.C.C. 20.12.337, Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030, Ordinance 10870, Section 341, as amended, and K.C.C. 21A.12.040, Ordinance 10870, Section 344, as amended, and K.C.C. 21A.12.070, Ordinance 10870, Section 561, and K.C.C. 21A.34.020, Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010, Ordinance 13733, Section 12, as amended, and K.C.C. 21A.37.130, Ordinance 10870, Section 578, as amended, and K.C.C. 21A.38.050 and Ordinance 11567, Section 1, as amended, and K.C.C. 21A.38.100, adding new sections to K.C.C. chapter 21A.06, adding new sections to K.C.C. chapter 21A.38, adding a new chapter to K.C.C. Title 21A and repealing Ordinance 11575, Section 2, as amended, and K.C.C. 20.12.015, Ordinance 11351, Section 1, as amended, and K.C.C. 21A.38.090, The White Center Community Action Plan portions of

Attachments I, II, III and IV to Ordinance 11568, Attachments I, II, III, VI and V to Ordinance 11166 and Attachments F and G to Ordinance 19146.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. The Growth Management Act ("the GMA") and the King County Code ("K.C.C.") allow the adoption of comprehensive plan updates only once per year, except under certain circumstances. The amendments to policies and text in this ordinance constitute the 2022 update to the 2016 King County Comprehensive Plan, as amended.

B. The last statutorily required Comprehensive Plan update required by RCW 36.70A.130 was met with the 2012 King County Comprehensive Plan that was adopted as part of Ordinance 17485. RCW 36.70A.130 requires King County to complete the next statutorily required review of the Comprehensive Plan on or before December 31, 2024. The 2022 update adopted as part of this ordinance does not serve as the statutory update required by RCW 36.70A.130.

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

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

E. The GMA and K.C.C. 20.18.030 require that King County adopt development regulations that are consistent with and implement the Comprehensive Plan. The changes to development regulations and maps in this ordinance maintain conformity with the King County Comprehensive Plan. They bear a substantial relationship to, are necessary for, the public health, safety and general welfare of King County and its residents.

F. The county adopted the 2020 update to the 2016 King County Comprehensive Plan as part of Ordinance 19146. The 2020 update included Workplan Action 19, directing King County to complete an Anti-displacement Strategies Report for Skyway-West Hill and North Highline.

G. In September 2021, the Skyway-West Hill and North Highline Anti-displacement Strategies 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."

H. As a result of the analysis, the Anti-displacement Strategies 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."

I. To address those displacement risks, the report recommends, and this ordinance adopts, an inclusionary housing program that includes mandatory elements in the Skyway and White Center Unincorporated Activity Centers, and voluntary elements in the remainder of the Skyway-West Hill and North Highline subarea geographies.

J. The inclusionary housing program includes standards for the characteristics of affordable units, allows fee in-lieu payments in limited cases, sets appropriate affordability levels, and requires covenants and deed restrictions specifying the affordability levels and terms.

K. This ordinance also requires a community preference policy for affordable dwelling units built under the inclusionary housing program, in order to further reduce displacement risks.

L. The King County Countywide Planning Policies, King County Comprehensive Plan, Skyway-West Hill Subarea Plan, North Highline Subarea Plan and Regional Affordable Housing Task Force Final Report and Recommendations support the development and use of anti-displacement measures, including mandatory inclusionary housing and community preference provisions.

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

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

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

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

E. The land use and zoning amendments in sections 17 through 20 of this ordinance and Attachment D to this ordinance are hereby adopted as amendments to Appendix A to Ordinance 12824, as amended, and as the official land use and zoning controls for those portions of unincorporated King County defined in those sections of this ordinance and attachments to this ordinance.

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

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

Under the King County Charter, the state Constitution and the Washington state Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King County Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan for King County until amended, repealed or superseded.

The Comprehensive Plan has been reviewed and amended multiple times since its adoption in 1994. Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the 2016 King County Comprehensive Plan, as adopted in Ordinance 18427 and as amended by Ordinance 18623, Ordinance 18810, Ordinance 19034 (~~and~~), Ordinance 19146 and this ordinance. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations and land development decisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. The Vashon Area Zoning adopted in Ordinance 12824, as amended, including as amended by Ordinance 17842 (~~and~~), Ordinance 18427 and Ordinance 19119, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

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

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

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

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

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

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

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

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

2. All ordinances adopting individual zone reclassifications effective before February 2, 1995,

including but not limited to Ordinances 43, 118, 148, 255, 633, 1483, 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765, 2781, 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313, 3360, 3424, 3494, 3496, 3501, 3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051, 4053, 4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867, 4812, 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171, 5184, 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854, 5984, 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832, 6885, 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653, 7677, 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, 9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194, 10287, 10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271 and 11651, are hereby repealed and p-suffix conditions are replaced by the property specific development standards as set forth in Appendix A to Ordinance 12824;

3. All ordinances establishing individual reclassifications effective after 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.

c. The Newcastle Community Plan Area Zoning, attached to Ordinance 6422 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.

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

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

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

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

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

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

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

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

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

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

5. All ordinances adopting area zoning pursuant to Title 21A and not converted by Ordinance 11653, including community or Comprehensive Plan area zoning and all subsequent amendments thereto, are amended

as set forth in subsection M.5.a. through f. of this section. All property specific development standards (p-suffix conditions) are retained, repealed, amended or replaced by 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 White Center Community Plan Area Zoning, contained in the Attachments to Ordinance 11568, as ~~((subsequently amended, is hereby further))~~ amended as set forth in Appendix D to Ordinance 12824, Ordinance 19119 and this ordinance.

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

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

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

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

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

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

The ~~((White Center Community Action Plan, a bound and published document (Attachment I), as revised in the Attachments to Ordinance 11568))~~ North Highline Community Service Area Subarea Plan, dated December 2022, in Attachment C to this ordinance, is adopted as ~~((an amplification and augmentation))~~ a subarea plan and an element of the King County Comprehensive Plan ~~((for King County))~~ and, as such, constitutes official county policy for the geographic area of unincorporated King County defined ~~((therein))~~ in

the plan.

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

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

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

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

NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Community preference: a process to identify people with a current or past connection to specific community service area subarea geographies, including:

- A. People who are current or former residents of that geography;
- B. People with a parent, guardian or ancestor who are current or former residents of that geography;
- C. People who are current or former residents within one half mile of the inclusionary housing project;

or

- D. People who use, participate in, volunteer or work for an organization located in that geography,

including but not limited to cultural or faith-based organizations, nonprofit organizations, businesses or community centers.

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

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

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

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

SECTION 11. Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030 are hereby amended to read as follows:

A. Densities and dimensions - residential and rural zones.

RURAL					RESIDENTIAL								
STANDARD	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density Dwelling U du/ac (15) (28)	0.2 du/ac	0.2 du/ac	0.1 du/ac	0.05 du/ac	0.2 du/a (21)	1 du/ ac	4 du/ ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density Dwelling U du/ac (20)	0.4 du/ac						6 du/ ac (22) 8 du/ ac (27)	9 du/ac (27)	12 du/ac (27)	16 du/ac (27)	18 du/ac (27)	27 du/ac (27)	36 du/ac (27) 48 du/ac (27) 72 du/ac (27)
Minimum Density							85% (12) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.875 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Side Setback (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Side Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7) (29)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)
Minimum Front Setback (3)	15 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7) (29)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft 25 ft (25a)	35 ft ((44)) 25 ft (25a)	35 ft ((44)) 25 ft (25a)	60 ft	60 ft ((80 ft (14)))	60 ft ((80 ft (14)))	60 ft ((80 ft (14)))

Maximum	75 ft (4)	75 ft (4)	75 ft (4)	75 ft (4)	75 ft (4)	75 ft (4)	30 ft (25b) 75 ft (4)	45 ft (14) 30 ft (25b) 75 ft (4)	45 ft (14) 30 ft (25b) 75 ft (4)	75 ft (4)	75 ft (4) 80 ft (14)	75 ft (4) 80 ft (14)	75 ft (4) 80 ft (14)
	25% (11) (19) (26)	20% (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (1 (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26)	85% (26)	85% (26)	90% (26)

B. Development conditions.

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

a. residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of development rights in accordance with K.C.C. chapter 21A.37, or any combination of density incentive or density transfer; or

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

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

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

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

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

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

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

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

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

a. Regional uses shall be established at the time of permit review;

b. Nonresidential uses in rural area and residential zones shall comply with K.C.C. 21A.12.120 and 21A.12.220;

c. Individual lots in the R-4 through R-6 zones that are less than nine thousand seventy-six square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone; and

d. A lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

6. Mobile home parks shall be allowed a base density of six dwelling units per acre.

7. The standards of the R-4 zone apply if a lot is less than fifteen thousand square feet in area.

8. At least twenty linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line.

9.a. Residences shall have a setback of at least one hundred feet from any property line adjoining A, M or F zones or existing extractive operations. However, residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or existing extractive operations shall have a setback from the rear property line equal to 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.

12. For purposes of calculating minimum density, the applicant may request that the minimum density factor be modified based upon the weighted average slope of the net buildable area of the site in accordance with K.C.C. 21A.12.087.

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

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

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

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

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

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

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

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

17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered if the property is located within or contains:

(1) a floodplain;

(2) a critical aquifer recharge area;

(3) a regionally or locally significant resource area;

(4) existing or planned public parks or trails, or connections to such facilities;

(5) a category type S or F aquatic area or category I or II wetland;

(6) a steep slope; or

(7) an urban separator or wildlife habitat network designated by the Comprehensive Plan or a community plan.

b. The development shall be clustered away from critical areas or the axis of designated corridors

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

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

19. All subdivisions and short subdivisions in R-1 and RA zones within the North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East Sammamish Community Planning Area that drains to Patterson Creek shall have a maximum impervious surface area of eight percent of the gross acreage of the plat. Distribution of the allowable impervious area among the platted lots shall be recorded on the face of the plat. Impervious surface of roads need not be counted towards the allowable impervious area. Where both lot- and plat-specific impervious limits apply, the more restrictive shall be required.

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

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

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

b. For properties within the Skyway-West Hill or North Highline community service area subarea geographies, only as provided in the inclusionary housing regulations in K.C.C. chapter 21A.XX (the new

chapter established in section 21 of this ordinance).

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

24. The impervious surface standards for the county fairground facility are established in the King County Fairgrounds Site Development Plan, Attachment A to Ordinance 14808 on file at the department of natural resources and parks and the department of local services, permitting division. Modifications to that standard may be allowed provided the square footage does not exceed the approved impervious surface square footage established in the King County Fairgrounds Site Development Plan Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808, by more than ten percent.

25. For cottage housing developments only:

a. The base height is twenty-five feet.

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

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

27. a. For properties within the Skyway-West Hill or North Highline community service area subarea geographies, only in accordance with the inclusionary housing regulations in K.C.C. chapter 21A.XX (the new chapter established in section 21 of this ordinance).

b. For all other properties, ((⊖))only in accordance with K.C.C. 21A.34.040.F.1.g., F.6. or K.C.C. 21A.37.130.A.2.

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

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

SECTION 12. Ordinance 10870, Section 341, as amended, and K.C.C. 21A.12.040 are hereby amended to read as follows:

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

	((Z ONE S	RESOURCE				COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	FORE ST	MINE RAL	NEIGH HOOD BUSINE	COMM Y BUSH	REGION BUSINE	OFF I CE	INDU TRIA	
STANDARDS		A-10	A-35	F	M	NB	CB	RB	O	I
Base Density: Dwelling Unit/Acre (19)		0.1 du/ac	.0286 du/ac	.0125 du/ac		8 du/ac	48 du/ac	36 du/ac	48 du/ac	
Maximum Density: Dwelling Unit/Acre						12 du/ac	72 du/ac	48 du/ac	72 du/ac	
Minimum Lot Area		10 acres	35 acres	80 acres	10 acres					
Maximum Lot Depth/ Width Ratio		4 to 1	4 to 1							
Minimum Street Setback		30 ft (4)	30 ft (4)	50 ft (4)	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft
Minimum Interior Setback		10 ft (4)	10 ft (4)	100 ft (4)	(12)	10 ft (18 (14)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7) ft (8)
Base Height (((H0)))		35 ft	35 ft	35 ft	35 ft	35 ft ((4 (65 ft (17 (6)))	35 ft ((6 (65 ft (6 (6)))	45 ft ((6 (65 ft (6 (6)))	45 ft	
Maximum Height		75 ft (10)	75 ft (10)	75 ft (10)	75 ft (10)	45 ft (6) (20) 75 ft (17) 75 ft (10) 85 ft (20)	60 ft (6) (17) 75 ft (10) 85 ft (20)	65 ft (6) (10) 85 ft (20)	65 ft (6) (10) 85 ft (20)	75 ft (10)
Maximum Floor/Lot Ratio: Square Feet						1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Maximum Impervious Surface: Percentage (13)		15% 35% (11)	10% 35% (10% 35% (11)		85%	85%	90%	75%	90%

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. for properties within the Skyway-West Hill or North Highline community service area subarea

geographies, as provided in the inclusionary housing regulations in K.C.C. chapter 21A.XX (the new chapter established in section 21 of this ordinance); or

b. for all other properties, 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.

4.a. in the F zone, scaling stations may be located thirty-five feet from property lines. Residences shall have a setback of at least thirty feet from all property lines.

b. for lots between one acre and two and one-half acres in size, the setback requirements of the R-1 zone shall apply. For lots under one acre, the setback requirements of the R-4 zone shall apply.

c. 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.

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

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

a. mixed-use developments; and

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

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

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

9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C. chapter 21A.14 or section 26 of this ordinance if meeting the requirements of K.C.C. chapter 21A.XX (the new chapter established in section 21 of this ordinance).

10. ~~((Height limits may be increased if p))~~ Portions of ~~((the))~~ a structure ~~((building that))~~ may exceed

the base height (~~(limit provide)~~) if one additional foot of street and interior setback is provided for each foot above the base height ((limit, provided the maximum height may exceed seventy five feet only in mixed use developments)). The following restrictions apply:

a. for ((N))netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges, ((are exempt from the additional interior setback requirement, provided that)) the maximum height shall not exceed seventy-five feet. All such netting, fencing and support structures are exempt from the additional interior setback requirement;

b. properties within the Skyway-West Hill or North Highline community service area subarea planning geographies shall not increase height through this method

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

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

11. Applicable only to lots containing less than one acre of lot area. Development on lots containing less than fifteen thousand square feet of lot area shall be governed by impervious surface standards of the nearest comparable R-4 through R-8 zone.

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

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

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

15.a. For properties within the Skyway-West Hill or North Highline community service area subarea geographies, only as provided in the inclusionary housing regulations in K.C.C. chapter 21A.XX (the new

chapter established in section 21 of this ordinance).

b. For all other properties, ((Θ)) only as provided for walkable communities under K.C.C.

21A.34.040.F.8. well-served by transit or for mixed-use development through the application of rural area and residential density incentives under K.C.C. 21A.34.040.F.1.g.

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

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

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

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

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

19. On a site zoned A with a building designated as a county landmark in accordance with the procedures in K.C.C. 20.62.070, additional dwelling units in excess of the maximum density may be allowed under K.C.C. 21A.12.042.

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

SECTION 13. Ordinance 10870, Section 344, as amended, and K.C.C. 21A.12.070 are hereby amended to read as follows:

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

- A. The allowed number of dwelling units or lots (base density) shall be computed by multiplying the site area specified in K.C.C. 21A.12.080 by the applicable residential base density number;
- B. The maximum density (unit or lot) limits shall be computed by adding the bonus or transfer units authorized by K.C.C. chapters 21A.34, ~~((and))~~ 21A.37 and 21A.xx (the new chapter established in section 21 of this ordinance) to the base units computed under subsection A of this section;
- C. The allowed floor area, which excludes structured or underground parking areas and areas housing mechanical equipment, shall be computed by applying the floor-to-lot area ratio to the project site area specified in K.C.C. 21A.12.080;
- D. If calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows, except as provided in subsection E of this section and section 26 of this ordinance:
 1. Fractions of 0.50 or above shall be rounded up; and
 2. Fractions below 0.50 shall be rounded down; and
- E. For subdivisions and short subdivisions in the RA and A zones, rounding up of the number of development units or lots is not allowed.

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

follows:

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

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

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

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

SECTION 15. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010 are hereby amended to read as follows:

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

1. Providing an effective and predictable incentive process for property owners of rural, resource and urban separator land to preserve lands with a public benefit as described in K.C.C. 21A.37.020; and

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

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

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

2. For properties within the Skyway-West Hill or North Highline community service area subarea

geographies, only as provided in K.C.C. chapter 21A.XX. (the new chapter established in section 21 of this ordinance).

SECTION 16. Ordinance 13733, Section 12, as amended, and K.C.C. 21A.37.130 are hereby amended to read as follows:

A.1. The sale of development rights by the TDR bank shall be at a price that equals or exceeds the fair market value of the development rights, except as provided in subsection A.2. of this section. The fair market value of the development rights shall be established by the department of natural resources and shall be based on the amount the 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))~~ AMI. 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 States Department of Housing and Urban Development, adjusted for household size))~~ AMI. 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.(1) In areas where the inclusionary housing regulations adopted in section 21 of this ordinance apply, development rights to build units through this pilot program shall only be sold for units in accordance with K.C.C. 21A.XX.XXX (the new section established in Section 23 of this ordinance) or K.C.C. 21A.XX.XXX (the new section established in section 24 of this ordinance).

(2) ~~(1)~~ For all other areas 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.

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

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

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

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

1. Motor vehicle, boat and mobile home dealer;

2. Gasoline service station;
3. Uses with drive-through facilities, except SIC Industry Number 5812 (Eating places) in buildings existing before July 2017;
4. SIC Industry Group 598 (Fuel dealers);
5. Uses with outside storage, e.g. lumber yards, miscellaneous equipment rental or machinery sales;
6. Bulk retail;
7. Recreation/cultural uses as set forth in K.C.C. 21A.08.040, except parks, sports clubs, theaters, libraries and museums;
8. SIC Major Group 75 (Automotive repair, services and parking) except 7521 (automobile parking; but excluding tow-in parking lots);
9. SIC Major Group 76 (Miscellaneous repair services), except 7631 (Watch, clock and jewelry repair);
10. SIC Major Group 78 (Motion pictures);
11. SIC Major Group 80 (Health services), except offices and outpatient clinics (801-804);
12. SIC Industry Group 421 (Trucking and courier service);
13. Public agency archive;
14. Self-service storage;
15. Manufacturing land uses as set forth in K.C.C. 21A.08.080, except SIC Industry Code 2759 (Commercial printing);
16. Resource land uses as set forth in K.C.C. 21A.08.090;
17. SIC Industry Code 7261 (Funeral home/crematory);
18. Cemetery, columbarium or mausoleum;
19. Interim recycling facility;
20. Utility facility, except underground water, gas or wastewater pipelines; and

21. Vector waste receiving facility.

C. The following development standards shall apply to development located in pedestrian-oriented commercial overlay districts:

1. For properties that have frontage on a public street, the following conditions shall apply:

a. main building entrances shall be oriented to the public street;

b. at the ground floor (at grade), buildings shall be located no more than five feet from the sidewalk or sidewalk improvement, but shall not encroach on the public right-of-way. For buildings existing before August 20, 2020, with setbacks greater than five feet and that have substantial improvements made to them after August 20, 2020, a minimum five-foot-wide pedestrian walkway shall be constructed that connects the main building entrance to the public sidewalk or sidewalk improvement;

c. building facades shall comprise at least seventy-five percent of the total street frontage for a property and if applicable, at least seventy-five percent of the total pedestrian route frontage for a property;

d. minimum setbacks of the underlying zoning are waived;

e. building facades that front onto a street shall incorporate windows into at least thirty percent of the building facade surface area and overhead protection above all building entrances and along at least fifty percent of length of the building facade, which may extend over the sidewalk if it does not impede use of the sidewalk by the public;

f. ground floor building facades shall include ornamentation such as decorative architectural treatments or finishes, pedestrian scale lighting, and window and door trim; and

~~((---))~~g. buildings facades shall not be comprised of uninterrupted glass curtain walls or mirrored glass;

2. vehicle access shall be limited to the rear access alley or rear access street where such an alley or street exists;

3. ~~((Floor/lot))~~Floor-to-lot area ratio shall not exceed 5:1 for nonresidential structures, ~~((including the residential component of mixed-use developments, but))~~ not including parking structures;

4. ~~((Building setback and height requirements may be waived through the application of residential density incentives under K.C.C. chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37, except for areas within fifty feet of the perimeter of any special district overlay area abutting an R-12 or lower density residential zone;~~

5.)) The landscaping requirements of K.C.C. chapter 21A.16 shall apply to all new development and buildings existing before August 20, 2020, that have substantial improvements made to them after August 20, 2020; and

~~((6.))~~ 5. Off-street parking requirements K.C.C. 21A.18.110 and section 26 of this ordinance shall apply, except that the relief from K.C.C. 21A.18.110.A.4. that may be granted by the director shall only allow use of on-street parallel parking in front of or adjacent to the subject parcel for the parking spaces that cannot be accommodated to the rear or sides of buildings.

SECTION 18. 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 North Highline commercial~~((/))~~ and industrial special district overlay is to accommodate and support existing commercial~~((/))~~ and 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.

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

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

1. Legally established commercial or industrial uses that exist within an area as of ~~((the effective date of legislation applying the commercial/industrial special district overlay))~~ November 28, 1994, but that are not

otherwise permitted by the zoning, shall be considered permitted uses upon only the lots that they occupied as of that date.

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

a. any use permitted in the I zone requiring a conditional use permit;

b. auction houses;

c. livestock sales;

d. ~~((SIC Industry Group 201 (meat products);~~

~~e. SIC Industry Group 202 (dairy products);~~

~~f. SIC Industry Group 204 (grain mill products);~~

~~g. SIC Industry Group 207 (fats and oils);~~

~~h.))~~ motor vehicle and boat dealers;

~~((i.))~~ e. SIC Major Group 24 (lumber and wood products, except furniture) except 2431 (millwork)

and 2434 (wood kitchen cabinets);

~~((j. SIC Industry Group 311 (leather tanning and finishing);~~

~~k.))~~ f. SIC Major Group 32 (stone, clay, glass and concrete products);

~~((l. SIC Industry 3999 (manufacturing industries, not elsewhere classified) dressing of furs, fur stripping and pelts only;~~

~~m.))~~ g. SIC Industry 7534 (tire retreading);

~~((n.))~~ h. SIC Major Group 02 ~~((agricultural production—livestock and animal specialties))~~ raising livestock and small animals);

~~((o.))~~ i. SIC Industry 2951 (asphalt paving mixtures and blocks);

~~((p.))~~ j. resource accessory uses;

~~((q.))~~ k. outdoor storage of equipment or materials occupying more than twenty-five percent of the

site associated with((:

- ~~(1) SIC Major Group 15 (building construction—contractors and operative builders);~~
- ~~(2) SIC Major Group 16 (heavy construction other than building construction—contractors);~~
- ~~(3) SIC Major Group 17 (construction—special trade contractors); and~~
- ~~(4)) SIC Industry 7312 (outdoor advertising services); and~~

~~((#)) 1. interim recycling facilities on lots that directly abut properties outside of the special district overlay.~~

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

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

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

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

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

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

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

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

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

~~(3) the building fronts on an existing roadway improved to urban standards or a roadway~~

~~programmed to be improved to urban standards as a capital improvement project, that accommodates on-street parking; and~~

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

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

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

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

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

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

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

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

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

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

~~9. The roadway improvements of the King county Code shall be waived, but only if a no-protest~~

~~agreement to participate in future road improvement districts (RID) is signed by an applicant and recorded with the county.~~

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

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

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

1. Main building entrances shall be oriented to the pedestrian street;
2. At the ground floor (at grade), buildings shall be located no more than five feet from the sidewalk or sidewalk improvement, but in no instance shall encroach on the public right-of-way;
3. Building facades shall comprise at least seventy-five percent of the total pedestrian street frontage for a property, and if applicable, at least seventy-five percent of the total pedestrian route frontage for a property;
4. Minimum side setbacks of the underlying zoning are waived;
5. Building facades of ground floor retail, general business service((;)) and professional office land uses, that front onto a pedestrian street or route shall include windows and overhead protection;
6. Building facades, along a pedestrian street or route, that are without ornamentation((;)) or are comprised of uninterrupted glass curtain walls or mirrored glass are not permitted; and
7. Vehicle access shall be limited to the rear access alley or rear access street where such an alley or street exists.

NEW SECTION. SECTION 19. There is hereby added to K.C.C. chapter 21A.38 a new section to read as follows:

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

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

1. Commercial space per tenant shall not be larger than one thousand square feet in size;
2. Parking shall comply with the standards of K.C.C. chapter 21A.18, except that:
 - a. required off-street parking and access shall be to rear or side of building; and
 - b. on-street parking within two hundred and fifty feet of the site may be counted toward the off-street parking requirement for the commercial uses;
3. Permitted uses shall be those uses permitted in the underlying zone, excluding the following:
 - a. automotive repair;
 - b. automotive service;
 - c. gasoline service stations;
 - d. uses with drive-through facilities;
 - e. vector waste receiving facility;
 - f. self-service storage;
 - g. cemetery, columbarium or mausoleum;
 - h. automobile parking, unless accessory to a permitted primary use occurring on the property; and
 - i. interim recycling facility; and
4. In addition to the uses permitted in the underlying zone, the following uses shall also be permitted:

- a. apparel and accessory stores;
- b. furniture and home furnishings stores;
- c. Used goods: antiques/secondhand shops; and
- d. Jewelry stores.

NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter 21A.38 a new section to read as follows:

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

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

- 1. Main building entrances shall be oriented to a public street;
- 2. At the ground floor, also known as "at grade," buildings shall be located no more than five feet from the sidewalk or sidewalk improvement, but shall not encroach on the public right-of-way;
- 3. Building facades shall comprise at least seventy-five percent of the total street frontage for a property;
- 4. Building facades shall include windows and overhead protection;
- 5. Building facades that are without ornamentation or are comprised of uninterrupted glass curtain walls or mirrored glass are not permitted; and
- 6. Vehicle access shall be limited to the rear access alley where such an alley exists.

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

D. Marijuana processors and producers are not allowed uses.

SECTION 21. Sections 22 through 30 of this ordinance should constitute a new chapter in K.C.C. Title 21A.

NEW SECTION. SECTION 22. There is hereby added to the chapter established in section 21 of this ordinance a new section to read as follows:

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

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

1. The standards in section 23 of this ordinance shall apply to areas with an unincorporated activity center land use designation;
2. The voluntary incentives in section 24 of this ordinance shall apply to areas that do not have an unincorporated activity center land use designation; and
3. The standards in sections 25, 26, 27, 28, 29 and 30 of this ordinance shall apply to any inclusionary housing project.

C. Development or substantial improvement of one dwelling unit, an accessory dwelling unit, mobile home parks, cottage housing or senior citizen assisted housing shall not be subject to this chapter. Accessory dwelling units shall not be used to meet the requirements of this section.

NEW SECTION. SECTION 23. There is hereby added to the chapter established in section 21 of this ordinance a new section to read as follows:

A. This section shall apply to the unincorporated activity center land use designation.

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

TDRs shall conform with the percentages at the affordability levels listed. Where projects qualify, the TDR for affordable housing pilot program may be utilized in accordance with K.C.C. 21A.37.130.

Mandatory Affordability Requirements			TDR Allowance
Occupancy Type and	Minimum Percentage of Total Units Required to be Affordable	Maximum Density (as percentage of base density)	Additional Maximum Density Allowed with purchase of
Owner Occupied at 80% AMI	100%	200%	None
	30%	150%	Additional 50%, up to 200% base density
	15%	125%	Additional 50%, up to 175% base density
Any combination of 80% AMI (Owner) and 60% AMI (Rental)	100%	200%	None
	25%	150%	Additional 50%, up to 200% base density
	12%	125%	Additional 50%, up to 175% base density
Rental at 60% AMI	100%	200%	None
	20%	150%	Additional 50%, up to 200% base density
	10%	125%	Additional 50%, up to 175% base density
Rental at 50% AMI	100%	200%	None
	15%	150%	Additional 50%, up to 200% base density
	7%	125%	Additional 50%, up to 175% base density

NEW SECTION. SECTION 24. There is hereby added to the chapter established in section 21 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 geographies except for areas with an unincorporated activity center land use designation.

B. New or substantially improved development may only exceed the base density allowed in the zoning

classification in accordance with the standards listed below. Additional density is authorized with the use of transfers of development rights in accordance with K.C.C. chapter 21A.37, as shown in the table in this subsection. Additional units derived from TDRs shall conform with the percentages at the affordability levels listed. The price of the TDR shall be determined in accordance with K.C.C. 21A.37.130.

Affordability Requirements			TDR Allowance
Occupancy Type and AMI	Minimum Percentage of Total Units Required to be Affordable	Maximum Density (as percentage of base density)	Additional Maximum Density Allowed with purchase of TDRs
Developments with fewer units	0%	100%	Up to 150% base density
Rental at 60% AMI	100%	200%	None
	20%	150%	Additional 50%, up to 200% base density
	10%	125%	Additional 50%, up to 175% base density
Rental at 50% AMI	100%	200%	None
	15%	150%	Additional 50%, up to 200% base density
	7%	125%	Additional 50%, up to 175% base density
Owner Occupied at AMI	100%	200%	None
	30%	150%	Additional 50%, up to 200% base density
	15%	125%	Additional 50%, up to 175% base density
Any combination of AMI (Owner) and 6 AMI (Rental)	100%	200%	None
	25%	150%	Additional 50%, up to 200% base density
	12%	125%	Additional 50%, up to 175% base density

NEW SECTION. SECTION 25. There is hereby added to the chapter established in section 21 of this ordinance a new section to read as follows:

- A. The number of required affordable dwelling units shall be calculated by multiplying the total

number of dwelling units to be constructed by the applicable percentages of affordable dwelling units as established in section 23 or 24 of this ordinance, and for purposes of providing an affordable dwelling unit, fractions shall be rounded in accordance with K.C.C. 21A.12.070, except as follows:

1. For fractions below 0.50, the applicant shall pay a fee based on the fraction multiplied by the value of a single affordable dwelling unit. The fee and affordable dwelling unit value shall be calculated using the same method as required for payment in lieu of providing affordable dwelling units in section 29 of this ordinance. The revenues generated from the fee shall be dedicated to affordable housing projects in the same community service area subarea geography where the development is occurring; and

2. Affordable dwelling units in the development shall be calculated as follows:

- a. Studio dwelling units shall be counted as one-half of one affordable dwelling unit;
- b. One-bedroom and two-bedroom dwelling units shall be counted as one affordable dwelling unit;
- c. Three-bedroom dwelling units shall be counted as one and one-half affordable dwelling units; and
- d. Dwelling units with four or more bedrooms shall be counted as two affordable dwelling units.

B. The total number of market-rate dwelling units and affordable dwelling units shall not exceed the total allowed density as established in this chapter and K.C.C. chapter 21A.12.

NEW SECTION. SECTION 26. There is hereby added to the chapter established in section 21 of this ordinance a new section to read as follows:

For developments subject to this chapter:

A. The affordable dwelling units shall:

1. Have a similar or larger unit size and bedroom composition as the market-rate dwelling units in the development;
2. Be integrated throughout the development;
3. Be constructed with materials and finishes of comparable quality to the market-rate dwelling units in the development;

4. Meet accessibility standards at the same ratio as required by the development; and

5. Have access equal to that of the market-rate dwelling units to on-site amenities including, but not limited to, parks, outdoor play areas, pools, exercise facilities and equipment, gathering spaces, bicycle repair facilities, shared work spaces and similar on-site amenities.

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

1. The maximum height limits are as follows:

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

b. In the NB zone, sixty-five feet;

c. In the CB zone, eighty feet;

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

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

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

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

4. The percentages of residential uses in mixed use developments in K.C.C. 21A.14.110 do not apply.

The percentages are as follows:

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

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

5. The building floor area ratios in K.C.C. 21A.14.130 do not apply. Developments subject to this chapter shall not have a floor area ratio maximum; and

6. The parking and circulation standards of K.C.C. chapter 21A.18 apply, except:

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

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

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

NEW SECTION. SECTION 27. There is hereby added to the chapter established in section 21 of this ordinance a new section to read as follows:

A. As a condition of development permit issuance, the department shall approve the calculation of the number of required affordable dwelling units and allowed market-rate dwelling units.

B. Before issuance of the certificate of occupancy, the applicant shall record a covenant or deed restriction on the property, in a form and substance acceptable to the prosecuting attorney's office and department of community of human services, reflecting the following:

1. A statement that the length of the term of the affordability shall be for the life of the development project for renter-occupied dwelling units or fifty years from the date of initial occupancy for owner-occupied dwelling units;

2. The total number of units;
3. The number of market-rate dwelling units;
4. The number and affordability of owner-occupied and rental affordable dwelling units based on the standards of this chapter;
5. A statement that for any owner-occupied dwelling units, the covenants or declarations have been reviewed by the director and the terms ensure that the purposes of this chapter are accomplished;
6. Reporting requirements as required by the department of community and human services, including subsequent community preference and affirmative marketing reports after the certificate of occupancy is issued; and
7. Signatures of the property owner and the director.

NEW SECTION. SECTION 28. There is hereby added to the chapter established in section 21 of this ordinance a new section to read as follows:

For developments subject to this chapter:

- A. As part of a complete permit application, the applicant shall submit a community preference and affirmative marketing plan. The plan shall include:
 1. A tenant selection process for the affordable dwelling units that provides a preference for housing applicants with a current or past connection to the respective subarea geography where the project is located. The plan should provide no more than and aim to provide forty percent of the affordable dwelling units to tenants that meet the requirements for community preference;
 2. An advertising and outreach plan designed to provide information to and attract potential housing applicants who would otherwise be less likely to apply, without regard to protected class status as established by federal, state and local laws. An affirmative advertising and outreach plan should generally help potential housing applicants know about vacancies, feel welcome to apply and have the opportunity to rent units; and
 3. A process for housing applicants to file an appeal regarding the tenant selection process and

verification of eligibility for preference.

B. Before issuance of the building permit or subdivision approval, the community preference and affirmative marketing plan shall be reviewed and approved by the department of community and human services.

C.1. At least sixty days before issuance of certificate of occupancy, the applicant shall submit a community preference and affirmative marketing initial report. The initial report shall include:

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

b. information regarding the number of housing applicants:

(1) that requested a preference;

(2) deemed eligible under the preference criteria;

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

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

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

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

NEW SECTION. SECTION 29. There is hereby added to the chapter established in section 21 of this ordinance a new section to read as follows:

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

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

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

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

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

1. The applicant demonstrates that the proposed alternative compliance method provides the same number and quality affordable housing units as those provided on site;

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

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

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

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

E. As part of the application review process for an inclusionary housing proposal, the director may

authorize modifications to the dimensional standards in K.C.C. Title 21A. Approval of modifications may only be granted if the applicant demonstrates that the subject property cannot otherwise reasonably achieve the minimum density.

F.1. As part of the application review process for an inclusionary housing proposal, the director may modify or waive the requirements for affordable dwelling units under this chapter if the applicant demonstrates that the cost of complying with this chapter would deprive the property owner of all economically beneficial use of the property or would create severe economic impact that unduly burdens the property owner.

2. Requests for such modifications shall clearly set forth the facts upon which the request for relief is sought.

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

- a. The severity of the economic impact caused by the application of the requirements of this chapter;
- b. A modification under subsection E. is not sufficient to alleviate the severity of economic impact caused by the application of the requirements of this chapter;
- c. The extent to which alternative uses of the property or configurations of the proposed development would alleviate the need for the requested waiver or modification;
- d. The extent to which any economic impact was due to decisions by the applicant or property owner; and
- e. Other factors relevant to whether the burden should be borne by the property owner.

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

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

- a. decrease in property value;

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

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

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

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

1. The number and location of developments that applied to the department for approval and the number and location of developments that were subject to the requirements of this chapter;
2. The number and location of developments that applied for any alternative compliance, the number and location of developments that were granted such alternative compliance and the terms of each alternative compliance;
3. The number of market rate units and the number of affordable units constructed, including the location of all affordable units; and
4. The amount of revenue collected through in lieu and fractional fees for each subarea geography, and the amount and location those fees were spent in the subarea geography.

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

Comprehensive Plan update to improve the efficacy of the regulations.

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

20.18.060.

C. The department shall be available to brief the local services and land use committee or its successor at least once per year on the implementation and overall efficacy of the inclusionary housing regulations and the information required by this section.

SECTION 31. The following are hereby repealed:

A. Ordinance 11575, Section 2, as amended, and K.C.C. 20.12.015;

B. Ordinance 11351, Section 1, as amended, and K.C.C. 21A.38.090;

C. The White Center Community Action Plan portions of Attachments I, II, III and IV to Ordinance 11568;

D. Attachments I, II, III, IV and V to Ordinance 11166; and

E. Attachments F and G to Ordinance 19146.

SECTION 32. 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.