



King County

**2010 King County Comprehensive Plan Update
Form Based Code Pilot Projects
Area Zoning Study**

**Executive Recommended
Department of Development and Environmental Services**

Purpose of the Form-Based Code Project

The King County Comprehensive Plan (KCCP) is the document that guides the creation of all land use and development regulations in unincorporated portions of the county. Currently, the majority of the policies in the Comprehensive Plan are implemented through Title 21 of the King County Code. Known simply as the Zoning Code, this document is structured in a familiar and common way, addressing items such as permitted uses and specific development standards like minimum parking and maximum floor area. Form-based code has emerged as one alternative to this traditional approach to zoning.

There are a number of significant reasons to consider the use of a form-based code. First, it can help simplify the current Zoning Code which some users find to be overly complex. Second, it provides a degree of flexibility that can help both the County and developers achieve their objectives. Finally, a form-based code gives King County an opportunity to guide the physical form of new development in ways it cannot today, due to the lack of a design review mechanism and other factors.

A form-based code may allow King County to pursue development goals that have not been fully realized under the current Zoning Code. For example, mixed-use development has not been widely pursued, and those projects have been built are on very large parcels. A form-based code may help explore new variations on the mixed-use concept, such as introducing small-scale

commercial uses into neighborhoods that have been mostly or entirely residential. It can also incorporate flexibility to allow developers to respond to evolving homebuyer tastes, such as the emerging preference for smaller homes. Finally, form-based code can provide new opportunities to meet other County objectives such as increased public health, more affordable housing options, and the reduction of climate impact.

Defining Form-Based Code

In a form-based code, standards are created for a range of zones across the Transect. They range from T1 to T5, and include additional zones called Civic Building and Civic Space. Transect zones are administratively similar to the land use zones in conventional zoning codes, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended environment of the transect zone are integrated, including those of the private lot and building and public frontage. Each property lies within one of these zones, allowing for easy identification of all the standards that apply to that particular property. Graphics illustrate the underlying concepts and help users interpret the meaning of text and tables. Form-based codes focus on the design of buildings and the public realm, allowing land use standards and tables to be simplified and shortened.

Form-Based Code in Rural vs. Urban Areas

Unincorporated King County is a large and diverse area that includes over 1 million acres of land. Its character ranges broadly, including urban, rural and wilderness areas. For this reason, different communities in King County have their own concerns, issues, and visions for their future. Subsequently, King County land use policies that apply to each of these areas are unique in many respects. Any potential form-based code would also acknowledge these differences.

The demonstration areas included in this project represent two examples along the urban/rural spectrum in King County. West Hill is within the Urban Growth Area and is designated to eventually be annexed into the City of Renton. By contrast, the Bear Creek community is designated as rural with no plans for future annexation or incorporation.

King County policy is clear in its intention to guide future growth towards urban areas of the county such as West Hill. Development here is supposed be healthy, livable and promote compact use of the land. At the same time, King County aims to preserve areas such as Bear Creek as rural. There are a number of challenges in this respect. First, the look and feel of rural

character remains largely undefined. Secondly, there is the challenge of making and keeping rural communities viable, without simply making them into “bedroom” or commuter communities. How can non-residential uses be introduced into rural areas without taking on the characteristics of typical sprawl? Is there a way to serve and support the local, rural community without attracting large amounts of urban users?

Implementation

Given the current economic situation, development has been stalled and slowed throughout King County. This cooling of development activity provides an excellent opportunity to stop and consider new approaches such as form-based code. After crafting an initial form-based code, the County has the opportunity to work with early adopters to test model projects and be prepared to make change to its regulatory system before the next development cycle starts.

The intention of the form-based code project is to test the program using pilot areas. If the pilots are successful, then consider expansion to the rest of King County. The exact process for achieving this goal will require thorough examination. It requires looking at which parts of a form-based code can be applied county-wide and which need to be tailored more specifically to individual communities.

Given the length and complexity of the current Zoning Code, and the lack of a design review process, it is a challenge to prepare a simple, easy-to-use form-based code that considers the various elements of the existing Code. Some standards within the Zoning Code would likely continue to be used, others modified, and some may no longer be effective or desirable.

It is possible to implement the form based code pilot as a Special District Overlay consistent with the King County Code:

21A.38.040 Special district overlay - general provisions. *Special district overlays shall be designated on official area zoning maps and as a notation in the department's electronic parcel record, as follows:*

A. A special district overlay shall be designated through the area zoning process as provided in K.C.C. chapters 20.12 and 20.16. Designation of an overlay district shall include policies that prescribe the purposes and location of the overlay;

B. A special district overlay shall be applied to land through an area zoning process as

provided in K.C.C. chapters 20.12 and 20.16 and shall be indicated on the zoning map and as a notation in the department's electronic parcel record and shall be designated in Appendix B of Ordinance 12824 as maintained by the department of development and environmental services, with the suffix "-SO" following the map symbol of the underlying zone or zones;

C. The special district overlays in this chapter are the only overlays authorized by the code. New or amended overlays to carry out new or different goals or policies shall be adopted as part of this chapter and be available for use in all appropriate community, subarea or neighborhood planning areas;

D. The special district overlays in this chapter may waive, modify and substitute for the range of permitted uses and development standards established by this title for any use or underlying zone;

E. Unless they are specifically modified by this chapter, the standard requirements of this title and other county ordinances and regulations govern all development and land uses within special district overlays;

F. A special district overlay on an individual site may be modified by property-specific development standards as provided in K.C.C. 21A.38.030;

G. A special district overlay may not be deleted by a zone reclassification; and

H. Special district overlay development standards may be modified or waived through the consideration of a variance, subject to the variance criteria in K.C.C. 21A.44.030

The following King County Comprehensive Plan Policies are applicable:

- U-132 King County encourages innovative, quality infill development and redevelopment in existing urban areas. A variety of regulatory, incentive and program strategies could be considered, including:**
- a. Special development standards for infill sites;**
 - b. Assembly and resale of sites to providers of affordable housing;**
 - c. Impact mitigation fee structures that favor infill developments;**
 - d. Greater regulatory flexibility in allowing standards to be met using innovative techniques; and**
 - e. Joint public/private loan guarantee pools.**
- U-404 King County shall identify and evaluate potential changes to land use development regulations and building codes to support and promote green building and low impact development.**

R-334 King County shall encourage, support and promote the application of sustainable development practices in all private sector development within the Rural Area.

ED-501 King County is committed to a sustainable and vibrant rural economy. County policy, regulations, and programs should support the preservation and enhancement of traditional rural economic activities and lifestyles, while supporting evolving compatible commercial uses and job opportunities.

Analysis

The King County Comprehensive Plan (KCCP) encourages innovative techniques to promote infill development within the Urban Growth Area. The KCCP also supports regulatory changes that support and promote green building and low impact development. The two pilot projects are an opportunity to test whether a form-based code is a more effective tool than the existing zoning code to successfully achieve these KCCP policy goals.

The pilot projects are also an opportunity to evaluate whether the form-based code is a more flexible and simpler regulatory approach compared to the existing zoning code for King County. It will take time to make this evaluation, based on actual development projects that were approved under the form-based code.

The Rural Area presents unique challenges. There is clear policy direction to preserve rural character and levels of service while allowing appropriate residential development and permitted non-residential uses without creating the need for urban levels of public services. The form-based code pilot project for the rural Cottage Lake area is designed to allow and support the existing shopping center to continue to serve the surrounding community with the intent that future commercial development or redevelopment within the existing Rural Neighborhood Commercial Center may be more pedestrian friendly. It is also the intent of the form-based code that new residential and non-residential development in the pilot project area be compatible with the character and scale of surrounding rural properties.

It is also the intent of the pilot projects to convert individual property zoning designations from the existing King County Zoning Code to the form-based “transects” without upzoning or downzoning any properties. The following chart from the implementation chapter of the KCCP shows the King County Comprehensive Plan land use designation and the corresponding zoning code designation. A new column has been added to this chart to show the corresponding form-based code transect for each KCCP land use designation for properties in the pilot project areas.

Comprehensive Plan Land Uses	Zoning	Form Based Code Transect
Unincorporated Activity Center : White Center	R-12, R-18, R-24, R-48, NB, CB, O, I	T5
Community Business Center	NB, CB, O	T5
Neighborhood Business Center	NB, O	T3
Commercial Outside of Centers	NB, CB, RB, O, I - this is the range of existing zoning in place when the comprehensive plan was adopted	T2C / T5
Urban Planned Development	R-1, R-4, R-6, R-8, R-12, R-18, R-24, R-48, NB, CB, RB, O, I	SD
Urban Residential, High	R-18, R-24, R-48	T4
Urban Residential, Medium	R-4, R-6, R-8, R-12	T3
Urban Residential, Low	R-1	SD
Rural City Urban Growth Area	UR The following two zones were in place in the North Bend UGA when the comprehensive plan was adopted in 1994: I, RB	SD
Rural Town	R-1, R-4, R-6, R-8, R-12, R-18, R-24, R-48, NB, CB, RB, O, I	T5
Rural Neighborhood Commercial Center	NB, RA-5	T2C
Rural Area	RA-2.5, RA-5, RA-10, RA-20	T2B
Industrial	I	SD
Forestry	F, M	T1
Agriculture	A	T2A
Mining	M	SD
Greenbelt/Urban Separator	R-1	SD
King County Open Space System	All zones	T1
Other Parks/Wilderness	All zones	T1

Executive Staff Recommendation

Amend King County Code Chapter 21A.38 to add a new form-based code Special District Overlay.

Apply the form-based code to the two pilot project areas as shown on the attached maps, rezoning all properties within these pilot project areas from the existing Title 21A zoning to the form-based code zoning Transects. When approved, each parcel within the two pilot project areas will also be designated with both a form-based code Transect and an –SO suffix indicating the parcel is within a form-based code Special district Overlay.

All existing P-Suffix development conditions on individual properties within both pilot project study areas shall be retained.