



## Legislation Text

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AN ORDINANCE relating to development regulations; adopting provisions for an alternative housing demonstration project, in accordance with K.C.C.

21A.55.010; and adding a new section to K.C.C. chapter 21A.55.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

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

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

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

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

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

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

G. As required by K.C.C. 21A.55.030, the demonstration project authorized by this ordinance is

consistent with the King County Comprehensive Plan, including the Vashon-Maury Island Community Service Area Subarea Plan and the White Center Community Action Plan.

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

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

- a. encourage private market development of housing options that are affordable to different segments of the county's population by testing removal of certain regulatory barriers to developing such housing;
- b. compare at least two alternative housing options and their accessibility for populations who are otherwise unable to find suitable housing, such as lower-income one-person households, low-income seniors, people with disabilities, veterans and persons experiencing homelessness;
- c. evaluate the public benefit of providing housing options with smaller living spaces and shared facilities; and
- d. implement Phase I of King County Comprehensive Plan Workplan Action 6, as adopted in Ordinance 18427, and as amended by Ordinances 18427 and 18810.

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

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

B. For purposes of this section:

1. "Congregate residence" means one or more buildings that contain either sleeping units or dwelling units, or both, and where residents share either sanitation facilities or kitchen facilities, or both.
2. "Sleeping unit" means a room or space in which people sleep, and can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that

are also part of a dwelling unit are not sleeping units.

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

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

- a. increase the range of affordable housing options, including providing housing types that meet the needs of the local community;
- b. provide housing options for low- to moderate-income households;
- c. provide for the development of lower rent housing options through construction of buildings with shared facilities;
- d. seek to prevent displacement of the local community's residents;
- e. for projects with public funding, meet or exceed the sustainable development standards adopted by Washington state Department of Commerce under RCW 39.35D.080;
- f. for projects without public funding, meet or exceed Master Builders Association of King and Snohomish Counties 4-star Built Green standard; and
- g. provide attractive and well-designed development.

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

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

- a. the proposal is for no more than a combined total of sixty dwelling units and sleeping units;
- b. each sleeping unit or dwelling unit contains no more than two hundred twenty square feet of floor area; and
- c. the proposed development does not exceed sixty feet in height.

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

- a. the development proposal is for no more than five buildings with each building containing no more than a combined total of eight dwelling units and sleeping units; and
- b. except for accessibility units designed to house persons with physical disabilities, sleeping units and dwelling units shall not contain more than three hundred fifty square feet of floor area. Sleeping units and dwelling units designed as accessible for persons with physical disabilities shall contain no more than three hundred eight five feet of net floor area.

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

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

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

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

- a. The total floor area of communal areas shall be at least twelve percent of the total floor area of all

sleeping and dwelling units; and

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

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

- a. measures to ensure that rents remain affordable, such as rent and income restrictions or the inherent affordability of smaller units;
- b. measures to reduce displacement of the local community's residents, such as affirmative marketing or maintaining wait lists;
- c. measures to ensure that residents have available transportation choices to enable them reasonable access to retail and services, such as the Metro transit department Access paratransit services, community service vans, bike storage rooms or carshare services;
- d. for projects in the Vashon Rural Town, services that will be available to residents of the project, such as case management for vulnerable populations or social connectivity programming;
- e. measures to incorporate housing needs of the local community into the proposed development;
- f. measures to involve the local community in the proposed development; and
- g. what information the applicant will collect and when and how it will be reported to the department of local services, permitting division, and the department of community and human services to assist in evaluation of the demonstration project.

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

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

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

- a. drainage review requirements: K.C.C. chapter 9.04 and the Surface Water Design Manual;
- b. King County road standards: K.C.C. chapter 14.42 and the county road standards, 2016 update;
- c. King County building code: K.C.C. Title 16;
- d. permitted uses: K.C.C. chapter 21A.08;
- e. density and dimensions: K.C.C. chapter 21A.12;
- f. design requirements: K.C.C. chapter 21A.14;
- g. landscaping and water use: K.C.C. chapter 21A.16;
- h. parking and circulation: K.C.C. chapter 21A.18; and
- i. school impact fees: K.C.C. chapter 21A.43.

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

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

either within a demonstration project area or elsewhere in the county.

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

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

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

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

I. An approved development permit or a building permit under this section, including site plan elements or conditions of approval, may be amended or modified at the request of the applicant or the applicant's successor in interest designated by the applicant in writing. The director may administratively approve minor modifications to an approved permit. Modifications that result in major changes as determined by the department of local services, permitting division, or as defined by the approval conditions shall be treated as a



new application for purposes of vesting and shall be reviewed as applicable to the underlying application in accordance with K.C.C. 20.20.020. Any increase in the total number of sleeping units and dwelling units above the maximum number set forth in the development permit or building permit approval shall be deemed a major modification. The county, through the applicable development permit or building permit approval conditions, may specify additional criteria for determining whether proposed modifications are major or minor. The modifications allowed under this section supersede other modification or revision provisions of K.C.C. Title 16 and this title.

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

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

a. A preliminary report within two years of the final certificate of occupancy for the first project completed under the demonstration project that describes and evaluates the pertinent preliminary results; and

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

2. If only insufficient or inconclusive data are available when the report required under subsection K.1. of this section is due, the executive must file in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the lead staff to the local services committee or its successor and the lead staff to the

community health and housing services committee or its successor a report on the demonstration projects that indicates the date a subsequent report or reports will be transmitted to fully evaluate outcomes of the demonstration project sites and recommend changes, if appropriate, based on the evaluation, that should be made to the county processes and development regulations.

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