

Legislation Text

File #: 2023-0191, Version: 1

Clerk 05/04/2023

AN ORDINANCE relating to less restrictive alternative community housing; amending Ordinance 10870, Section 84, as amended, and K.C.C. 21A.06.220, Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030, Ordinance 10870, Section 367, as amended, and K.C.C. 21A.14.070, Ordinance 10870, Section 368, as amended, and K.C.C. 21A.14.080, Ordinance 10870, Section 388, as amended, and K.C.C. 21A.16.030, and Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030 and adding a new section to K.C.C. chapter 21A.06.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. Persons committed under chapter 71.09 RCW may petition the court for a conditional release to less restrictive alternative subject to the conditions of the chapter.

B. In accordance with RCW 71.09.090 and RCW 71.09.096, the Washington state Department of Social and Health Services has the primary responsibility for developing a less restrictive alternative placement that will satisfy the conditions set forth in RCW 71.09.092.

C. Fair share principles of release mean that each county has adequate options for conditional release housing placements in a number generally equivalent to the number of residents from that county who are subject to total confinement under chapter 71.09 RCW.

D. Ordinance 14503 established regulations for secure community transition facilities in

unincorporated King County.

E. Residences used for less restrictive alternative placement would be considered single family under the current definitions in K.C.C. Title 21A.

F. It is in the public interest to notify residents and ensure compliance with local and state regulations when a residence is proposed for use as less restrictive alternative community housing in unincorporated King County.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Less restrictive alternative community housing: A residence used for court-ordered treatment in a setting less restrictive than total confinement and that satisfies the conditions in RCW 71.09.092. Less restrictive alternative community housing is operated by a private provider and may offer twenty-four-hour staffing and trained escorts.

SECTION 3. Ordinance 10870, Section 84, as amended, and K.C.C. 21A.06.220 are hereby amended to read as follows:

Community residential facility ("CRF"): living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation, and medical supervision, excluding drug and alcohol detoxification which is classified in K.C.C. 21A.08.050 as health services, and excluding a secure community transition facility and less restrictive alternative community housing, as defined in R.C.W. 71.09.020, and in this chapter. For purposes of domestic violence shelters, minors living with a parent shall not be counted as part of the maximum number of residents. CRFs are further classified as follows:

A. CRF-I -- Nine to ten residents and staff;

B. CRF-II -- Eleven or more residents and staff.

If staffed by nonresident staff, each twenty-four staff hours per day equals one full-time residing staff member

for purposes of subclassifying CRFs.

SECTION 4. Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030 are hereby amended to read as follows:

A. Residential land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	DWELLING TYPES:												
*	Single Detached	P C12	P2		P C12	P C12	P C12	P C12	P15				
*	Townhouse				C4	C4	P11 C12	P	P3	P3	P3	P3	
*	Apartment				C4	C4	P5 C5	P	P3	P3	P3	P3	
*	Mobile Home				S13		C8	P					
*	Cottage House						P15						
	GROUP RESIDENCES:												
*	Community Facility-I				C	C	P14.a C	P	P3	P3	P3	P3	
*	Community Facility-II						P14.b	P	P3	P3	P3	P3	
*	Dormitory				C6	C6	C6	P					
*	Less Restrictive Alternative Housing	C19	C19		C19	C19	C19	C19	C19	C19	C19	C19	
*	Senior Citizen Housing					P4	P4	P	P3	P3	P3	P3	
	ACCESSORY USES:												
*	Residential Uses	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7	
*	Home Occupations	P18	P18		P18	P18	P18	P18	P18	P18	P18	P18	
*	Home Industries	C			C	C	C						
	TEMPORARY LODGING:												
7011	Hotel/Motel									P	P	P	
*	Bed and Breakfast Guesthouse	P9			P9	P9	P9	P9	P9	P10	P10		
7041	Organization Hotel/Lodging						P17				P		

B. Development conditions.

1. Except bed and breakfast guesthouses.

2. In the forest production district, the following conditions apply:

a. Site disturbance associated with development of any new residence shall be limited to three acres.

Site disturbance shall mean all land alterations including, but not limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage disposal systems, and driveways. Additional site disturbance for agriculture, including raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be approved only if a farm management plan is prepared in accordance with K.C.C. chapter 21A.30. Animal densities shall be based on the area devoted to animal care and not the total area of the lot;

b. A forest management plan shall be required for any new residence in the forest production district, that shall be reviewed and approved by the King County department of natural resources and parks before building permit issuance; and

c. The forest management plan shall incorporate a fire protection element that includes fire safety best management practices developed by the department.

3. Only as part of a mixed use development subject to the conditions of K.C.C. chapter 21A.14, except that in the NB zone on properties with a land use designation of commercial outside of center (CO) in the urban areas, stand-alone townhouse developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and 21A.14.180.

4. Only in a building listed on the National Register as an historic site or designated as a King County landmark subject to K.C.C. chapter 21A.32.

5.a. In the R-1 zone, apartment units are permitted, if:

(1) At least fifty percent of the site is constrained by unbuildable critical areas. For purposes of this subsection, unbuildable critical areas includes wetlands, aquatic areas, and slopes forty percent or steeper and associated buffers; and

(2) The density does not exceed a density of eighteen units per acre of net buildable area.

b. In the R-4 through R-8 zones, apartment units are permitted if the density does not exceed a

density of eighteen units per acre of net buildable area.

c. If the proposal will exceed base density for the zone in which it is proposed, a conditional use permit is required.

6. Only as accessory to a school, college, university, or church.

7.a. Accessory dwelling units are subject to the following standards:

(1) Only one accessory dwelling per primary single detached dwelling or townhouse unit;

(2) Only allowed in the same building as the primary dwelling unit, except that detached accessory dwelling units are allowed when there is no more than one primary dwelling unit on the lot, and the following conditions are met:

(a) the lot must be three thousand two hundred square feet or greater if located in the urban area or a rural town; or

(b) the lot must meet the minimum lot area for the applicable zone if located in the rural area but not in a rural town, except that if one transferable development right is purchased from the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling unit is allowed on a RA-5 zoned lot that is two and one-half acres or greater;

(3) The accessory dwelling unit shall not exceed one thousand square feet of heated floor area and one thousand square feet of unheated floor area except:

(a) when the accessory dwelling unit is wholly contained within a basement or attic, this limitation does not apply;

(b) for detached accessory dwelling units, the floor area contained in a basement does not count toward the floor area maximum; or

(c) on a site zoned RA, if one transferable development right is purchased from the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, the accessory dwelling unit is permitted a maximum heated floor area of one thousand five hundred square feet and one thousand five-hundred square feet of

unheated floor area;

(4) Accessory dwelling units that are not wholly contained within an existing dwelling unit shall not exceed the base height established in 21A.12.030;

(5) When the primary and accessory dwelling units are located in the same building, or in multiple buildings connected by a breezeway or other structure, only one entrance may front a street;

(6) No additional off-street parking spaces are required for accessory dwelling units;

(7) The primary dwelling unit or the accessory dwelling unit shall be occupied either by the owner of the primary dwelling unit or by an immediate family member of the owner. Immediate family members are limited to spouses, siblings, parents, grandparents, children, and grandchildren, either by blood, adoption, or marriage, of the owner. The accessory dwelling unit shall be converted to another permitted use or shall be removed if neither dwelling unit is occupied by the owner or an immediate family member;

(8) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department of executive services, records and licensing services division, that identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department approves any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules;

(9) Accessory dwelling units are not allowed in the F zone;

(10) Accessory dwelling units should be designed to be compatible with the primary dwelling unit and the surrounding properties, including material, colors, and building forms; and

(11) The applicant should consider a siting alternatives study that analyzes placement options of the accessory dwelling unit on the property to minimize impacts to privacy and views for surrounding property owners.

b. Accessory living quarters:

(1) are limited to one per lot;

(2) are allowed only on lots of three thousand two hundred square feet or greater when located in the urban area or a rural town;

(3) shall not exceed the base height as established in K.C.C. 21A.12.030;

(4) shall not exceed one thousand square feet of heated floor area and one thousand square feet of unheated floor area; and

(5) are not allowed in the F zone.

c. One single or twin engine, noncommercial aircraft shall be permitted only on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody or landing field, but only if there are:

(1) no aircraft sales, service, repair, charter, or rental; and

(2) no storage of aviation fuel except that contained in the tank or tanks of the aircraft.

d. Buildings for residential accessory uses in the RA and A zone shall not exceed five thousand square feet of gross floor area, except for buildings related to agriculture or forestry.

8. Mobile home parks shall not be permitted in the R-1 zones.

9. Only as accessory to the permanent residence of the operator, and:

a. Serving meals shall be limited to paying guests; and

b. The number of persons accommodated per night shall not exceed five, except that a structure that satisfies the standards of the International Building Code as adopted by King County for R-1 occupancies may accommodate up to ten persons per night.

10. Only if part of a mixed use development, and subject to the conditions of subsection B.9. of this section.

11. Townhouses are permitted((5)) but shall be subject to a conditional use permit if exceeding base density.

12. Required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions, or binding site plans approved for multiple unit lots, and except as provided

for accessory dwelling units in subsection B.7. of this section.

13. No new mobile home parks are allowed in a rural zone.

14.a. Limited to domestic violence shelter facilities.

b. Limited to domestic violence shelter facilities with no more than eighteen residents or staff.

15. Only in the R4-R8 zones subject to the following standards:

a. Developments shall contain only cottage housing units with no fewer than three units. If the site contains an existing home that is not being demolished, the existing house is not required to comply with the height limitation in K.C.C. 21A.12.020.B.25. or the floor area and footprint limits in K.C.C. 21A.14.025.B.;

b. Cottage housing developments should consider including a variety of housing sizes, such as units with a range of bedroom sizes or total floor area; and

c. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

16. The development for a detached single-family residence shall be consistent with the following:

a. The lot must have legally existed before March 1, 2005;

b. The lot has a Comprehensive Plan land use designation of Rural Neighborhood Commercial Center or Rural Area; and

c. The standards of this title for the RA-5 zone shall apply.

17. Only in the R-1 zone as an accessory to a golf facility and consistent with K.C.C. 21A.08.040.

18. Allowed if consistent with K.C.C. chapter 21A.30.

19. Less restrictive alternative community housing is subject to the following conditions:

a. Only in accordance with chapter 71.09 RCW;

b. Prohibited within five hundred feet of any school, daycare center, park, community center, public library, church that conducts religious or educational classes for minors, or public space where minors are likely to congregate; and

c. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035. Notice of the meeting shall also be provided at least two weeks in advance to the school district in which the less restrictive alternative community housing is proposed.

SECTION 5. Ordinance 10870, Section 367, as amended, and K.C.C. 21A.14.070 are hereby amended to read as follows:

The standards of K.C.C. 21A.14.080 through 21A.14.090 shall apply to all new apartment developments exceeding four dwelling units, new townhouse development, and new group residences except Class I Community Residential Facilities ("CRF-I") and less restrictive alternative community housing. Expansions of existing development that involve four or more dwelling units shall be subject to compliance with K.C.C. 21A.14.080 ~~((to))~~ through 21A.14.090.

SECTION 6. Ordinance 10870, Section 368, as amended, and K.C.C. 21A.14.080 are hereby amended to read as follows:

A. On sites abutting an alley constructed to a width of at least 20 feet, apartment and townhouse development and all group residences except Class I Community Residential Facilities ("CRF-I") and less restrictive alternative community housing shall have parking areas placed to the rear of buildings with primary vehicular access via the alley, except when waived by the director due to physical site limitations.

B. When alley access is provided, no additional driveway access from the public street shall be allowed except as necessary to access parking under the structure or for fire protection.

C. When the number of uncovered common parking spaces for attached dwellings and group residences exceed ~~((30))~~ thirty spaces and when there is alley access, no more than ~~((50))~~ fifty percent of these uncovered parking spaces shall be permitted between the street property line and any building, except when authorized by the director due to physical site limitations.

SECTION 7. Ordinance 10870, Section 388, as amended, and K.C.C. 21A.16.030 are hereby amended to read as follows:

To facilitate the application of this chapter, the land uses of K.C.C. chapter 21A.08 have been grouped in the following manner:

A. Residential development refers to those uses listed in K.C.C. 21A.08.030, except those uses listed under Accessory uses, and:

1. Attached/group residences refers to:

- a. townhouses, except as provided in subsection A.2.a. of this section;
- b. apartments and detached dwelling units developed on common property at a density of twelve or more units per acre;
- c. senior citizen assisted housing;
- d. temporary lodging;
- e. group residences other than Type I community residential facilities and less restrictive alternative community housing;
- f. mobile home parks; and

2. Single-family development refers to:

- a. residential subdivisions and short subdivisions, including attached and detached dwelling units on individually platted or short platted lots;
- b. any detached dwelling units located on a lot including cottage housing units; and
- c. Type I community residential facilities and less restrictive alternative community housing;

B. Commercial development refers to those uses in:

- 1. K.C.C. 21A.08.040 as amusement/entertainment uses, except golf facilities;
- 2. K.C.C. 21A.08.050 except recycling centers, health and educational services, daycare I, churches, synagogues and temples, and miscellaneous repair as allowed in the A and RA zones; and
- 3. K.C.C. 21A.08.070, except forest product sales and agricultural product sales as allowed in the A, F₁ and RA zones and building, hardware₂ and garden materials as allowed in the A zones;

C. Industrial development refers to those uses listed in:

1. K.C.C. 21A.08.050 as recycling center;
2. K.C.C. 21A.08.060, except government services and farm product warehousing, refrigeration, and storage as allowed in the A zones;
3. K.C.C. 21A.08.080, except food and kindred products as allowed in the A and F zones; and
4. K.C.C. 21A.08.090 as mineral extraction and processing;

D. Institutional development refers to those uses listed in:

1. K.C.C. 21A.08.040 as cultural uses, except arboretums;
2. K.C.C. 21A.08.050 as churches, synagogues and temples, health services and education services except specialized instruction schools permitted as an accessory use;
3. K.C.C. 21A.08.060 as government services; and
4. Search and rescue facilities.

E. Utility development refers to those uses listed in K.C.C. 21A.08.060 as utility facilities; and

F. Uses in K.C.C. chapter 21A.08 that are not listed in subsections A. through E. of this section shall not be subject to landscaping and tree retention requirements except as specified in any applicable review of a conditional use or special use permits, or reviews conducted in accordance with K.C.C. 21A.42.300.

SECTION 8. Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030 are hereby amended to read as follows:

A. Except as modified in K.C.C. 21A.18.070.B. through D., off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of non-public areas. Non-public areas include but are not limited to building maintenance areas, storage areas, closets, or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or

greater rounding up and fractions below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
RESIDENTIAL (K.C.C. 21A.08.030.A):	
Single detached/Townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Less restrictive alternative community housing	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
Cottage housing	1 per dwelling unit
RECREATION/CULTURAL (K.C.C. 21A.08.040.A):	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
LAND USE	MINIMUM PARKING SPACES REQUIRED
GENERAL SERVICES (K.C.C. 21A.08.050.A):	
General services uses:	1 per 300 square feet
Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility

Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs, and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction Schools	1 per classroom, plus 1 per two students
Artist Studios	.9 per 1,000 square feet of area used for studios
GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet

LAND USE	MINIMUM PARKING SPACES REQUIRED
RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Remote tasting rooms	1 per 300 square feet of tasting and retail areas
Wholesale trade uses	0.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
MANUFACTURING (K.C.C. 21A.08.080.A):	
Manufacturing uses	0.9 per 1,000 square feet
Winery/Brewery/Distillery Facility II and III	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting and retail areas
RESOURCES (K.C.C. 21A.08.090.A):	
Resource uses	(director)
REGIONAL (K.C.C. 21A.08.100.A):	
Regional uses	(director)

B. An applicant may request a modification of the minimum required number of parking spaces by providing that parking demand can be met with a reduced parking requirement. In such cases, the director may approve a reduction of up to fifty percent of the minimum required number of spaces.

C. When the county has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zoning classification and compatible with the limitations of the shell permit. When the range of possible uses result in different parking requirements, the director will establish the amount of parking based on a likely range of uses.

D. Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.

E. In any development required to provide six or more parking spaces, bicycle parking shall be

provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

1. Off-street parking areas shall contain at least one bicycle parking space for every twelve spaces required for motor vehicles except as follows:

a. The director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.

b. The director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:

(1) Park/playfield((§));

(2) Marina((§));

(3) Library/museum/arboretum((§));

(4) Elementary/secondary school((§));

(5) Sports club((§)); or

(6) Retail business (when located along a developed bicycle trail or designated bicycle route).

2. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement.

3. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

4. When more than ten people are employed on site, enclosed locker-type parking facilities for employees shall be provided. The director shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type parking facilities.

5. One indoor bicycle storage space shall be provided for every two dwelling units in townhouse and apartment residential uses((§)) unless individual garages are provided for every unit. The director may reduce the number of bike rack parking spaces if indoor storage

facilities are available to all residents.