

Legislation Text

File #: 2022-0162, Version: 1

Clerk 03/31/2022

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 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 and Ordinance 11567, Section 1, as amended, and K.C.C. 21A.38.100, 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 last statutorily required comprehensive plan update required by RCW 36.70A.130(4)(a) was met with the 2012 King County Comprehensive Plan that was adopted by Ordinance 17485. Engrossed Substitute House Bill 2342, passed by the Legislature and signed into law as Chapter 113, Laws of Washington 2020, by the Governor as a result of 2020 legislative session, modified the schedule for the Growth Management Act-mandated updates to Comprehensive Plans. As a result, RCW 36.70A.130(5)(a) requires King County and the cities within King County to complete a review of their comprehensive plans on or before June 30, 2024, and every eight years thereafter. This 2022 update does not serve as the statutory update required by RCW 36.70A.130.

B. The Growth Management Act ("the GMA") and the King County Code generally allow the adoption of comprehensive plan updates only once per year. The amendments to policies and text in to this ordinance constitute the 2022 update to the 2016 King County Comprehensive Plan, as amended. The GMA and K.C.C. 20.18.030 require that King County adopt development regulations and map amendments to be consistent with and implement the Comprehensive Plan. The changes to development regulations and maps in this ordinance are needed to 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.

C. As required by K.C.C. 2.16.055.B., the subarea plans:

1. were developed consistent with the Comprehensive Plan;
2. are based on a scope of work established with the community;
3. establish a long-range vision and policies to implement that vision in a manner that is consistent with and not redundant to policy direction in the Comprehensive Plan;
4. establish performance metrics and monitoring for implementation of the subarea plans, which will be reviewed and reported on biennially and monitored by the community and the council;
5. were developed and reviewed using tools and resources developed by the office of equity and social justice, including community engagement, language access and equity impact review tools. The county used

the "County engages in dialogue" and "County and community work together" levels of engagement;

6. incorporate the findings of an equity impact analysis and proposals to address equity impacts.

During the development of the subarea plan, the public review draft included preliminary findings of any equity impacts that were further refined and submitted as part of the subarea plan proposal;

7. include a review of policies specific to the subarea in the Comprehensive Plan and previously adopted subarea or community plans, and, where appropriate, transferred policies from those plans to the subarea plan;

8. include a review the land use designations and zoning classifications in the subarea geography, including all special district overlays and property-specific development conditions, and transmitted map amendments necessary to implement land use and zoning updates and the vision and policies within the subarea plan;

9. incorporate by reference the community needs list and associated performance metrics as required in K.C.C. 2.16.055.C.; and

10. were developed in coordination and collaboration with councilmember offices that represent the Skyway-West Hill and North Highline subarea geographies throughout the development of the subarea plans.

D. In 2019, the King County council passed Motion 15539, which requested that the executive conduct a study that identifies concrete actions that the county can take to develop and retain existing affordable housing in Skyway-West Hill and North Highline.

E. In 2020, the county adopted the 2020 update to the 2016 King County Comprehensive Plan via Ordinance 19146. The update included Workplan Action 19, directing King County to complete an Anti-Displacement Strategies Report for Skyway-West Hill and North Highline, which incorporates the study elements of Motion 15539. Action 19 states that the due dates and deliverables in the Action supersede those that were included in Motion 15539.

F. In September 2021, the Skyway-West Hill and North Highline

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

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

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

I. To address those displacement risks, the report recommends development of an inclusionary housing program for Skyway-West Hill and North Highline that includes both mandatory and voluntary elements.

J. Specific to mandatory inclusionary housing, the report recommends that the provisions "apply to the areas in Skyway-West Hill and North Highline with the highest opportunity for residential and commercial densities, and thus the highest risk of displacement." The Report states "[t]he Skyway Business District is the

largest commercial area in the community. The Business District has significant potential for commercial and mixed-use infill development and redevelopment. Such development would also likely increase the potential for new residential development in the adjacent high- and medium-density zones. In North Highline, the White Center UAC is a high-density hub of commercial and residential development. Similar to the Skyway Business District, this area is also expected to receive substantively more growth in housing and employment than the rest of the community. Part of the expected growth is anticipated as a result of near-term public investments, such as planned bus rapid transit routes through the commercial hubs in both communities. These investments will increase the hubs' attractiveness as prime locations for new commercial and residential development. Additionally, the County is currently updating the subarea plans for both communities. It is likely that these updated plans will include policies and zoning changes that reflect the communities' expressed desires to revitalize and reinvest in these residential and commercial hubs, including creating opportunities for new development. It is also anticipated that the plans will direct action to address the displacement risks associated with the potential for increased development in these areas. The current neighborhood conditions indicate the risk of displacement in both high-density residential and commercial areas will increase as new development occurs. King County should implement a mandatory inclusionary housing program in these geographies now to ward off displacement pressures caused by future development." Given that, the report recommends that the mandatory inclusionary housing provisions apply to the Skyway and White Center Unincorporated Activity Centers.

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

L. The report also recommends the county explore whether to require a community preference policy

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

M. The King County Countywide Planning Policies, King County Comprehensive Plan, Skyway-West Hill Community Service Area Subarea Plan, North Highline Community Service Area 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 12 through 14 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)), including as 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 March 2022, in Attachment C to this ordinance, is adopted as an amplification and augmentation of the Comprehensive Plan for King County and, as such, constitutes official county policy for the geographic area of unincorporated King County defined therein.

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)) March 2022, is adopted as 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))~~ therein. ~~((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.))~~

SECTION 7. 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 Unit/Acre	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 Dwelling Units	0.4 du/ac (20)						6 du/ ac (22) 8 du/ ac (27)	9 du/ac 12 du/ac (27)	12 du/ac 16 du/ac (27)	18 du/ac 24 du/ac (27)	27 du/ac 36 du/ac (27)	36 du/ac 48 du/ac (27)	72 du/ac 96 du/ac (27)
Minimum Density							85% (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)

Minimum Lot Area	1.875 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Side Setback (3)	30 ft (9)	30 ft (9)	30 ft (9)	30 ft (9)	30 ft (7)	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)
Minimum Front Setback (3)	5 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7)	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)	35 ft 45 ft (14)	35 ft 45 ft (14)	60 ft	60 ft 80 ft (14)	60 ft 80 ft (14)	60 ft 80 ft (14)
Maximum Impervious Surface: Percent	25% (11) (19) (26)	20% (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (11) (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 and North Highline community service area subarea planning geographies, the inclusionary housing regulations in accordance with K.C.C. chapter 21A.XX (the new chapter established in section 15 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 structure that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, but the maximum height may not exceed seventy-five feet. ~~((b-))~~ 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.

((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.

c. Height limits may be increased in accordance with K.C.C. chapter 21A.XX (the new chapter established in section 15 of this ordinance).

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 height to be used only for projects as follows:

a. in R-6 and R-8 zones, 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 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 and North Highline community service area subarea planning geographies, only in accordance with the inclusionary housing regulations in accordance with K.C.C. chapter 21A.XX (the new chapter established in section 15 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 have pitched roofs with a minimum slope of six and twelve may extend up to 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. Only in accordance with:

a. K.C.C. 21A.34.040.F.1.g., F.6. or K.C.C. 21A.37.130.A.2; or

b. For properties within the Skyway-West Hill and North Highline community service area subarea planning geographies, the inclusionary housing regulations in accordance with K.C.C. chapter 21A.XX (the new chapter established in section 15 of this ordinance).

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 8. 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.

	ZONES	RESOURCE			COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	FOREST	MINE RAL	NEIGHBORHOOD BUSINESS	COMMERCIAL BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIAL

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	48 du/ac (2)	
Maximum Density: Dwelling Unit/Acre					12 du/ac du/ac (1)	72 du/ac 96 du/ac	48 du/ac 72 du/ac 96 du/ac	72 du/ac (16) 96 du/ac (17)	
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 (10)	35 ft	35 ft	35 ft	35 ft	35 ft 45	35 ft 60 65 ft (17)	35 ft 65	45 ft 65 ft (6)	45 ft
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% (1)	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.a. These densities may only be achieved through the application of residential density incentives or transfer of development rights in mixed-use developments and, in the NB zone on property in the urban area designated commercial outside of center, for stand-alone townhouse development. See K.C.C. chapters 21A.34 and 21A.37; or

b. For properties within the Skyway-West Hill and North Highline community service area subarea planning geographies, the inclusionary housing regulations in accordance with K.C.C. chapter 21A.XX (the new chapter established in section 15 of this ordinance).

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 height allowed only for mixed-use developments and 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.

10.a. Height limits may be increased if portions of the structure building that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may exceed seventy-five feet only in mixed use developments. 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.

b. Height limits may be increased in accordance with K.C.C. chapter 21A.XX (the new chapter established in section 15 of this ordinance).

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. 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; or

b. For properties within the Skyway-West Hill and North Highline community service area subarea planning geographies, only as provided for under the inclusionary housing regulations in accordance with K.C.C. chapter 21A.XX (the new chapter established in section 15 of this ordinance).

16.a. 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; or

b. For properties within the Skyway-West Hill and North Highline community service area subarea planning geographies, only as provided for under the inclusionary housing regulations in accordance with K.C.C. chapter 21A.XX (the new chapter established in section 15 of this ordinance).

17.a. 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; or

b. For properties within the Skyway-West Hill and North Highline community service area subarea

planning geographies, only as provided for under the inclusionary housing regulations in accordance with K.C.C. chapter 21A.XX (the new chapter established in section 15 of this ordinance).

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.

SECTION 9. 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 used on sites located within the Skyway-West Hill and North Highline community service area subarea planning geographies.

SECTION 10. 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. submitted on or after September 17, 2001, and applications for approval of TDR sending sites submitted on or after September 17, 2001; and

2. If within the Skyway-West Hill and North Highline community service area subarea planning geographies, only as allowed in K.C.C. chapter 21A.XX. (the new chapter established in section 15 of this ordinance).

SECTION 11. 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. 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. The units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with no restriction placed on resale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

c. In unincorporated King County, in the R-4 through R-48 zones, development rights to build units through this pilot program shall only be sold for units between one hundred fifty percent and two hundred percent of the receiving site's base density as set forth in K.C.C. 21A.12.030.

d.(1) The department of natural resources and parks shall track the sale of development rights and completion of units constructed through this program. When the one hundred unit threshold is reached, the department shall, within six months of that date, transmit a report to the council that includes, but is not limited to:

(a) the location of the receiving sites where development rights under this pilot program were used;

(b) lessons learned from the pilot program, including feedback from developers who purchased development rights through the program; and

(c) a recommendation on whether to make the pilot program permanent, repeal the program~~((;))~~ 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 12. 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/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 and I zone, with the exception of the following:

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);

~~((1. 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~~

~~((r.)) l. interim recycling facilities on lots that directly abut properties outside of the district.~~

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 place 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.))~~ 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 for nonresidential development.

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 13. 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 planning geography, areas designated as a 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. No commercial space shall 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 14. 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 development within the special district overlay. Where a conflict exists, the following standards shall apply:

- 1. Main building entrances shall be oriented to the 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;
6. Vehicle access shall be limited to the rear access alley where such an alley exists;
7. 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 for nonresidential developments; and
8. Marijuana processors and producers are not permitted uses.

SECTION 15. Sections 16 through 23 of this ordinance should constitute a new chapter in K.C.C. Title 21A.

NEW SECTION. SECTION 16. There is hereby added to the chapter established in section 15 of this ordinance a new section to read as follows:

The purpose of this chapter is to establish inclusionary housing regulations that provide for the creation of new housing units that are affordable to residents making less than AMI in areas with high risk for displacement due to the high potential for new development and redevelopment in those communities.

NEW SECTION. SECTION 17. There is hereby added to the chapter established in section 15 of this ordinance a new section to read as follows:

The definitions in K.C.C. chapter 21A.06 and the following definitions apply to this chapter unless the context clearly requires otherwise. Where definitions in this section differ from the definitions in K.C.C. chapter 21A.06, the following definitions shall control.

A. "Affordable dwelling unit" means an affordable rental dwelling unit or affordable owner-occupied dwelling unit, or both.

B. "Affordable owner-occupied dwelling unit" means a dwelling unit that is:

1. The primary residence of the legal owner or a resident who is part owner of a limited equity corporation or nonprofit that owns the dwelling unit;

2. Sold under terms such that the monthly costs of the mortgage, insurance and property taxes, or equivalent costs as a part owner of a limited equity corporation or nonprofit that own the dwelling unit, do not exceed thirty percent of the gross monthly income for the specified qualifying income level; and

3. Subject to a covenant or deed restriction that specifies the affordability levels and terms and is approved by the department of community and human services.

C. "Affordable rental dwelling unit" means a dwelling unit that is:

1. The primary residence of the tenant and the monthly rent for the unit does not exceed thirty percent of the gross monthly income for the specified qualifying income level; and

2. Subject to a covenant or deed restriction that specifies the affordability levels and terms and is approved by the department of community and human services.

D. "AMI" means the median household income for King County as established by the United States Department of Housing and Urban Development.

E. "Community preference and affirmative marketing plan" means a plan submitted to the department of community and human services that includes:

1. A tenant selection process that provides a preference for no more than forty percent of affordable dwelling units constructed in compliance with this chapter to housing applicants with a current or past connection to the Skyway-West Hill and North Highline community service area subarea planning geographies;

2. An advertising and outreach plan designed to attract potential housing applicants regardless of protected class status as established by federal, state and local laws; and

3. A process for housing applicants to file an appeal regarding the tenant selection process and verification of eligibility for preference.

F. "Community preference and affirmative marketing report" means a report submitted to the department of community and human services that includes:

1. Information describing the activities conducted to implement the community preference and

affirmative marketing plan; and

2. Information regarding the number of housing applicants:

- a. that requested a preference;
- b. deemed eligible under the preference criteria; and
- c. eligible for the preference that were selected for housing.

G. "Dwelling unit" is as defined in K.C.C. 21A.06.346 through 21A.06.370, except for accessory dwelling units as defined in K.C.C. 21A.06.350.

H. "Market-rate dwelling unit" means a dwelling unit that is not restricted to a specified affordable rent or sale price.

I. "Total allowed density" means total number of both market-rate dwelling units and affordable dwelling units allowed to be constructed in a development based on the maximum density allowed in this chapter.

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

A. For new or substantially improved residential or mixed-use developments within the Skyway-West Hill and North Highline community service area subarea planning geographies that propose residential densities above the base density allowed in the zone as established in K.C.C. chapter 21A.12:

1. The density shall not be increased using the residential density incentives in K.C.C. chapter 21A.34.

2. In the Skyway and White Center Unincorporated Activity Centers as designated by the King County Comprehensive Plan, developments shall:

- a. provide affordable dwelling units as established in subsection B. of this section; and
- b. not increase density using transfer of development rights under subsection C of this section or K.C.C. chapter 21A.37.

3. Except for areas subject to subsection A.2. of this section, developments may increase base density if they provide affordable dwelling units as established in subsections B. or C. of this section.

B.1. The maximum density may be increased to two hundred percent of the base density if the development provides the following percentages of dwelling units at the following affordability levels:

- a. one hundred percent of all units are affordable rental dwelling units for households at or below sixty percent of AMI;
- b. one hundred percent of all units are affordable owner-occupied dwelling units for households at or below eighty percent of AMI; or
- c. one hundred percent of all units are a combination of affordable rental dwelling units and affordable owner-occupied dwelling units for households as outlined in subsections B.1.a. and b. of this section, respectively; or

2.a. The maximum density may be increased to one hundred fifty percent of the base density if the development provides at least one of the following percentages of dwelling units at the following affordability levels:

- (1) no less than thirty percent of the units shall be affordable owner-occupied dwelling units for households at or below eighty percent of AMI;
- (2) no less than twenty-five percent of the units shall be affordable rental dwelling units or affordable owner-occupied dwelling units, or both, for households at or below seventy percent of AMI;
- (3) no less than twenty percent of the units shall be affordable rental dwelling units for households at or below sixty percent of AMI; or
- (4) no less than fifteen percent of the units shall be affordable rental dwelling units for households at or below fifty percent of AMI; and

b. The maximum density may be increased by an additional fifty percent, for a total of two hundred percent of the base density, if the developer utilizes transfers of development rights in accordance with K.C.C.

chapter 21A.37.

C.1. The maximum density may be increased to one hundred fifty percent of the base density if the development:

a. includes nine or fewer dwelling units and utilizes transfers of development rights in accordance with K.C.C. chapter 21A.37; or

b. includes ten or more dwelling units, utilizes transfers of development rights in accordance with K.C.C. chapter 21A.37 and provides at least one of the following percentages of dwelling units at the following affordability levels:

(1) no less than thirty percent of the units shall be affordable owner-occupied dwelling units for households at or below one hundred percent of AMI; or

(2) no less than twenty-five percent of the units shall be affordable rental dwelling units for households at or below eighty percent of AMI; and

2. The maximum density may be increased by up to an additional fifty percent, for a total of up to two hundred percent of the base density, if the developer utilizes the TDR for affordable housing" pilot program in accordance with K.C.C. 21A.37.130 for each additional dwelling unit above one hundred and fifty percent of base density.

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

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

1. Fractions of 0.50 or above shall be rounded up; and

2. Fractions below 0.50 shall be rounded down.

B. The number of required affordable dwelling units shall be calculated by multiplying the number of market-rate dwelling units to be constructed by the applicable percentages of affordable dwelling units as established in this chapter.

1. If the calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:

a. Fractions of 0.50 or above shall be rounded up, and the affordable dwelling unit shall be included in the development; or

b.(1) Fractions below 0.50 do not require an affordable unit to be provided in the development. The applicant shall pay a fee based on the fraction multiplied by the value of a single affordable dwelling unit.

(2) The fee and affordable dwelling unit value shall be calculated as established by the department of community and human services.

(3) The revenues from the fee shall be used to help fund affordable housing projects in the community where the development is occurring.

2. The number of required affordable dwelling units in the development shall be provided as follows:

a. Studio, one-bedroom and two-bedroom dwelling units meeting the affordability requirements in this chapter shall be counted as one affordable dwelling unit;

b. Three-bedroom dwelling units meeting the affordability requirements of this chapter shall be counted as one and one-half affordable dwelling units; and

c. Dwelling units meeting the affordability requirements of this chapter and with four or more bedrooms shall be counted as two affordable dwelling units.

C. The total number of market-rate dwelling units and affordable dwelling units shall not exceed the total allowed density as established in subsection A. of this section.

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

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

B.1. As a condition of issuance for the certificate of occupancy for the dwelling units, the department shall approve the final calculation of the number of required affordable dwelling units and constructed market-rate dwelling units. Within thirty days of issuance, a covenant or deed restriction on the property shall be recorded reflecting the following:

a. a statement that the length of the term of the affordability shall be for the life of the development project or fifty years, whichever is longer;

b. the total allowed density;

c. the number of market-rate dwelling units;

d. the number and affordability of affordable dwelling units based on the standards of this chapter;

and

e. signatures of the property owner and the director.

2. The covenant or deed restriction shall be subject to review and approval by the department of community and human services before recording.

NEW SECTION. SECTION 21. There is hereby added to the chapter established in section 15 of this ordinance a new section to read as follows:

For developments subject to this chapter:

A. The affordable dwelling units shall be:

1. Of a similar or larger size and bedroom count as the market-rate dwelling units in the development;

2. Integrated throughout the development; and

3. Constructed with materials and finishes of comparable quality and workmanship as the market-rate dwelling units in the development.

B. Accessible elements shall be provided in the affordable dwelling units at a similar ratio as the

accessible elements in the market-rate dwelling units, if provided.

C. In the R-18, R-24, R-48, NB, CB, RB and O zones, the dimensional standards of K.C.C. chapter 21A.12 and any applicable property-specific development standards and special district overlays apply, except as follows:

1. Building height limits may exceed the height limits set forth in K.C.C. chapter 21A.12 by an additional twenty feet, except for properties subject to P-Suffix XX-PXX (the p-suffix established in Map Amendment 17 of Attachment D to this ordinance), which shall follow the height limits as set in the overlay; and

2. Any portion of the building that exceeds the height limits set forth K.C.C. chapter 21A.12 shall be set back an additional ten feet from the street property line and interior property line.

D.1. The parking standards of K.C.C. chapter 21A.18 apply, except that required off-street parking shall be reduced to one space per dwelling unit.

2. An additional parking waiver of up to fifty percent may be approved with completion of parking study in accordance with K.C.C. 21A.18.030.B.

3. Nonresidential uses of the project, if any, shall provide parking in accordance with K.C.C. chapter 21A.18 or any applicable property-specific development standards and special district overlays.

NEW SECTION. SECTION 22. There is hereby added to the chapter established in section 15 of this ordinance a new section to read as follows:

For developments subject to this chapter:

- A.1. At the time of submittal of a building permit application to the department, applicants shall submit a community preference and affirmative marketing plan to the department of community and human services.

2. Before issuance of the building permit, the community preference and affirmative marketing plan shall be subject to review and approval by the department of community and human services.

3. The department of community and human services may request refinements from the applicant to

the community preference and affirmative marketing plan before approving;

B.1. Applicants must submit a community preference and affirmative marketing report to the department of community and human services no less than sixty days before requesting a certificate of occupancy.

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

3. The department of community and human services may request additional actions from the applicant before approving;

C. The department of community and human services may request a subsequent report after the certificate of occupancy is approved to evaluate the community preference and affirmative marketing plan outcomes; and

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

This chapter may be modified for a development proposal, at the director's discretion, if an applicant demonstrates by a preponderance of evidence that the cost of complying with this chapter is either unduly and negatively disproportionate to or does not address the harm this chapter is intended to prevent. Requests for such modifications shall clearly set forth the facts upon which the request for relief is sought.

SECTION 24. 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; and

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

E. Attachments F and G to Ordinance 19146.

SECTION 25. 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.