



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 15, 2009

Ordinance 16650

Proposed No. 2009-0385.2

Sponsors Gossett, Constantine and Patterson

1 AN ORDINANCE relating to three development projects;
2 adopting provisions for approval of three sustainable
3 communities and housing demonstration projects, in
4 accordance with K.C.C. 21A.55.010; and adding a new
5 section to K.C.C. chapter 21A.55.

6

7 **PREAMBLE:**

8 The availability of affordable housing is a regional vision as expressed in
9 the Growth Management Act, Vision 2040 multicounty planning policies,
10 the King County countywide planning policies and the King County
11 Comprehensive Plan. Ideally, affordable housing would be located in
12 communities that are safe, healthy, accessible to facilities and services and
13 part of diverse communities.

14 Comprehensive Plan Policy U-108 calls on the county to promote public
15 health by concentrating growth within the Urban Growth Area, allowing
16 mixed-use developments and adding pedestrian linkages. Further,
17 Comprehensive Plan Policy U-132 encourages innovative, quality infill

18 development and redevelopment in existing urban areas. More
19 specifically, this policy directs the county to consider a strategy employing
20 techniques for assembly and resale of sites to providers of affordable
21 housing. With an understanding of the cost of providing parking
22 combined with the decreasing need for parking within urban areas due to
23 increased transit options, Policy U-329 suggests a reduction in parking
24 requirements for affordable housing projects that utilize any of a variety of
25 affordable housing incentive programs, subsidies, tax abatement or credits.
26 Further, in accordance with Policy U-337, King County understands the
27 importance of incorporating the principles of healthy communities and
28 homes, sustainability and greenhouse gas emissions mitigation in
29 affordable housing developments.

30 The King County initiative, HealthScape, reported that people who live in
31 more compact urban communities actually drive, on average, twenty-six
32 percent less than people who live in more-sprawling communities.

33 Furthermore, communities that are designed to increase biking and
34 walking also serve as ideal communities for transit. Communities that
35 have integrated street networks, a mix of uses and residential densities
36 supportive of public transportation can reduce vehicle miles traveled
37 because auto trips are being replaced with more walking, biking and
38 transit.

39 King County wishes to foster affordable housing developments that will
40 demonstrate that less parking is needed, that a mix of uses will increase

41 opportunities for walking, biking and transit, and that higher densities on
42 infill properties will foster more vibrant urban communities.

43 The Housing Stimulus Plan, as called for in King County Motion 12901,
44 approved by the King County council on December 15, 2008, identifies
45 increased density bonuses for sustainable development projects, greater
46 development flexibility, and the use of King County surplus properties for
47 housing developments as elements to support and enhance the economic
48 vitality of the housing market.

49 King County is planning to convey certain properties it currently owns as
50 sustainable communities and housing demonstration projects subject to
51 restrictions that will require any purchaser to develop the properties
52 consistent with the county's goals.

53 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

56 A.1. The purpose of the sustainable communities and housing demonstration
57 projects is to provide affordable housing and workforce housing integrated into
58 developments containing market rate housing and maximize sustainable development,
59 which includes bike, pedestrian and transit connections, a mix of housing types, and the
60 use of recyclable materials. The demonstration projects will provide information on the
61 application of these techniques to urban infill redevelopment and urban single family
62 residential development, some of which may include mixed use. The demonstration

63 projects will also assist the county in refining regulations relating to zoning, subdivision,
64 roads and stormwater as they relate to sustainable development.

65 2. The demonstration projects will also enable the county to evaluate whether
66 consolidated administrative approval of zoning and subdivision-related modifications or
67 waivers and any subsequent hearings, if required, effectively speeds the development
68 review process while maintaining land use coordination and environmental protection
69 and whether that leads to administrative costs savings for project applicants and King
70 County.

71 B. The expected benefits from the demonstration projects include: the use of
72 innovative design and development techniques to promote sustainable communities,
73 reduced impervious surface areas for site infrastructure; a greater use of recycled-content
74 building materials and more efficient use of energy and natural resources; and the
75 opportunity to identify and evaluate potential substantive changes to land use
76 development regulations that support the development of sustainable and affordable
77 housing.

78 C. A request by the applicant to modify or waive development standards for the
79 development proposals shall be evaluated by the department of development and
80 environmental services based on the criteria in subsection J. of this section. A request
81 shall first be either approved or denied administratively and may be further reviewed as
82 described in subsection H.3. of this section. Approval or denial of the proposed
83 modification or waiver shall not be construed as applying to any other development
84 application either within the demonstration project area or elsewhere in the county.

85 D. A modification or waiver approved by the department of development and
86 environmental services in accordance with this section shall be in addition to those
87 modifications or waivers that are currently allowed by this title. The proposed
88 modifications or waivers to development regulations that may be considered regarding
89 sustainable communities and housing demonstration projects shall include only the
90 following chapters and related public rules:

91 1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water
92 Design Manual;

93 2. King County road standards: K.C.C. chapter 14.42 and the county road
94 standards, 2007 update;

95 3. Density and dimensions: K.C.C. chapter 21A.12;

96 4. Design requirements: K.C.C. chapter 21A.14;

97 5. Landscaping and water use: K.C.C. chapter 21A.16;

98 6. Parking and circulation: K.C.C. chapter 21A.18;

99 7. Signs: K.C.C. chapter 21A.20;

100 8. Critical areas: K.C.C. chapter 21A.24, if the modification results in a net
101 improvement to the functions of the critical area; and

102 9. Landscape installation timing: K.C.C. chapters 27A.30 and 27A.40.

103 E. A demonstration project authorized by this section may contain residential and
104 limited nonresidential uses subject to the following:

105 1. The demonstration project may include any residential uses as allowed as a
106 permitted use in the R12 - 48 zones, subject to any development conditions in K.C.C.
107 21A.08.030, without the need to request a modification or waiver as described in

108 subsection H. of this section. The applicant may request a modification or waiver of any
109 of the development conditions for residential uses contained in K.C.C. 21A.08.030,
110 subject to the review process described in subsection H. of this section and the criteria in
111 subsection J. of this section;

112 2. The demonstration project may include, as part of a residential project, any
113 nonresidential use allowed as a permitted use in the NB zone under K.C.C. 21A.08.030,
114 21A.08.040, 21A.08.050, 21A.08.060 and 21A.08.070, subject to any development
115 conditions contained in those sections without the need to request a modification or
116 waiver as described in subsection H. of this section, except the following uses are not
117 allowed:

- 118 a. automotive parking;
- 119 b. automotive repair and automotive service, K. C.C. 21A.08.050;
- 120 c. commuter parking lot, K.C. C. 21A.08.060 , unless as part of a transit-
121 oriented development as defined in K.C.C. 28.94.175;
- 122 d. gasoline service stations as defined in K.C.C. 21A.08.070;
- 123 e. off-street required parking lot commercial and industrial accessory uses;
- 124 f. private stormwater management facility;
- 125 g. self-service storage; and
- 126 h. vector waste receiving facility.

127 3. The nonresidential uses shall be no greater than three thousand square feet
128 per use, with a total maximum of all nonresidential uses not to exceed ten percent of the
129 area of the demonstration project site or twenty thousand square feet, whichever is
130 smaller. The applicant may request a modification or waiver of the development

131 conditions for nonresidential uses in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050,
132 21A.08.060 and 21A.08.070, subject to the review process described in subsection H. of
133 this section and the criteria in subsection J. of this section.

134 F. A demonstration project authorized by this section allows a residential basics
135 program for townhouse and apartment building types, consistent with the department of
136 development and environmental services public rules chapter 16-04: residential basics
137 program.

138 G. All related review processes such as subdivision, building permit, inspection
139 and similar processes for a demonstration project shall be expedited if:

140 1. fifty percent or more of all residential units proposed for the demonstration
141 project are affordable to households at eighty percent of area median income, as defined
142 by Department of Housing and Urban Development income guidelines for King County
143 and below; or

144 2. seventy percent or more of all residential units for the demonstration project
145 are affordable to households at eighty to one hundred fifteen percent of area median
146 income, as defined by Department of Housing and Urban Development income
147 guidelines for King County.

148 H.1. Requests for a modification or waiver made in accordance with this section
149 may only be submitted in writing in relation to the following types of applications:

150 a. a site development permit;

151 b. a binding site plan;

152 c. a building permit;

153 d. a short subdivision; or

154 e. a subdivision.

155 2. Requests shall be submitted to the department in writing before or in
156 conjunction with an application for one or more of the permits listed in subsection H.1. of
157 this section, together with any supporting documentation. The supporting documentation
158 must illustrate how the proposed modification meets the criteria in subsection J. of this
159 section.

160 3. Except for an applicant's request for a modification or waiver submitted in
161 conjunction with an application for a subdivision, the notice of application, review and
162 approval of a proposed modification or waiver shall be treated as a Type 2 land use
163 decision in accordance with K.C.C. 20.20.020. The request for a modification or waiver
164 submitted in conjunction with an application for a subdivision shall be treated as a Type 3
165 land use decision in accordance with K.C.C. 20.20.020.

166 4. A preapplication meeting with the applicant and the department of
167 development and environmental services to determine the need for and the likely scope of
168 a proposed modification or waiver is required before submittal of such a request. If a
169 modification or waiver requires approval of the department of natural resources and parks
170 or the department of transportation that department shall be invited to participate in the
171 preapplication meeting.

172 5. If the applicant requests an adjustment from the county drainage standards,
173 the director of the department of development and environmental services shall refer the
174 request to the department of natural resources and parks for decision under K.C.C.
175 chapter 9.04, with the right to appeal within the department of natural resources and parks
176 as provided in K.C.C. 9.04.050.C.6. The department of natural resources and parks shall

177 consider the purposes of this demonstration ordinance as a factor relative to the public
178 interest requirement for drainage adjustments described in K.C.C.9.04.050.C.

179 6. If the applicant requests a variance from the county road standards, the
180 director shall refer the request to the county road engineer for decision under K.C.C.
181 14.42.060, with the right to appeal within the department of transportation as provided in
182 K.C.C. 14.42.060 and the associated public rule. The department of transportation shall
183 consider the purposes of this demonstration ordinance as a factor relative to the public
184 interest requirement for road variances described in K.C.C. 14.42.060.

185 7. Administrative appeals of modifications or waivers approved by the director
186 shall be combined with any appeal of the underlying permit decision, if the underlying
187 permit is subject to appeal.

188 I. An approved development proposal for any of the applications listed in
189 subsection H.1. of this section, including site plan elements or conditions of approval
190 may be amended or modified at the request of the applicant or the applicant's successor in
191 interest designated by the applicant in writing. The director may administratively
192 approve minor modifications to an approved development proposal. Modifications that
193 result in major changes as determined by the department or as defined by the approval
194 conditions shall be treated as a new application for purposes of vesting and shall be
195 reviewed as applicable to the underlying application pursuant to K.C.C. 20.20.020. Any
196 increase in the total number of dwelling units above the maximum number set forth in the
197 development proposal permit or approval shall be deemed a major modification. The
198 county, through the applicable development proposal permit or approval conditions, may
199 specify additional criteria for determining whether proposed modifications are major or

200 minor. The modifications allowed under this section supersede other modification or
201 revision provisions of K.C.C. Title 16, Title 19A and this title.

202 J.1. To be eligible to use the provisions of this section, a demonstration project
203 must be located on a demonstration project site identified in section 2 of this ordinance
204 and the applicant has accepted the site as a King County sustainable communities and
205 housing demonstration project.

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

209 3.a. Applications must demonstrate how the proposed project, when considered
210 as a whole with the proposed modifications or waivers to the code, will meet all of the
211 criteria in this subsection J., as compared to development without the modification or
212 waiver, and:

213 (1) achieves higher quality urban development;

214 (2) provides quality infill development;

215 (3) optimizes site utilization; and

216 (4) enhances pedestrian experiences and sense of place and community.

217 b. Any individual request for a modification or waiver must meet two or more
218 of the following criteria:

219 (1) contributes to the creation of a sustainable community, which includes
220 features such as a connected street network, a mix of housing types, pedestrian or bike
221 routes throughout the development, direct bus connections, no front garages, and front
222 porches.

223 (2) uses the natural site characteristics to protect the natural systems;

224 (3)(a) contributes to achievement of a three-star rating for the project site
225 under the Built Green Communities program administered by the Master Builders
226 Association of King and Snohomish Counties;

227 (b) contributes to achievement of a four-star or higher rating for the single
228 family units under the Built Green program administered by the Master Builders
229 Association of King and Snohomish Counties or achieve a gold certification under the
230 U.S. Green Building Council, LEED program or equivalent program; or

231 (c) contributes to achievement of a four-star or higher rating for the
232 multifamily units under the Built Green program administered by the Master Builders
233 Association of King and Snohomish Counties or achieve a gold certification under the
234 U.S. Green Building Council, LEED program or other equivalent program; and

235 (4) provides attractive, well-designed development that will assist in
236 improving safety and preventing crime in the development and surrounding area,
237 including adequate outdoor lighting along walkways/trails, walkways/trails 5' or wider
238 and low vegetation along walkways/trails.

239 4. The criteria in this subsection supersede other variance, modification or
240 waiver criteria and provisions of K.C.C. Title 21A.

241 K. Regulatory modification and waiver applications, or both, authorized by this
242 section shall be filed with the department of development and environmental services
243 within three years of the approval of the development proposal, which includes issuance
244 of a building permit or site development permit, recording of a plat, short plat or binding
245 site plan, or by such a later date as may be specified in the conditions of any development

246 approval for any type of modification or waiver for which the opportunity for future
247 application is expressly granted in those conditions. Modifications or waivers contained
248 within an approved development proposal are valid as long as the underlying permit or
249 development application approval is valid. If modifications or waivers are approved as
250 separate applications, they must be incorporated into a valid permit or development
251 application within three years of approval of the development proposal. The director may
252 extend the date for filing the demonstration project permit and development applications
253 for a maximum of twelve months. Any deadline in this subsection shall be adjusted to
254 include the time for appeal of all or any portion of the project approval.

255 SECTION 2. A. The department of development and environmental services
256 shall implement section 1 of this ordinance only in all or a portion of each of the
257 following demonstration project sites: the White Center neighborhood of the White
258 Center Workshop as described in Attachment A to this ordinance; the Skyway
259 neighborhood of Brooks Village as described in Attachment B to this ordinance; and the
260 Federal Way neighborhood of Kit's Corner as described in Attachment C to this
261 ordinance.

262 B.1. By December 31, 2013, the director shall prepare and file eleven copies with
263 the clerk of the council, for distribution to all council members, of a report on the
264 demonstration programs that:

265 a. describes and evaluates the pertinent preliminary results from the
266 demonstration projects; and

