



King County

**Metropolitan King County Council
Local Services and Land Use Committee**

STAFF REPORT

Agenda Item:	5, 6, and 7	Name:	Erin Auzins Andy Micklow Jenny Ngo Jake Tracy
Proposed No.:	2023-0438 2023-0439 2023-0440	Date:	April 17, 2024

SUBJECT

A discussion of the 2024 King County Comprehensive Plan. Today's meeting will include a staff briefing on Chapter 9, 10, and 12 of the Comprehensive Plan, the Four-to-One Program, the Capital Facilities and Utilities Appendix, a select number of topics from Proposed Ordinance 2023-0440, and critical areas policy changes.

SUMMARY

The 2024 King County Comprehensive Plan (2024 KCCP) is the first opportunity where the entire plan will be open for review and update since 2016. Additionally, it will also serve as the Growth Management Act (GMA) mandated periodic review and update. The Executive transmitted the Executive's Recommended 2024 KCCP to the Council on December 7, 2023.

Review of the 2024 KCCP will be led by the Local Services and Land Use (LSLU) Chair, and will include Committee briefings on the substance of the Executive's Recommended 2024 KCCP, analysis by policy staff of each substantive change, public outreach, development of a LSLU Chair's striking amendment, line amendments by LSLU Committee members, and a vote in LSLU in June 2024. Full Council adoption is expected in December 2024, after a formal public hearing on November 19, 2024.

Today's staff presentation will cover Chapter 9, 10, and 12:

- Chapter 9: Facilities, Services, and Utilities
- Capital Facilities and Utilities Appendix
- Chapter 10: Economic Development
- Chapter 12: Implementation, Amendments, and Evaluation
- The Four-to-One Program
- Topics from Proposed Ordinance 2023-0440
- Critical Areas Policy Changes

BACKGROUND

King County Comprehensive Planning. The King County Comprehensive Plan (KCCP) is the guiding policy document for land use and development regulations in unincorporated King County. The King County Code (K.C.C.) allows for amendments to the KCCP on an annual, midpoint, or ten-year update schedule.¹ The ten-year update is on the same timeline as the GMA mandated review and update. The entire KCCP, and associated implementing regulations, is open for substantive revision, subject to limitations in the GMA, VISION 2050, the Countywide Planning Policies, KCCP policies, and the King County Code.

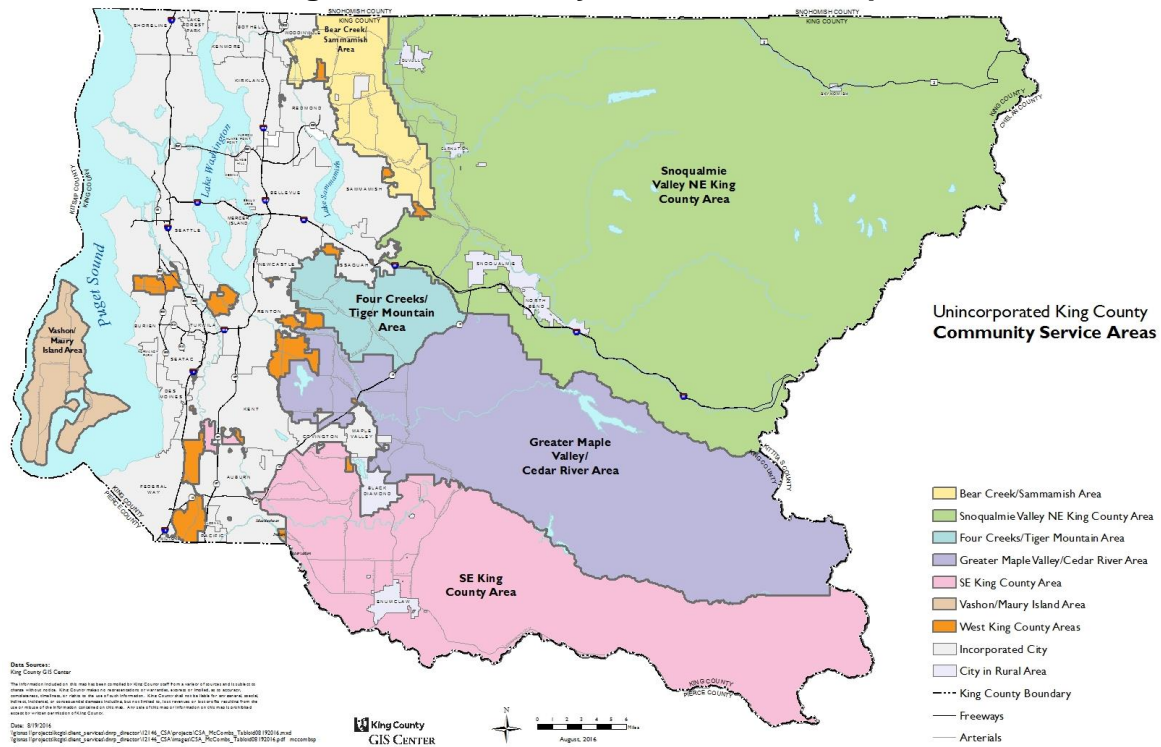
Scoping Motion. K.C.C. 20.18.060 requires the County to approve a scope of work for the ten-year KCCP update, known as the scoping motion. The scoping motion establishes the baseline issues that the County proposes to consider in the development of the 2024 KCCP; additional issues beyond what is in the scope of work may also be addressed in the ten-year update. The Council approved the scoping motion, as well as the State Environmental Policy Act (SEPA) work program and public participation plan, as part of Motion 16142 in June 2022. The scope of work included three focus areas: Pro-Equity, Housing, and Climate Change and the Environment. It also adopted a General category to cover other required and priority items for the County.

SEPA Environmental Impact Statement. The SEPA review for the 2024 KCCP includes an environmental impact statement (EIS), which includes alternatives analysis based on the scope of work and other potential amendment concepts. The Executive issued a Draft EIS concurrent with transmittal of the 2024 KCCP to the Council on December 7, 2023. The public comment period on the Draft EIS closed on January 31, 2024. A Final EIS will be developed based on any comments received, and the Committee-Recommended version of the 2024 KCCP and any new amendment concepts to be considered by the Council before final adoption. Amendment concepts raised after publication of the Draft EIS must be within the scope of the alternatives analyzed in the Draft EIS, otherwise a supplemental EIS may be required.

Subarea Planning. As part of the 2016 KCCP, the Council included Workplan Action #1, Implementation of the Community Service Area (CSA) Subarea Planning Program. As part of this Workplan Action item, the County will conduct subarea planning using the geography of the six rural CSAs, and the five remaining large urban unincorporated potential annexation areas (PAAs), as shown in the map in Chapter 11 of the 2024 KCCP and in Figure 1 of this staff report.

¹ K.C.C. 20.18.030, including changes proposed with the 2024 KCCP.

Figure 1. Community Services Area Map



Since the implementation of the Subarea Planning Program in 2016, three subarea plans have been adopted: Vashon-Maury Island in 2017, Skyway-West Hill in 2022, and North Highline in 2022. The Executive's proposed Snoqualmie Valley/NE King County (SVNE) subarea plan will be taken up concurrently with the 2024 KCCP and the remaining subarea plans will later be taken up in the following order: Greater Maple Valley/Cedar River CSA, Fairwood PAA, Bear Creek/Sammamish CSA, Southeast King County CSA, Four Creeks/Tiger Mountain CSA, East Renton PAA, and Federal Way PAA.

2020 Changes to the Subarea Planning Program. As part of the 2020 KCCP, policy and code changes were made regarding the Subarea Planning Program. Generally, the changes required that subarea plans: be developed based on an established scope of work, use equity impact tools and resources in plan development, have more robust community engagement, and be monitored through performance measures and evaluation. K.C.C. 2.16.055.B. requires the Department of Local Services (DLS), in coordination with the regional planning unit and the Councilmember office representing the geography, to manage the CSA subarea planning program, and requires that each subarea plan:

- Be consistent with the KCCP;
- Be based on a scope of work established with the community;
- Establish a long-range vision and policies that implement that vision, but that are not redundant to the KCCP;
- Establish performance metrics and monitoring;
- Use the tools and resources of the Executive's Office of Equity and Racial and Social Justice (OERSJ) throughout development, implementation and monitoring,

including for community engagement and incorporating the findings of an equity impact analysis;

- Review existing policies (primarily from Chapter 11) of the KCCP and retain/transfer those that are still applicable;
- Review land use designations and zoning classifications, including special district overlays (SDOs) and property-specific (P-suffix) development conditions, and amend as necessary; and
- Incorporate the community needs list required to be developed simultaneously.

Community Needs List. As part of the 2020 KCCP, the Council established a Community Needs List (CNL) for each of the CSA geographies in the subarea planning program. Each CNL is intended to be consistent with its respective subarea plan by identifying potential services, programs, facilities, and improvements that respond to community-identified needs. Development of the CNLs, including community engagement, must use tools from the County's Office of Equity and Racial and Social Justice (formerly OESJ). CNLs are required to be submitted with transmittal of the applicable subarea plan, and with each county budget, via ordinance.

Council Review Process. The LSLU Committee will meet on the 1st and 3rd Wednesday of each month from January through June 2024, and is expected to make a recommendation to the full Council at its June 5, 2024, committee meeting. Each committee meeting will be dedicated to specific chapters of the 2024 KCCP. This approach allows for detailed review of each chapter but will not provide time in committee to revisit most issues discussed in earlier meetings. The Snoqualmie Valley/NE King County (SVNE) Subarea Plan will be briefed at the beginning of the committee review process, and then heard with the striking amendment at the end of the committee review process.

The schedule takes into account a number of factors, including the EIS process; LSLU Committee meeting dates; public comments; lead time to analyze and produce amendments; minimum noticing timeframes; and the state deadline for adoption. The schedule assumes one meeting solely for briefing the striking amendment and one meeting to vote on the underlying ordinance, the striking amendment, and all line amendments.

Special LSLU Evening Meetings. The Committee is expected to hold five special evening meetings on the 2024 KCCP and Draft EIS. The dates, locations, and the focus of each special evening meeting are provided in the following table. The remaining evening meeting will only allow for in person public comment.

Meeting Date/Time	Location	Focus
Thursday, January 18, 2024 Doors open: 6:00pm Meeting starts: 6:30pm	County Council Chambers 516 Third Ave, Room 1200 Seattle	Hearing on Draft EIS
Thursday, February 8, 2024 Doors open: 6:00pm Meeting starts: 6:30pm	Covington City Hall 16720 SE 271st Street, Suite 100 Covington	KCCP Overview
Thursday, March 7, 2024 Doors open: 6:00pm Meeting starts: 6:30pm	Riverview Educational Service Center 15510 1st Ave NE Duvall	Snoqualmie Valley / NE King County Subarea Plan
Thursday, April 4, 2024 Doors open: 5:00pm Meeting starts: 5:30pm	Vashon Center for the Arts 19600 Vashon Hwy SW Vashon	Map changes, Shoreline code changes
Thursday, May 16, 2024 Doors open: 6:00pm Meeting starts: 6:30pm	Skyway VFW 7421 S 126th St Seattle	Committee Striking Amendment

These locations were chosen based on the location of significant map amendments and issues of interest, and to provide geographic distribution of the meetings. The first meeting on January 18th was primarily to hear verbal public comment on the Draft EIS. Comments on the KCCP will be accepted at each evening meeting. The final evening meeting on May 16th will be focused on the Committee Chair's striking amendment.

Evening meetings are expected to include: a welcome/open house at the beginning, followed by councilmember remarks, a staff presentation, and public comment. The majority of the meeting will be dedicated to receiving public comment. Materials to share information and obtain written comment will be prepared and provided at the meeting.

Chair Striking Amendment. The LSLU Committee Chair is expected to sponsor and lead development of the committee striking amendment. Policy staff will prepare analysis and potential options that will be distributed to all committee members' offices for their consideration in advance of the amendment request deadline.

Regular briefings for district staff will be provided, and policy staff will be available to brief Councilmembers individually.

Amendment deadlines. The review schedule, Attachment 1 to this staff report, includes the established amendment deadlines. The attached schedule also includes the amendment deadlines for full Council.

Key Committee review dates include:

Date	Deadline
March 29	Amendment requests for Striking Amendment due – Except for Critical Area Regulations
April 5	Substantive direction deadline for Striking Amendment – Except for Critical Area Regulations
April 12	Amendment requests for Striking Amendment due – Critical Area Regulations
April 19	Substantive direction deadline for Striking Amendment – Critical Area Regulations
May 14	Striking Amendment released
May 22	Line amendment direction due
May 31	Public line amendments released

ANALYSIS

Executive Transmittal. The Executive transmittal of the 2024 KCCP follows 18 months of work by the Executive, including, in part, public issuance of an early concepts document, an interbranch review by Council staff at two stages, a Public Review Draft with a public comment period, and an interdepartmental review of the plan by Executive staff. There are three proposed ordinances in the Executive’s transmittal to the Council.

- 1) Proposed Ordinance 2023-0440 would make changes to development and other implementing regulations and adopt the 2024 King County Comprehensive Plan, as well as the associated appendices (Housing, Transportation, Capital Facilities and Utilities, Regional Trails, Growth Targets). The transmittal also includes the following:
 - Changes to the Vashon-Maury Island Subarea Plan and associated zoning map conditions;
 - Proposed land use designation and zoning map amendments;
 - I-207 matrices and Plain Language Summary;
 - Equity Analysis; and
 - Other supporting materials (i.e., Public Participation Summary, area zoning and land use studies, code studies, best available science summary²).
- 2) Proposed Ordinance 2023-0439 would adopt the Snoqualmie Valley/Northeast King County Subarea Plan with subarea-specific development regulations and map amendments, as well as a Fall City residential study.
- 3) Proposed Ordinance 2023-0438 would adopt updated Countywide Planning Policies.

² The required best available science and critical area regulations update was transmitted to the Council on March 1, 2024, for the Council to incorporate into the LSLU striking amendment.

How the Analysis Section is Organized. As noted previously, each committee meeting will be dedicated to specific chapters of the 2024 KCCP. The analysis in this staff report focuses on the following items in the 2024 KCCP:

- 2024 KCCP (PO 2023-0440):
 - Chapter 9: Facilities, Services, and Utilities
 - Capital Facilities and Utilities Appendix
 - Chapter 10: Economic Development
 - Chapter 12: Implementation, Amendments, and Evaluation
 - The Four-to-One Program
 - Topics from Proposed Ordinance 2023-0440
 - Critical Areas Policy Changes

- Countywide Planning Policies (PO 2023-0438):
 - The Four-to-One Program

Analysis of other chapters in the Executive's Recommended 2024 KCCP has been provided at previous LSLU meetings, as noted in the schedule attached to the staff report. Staff analysis of each component includes identification of each change and discussion of any policy issues or inconsistencies with adopted policies and plans.

One continuous theme throughout the KCCP chapters is a significant reduction in the amount of lead-in text, and reorganization with and across chapters to better group topics. The staff analysis will not address those, except when they represent a substantive change.

2024 KCCP Chapter 9: Facilities, Services, and Utilities³

Chapter 9 of the KCCP describes and includes policies related to:

- Equity impact reviews;
- Green building;
- Levels of development and support services in Rural Area and Natural Resource Lands; capital facility plans;
- Fossil fuel use and reduction;
- Fee discounts for households with low incomes;
- Public facility siting;
- Mitigation for the impacts of climate change at existing public facilities;
- Water planning;
- On-site sewage systems;
- The solid waste management, circular economy, and the Cedar Hills Landfill;
- Stormwater management;
- Flood risk and floodplain management;
- Development regulations and incentives to reduce greenhouse gas emissions;
- Renewable energy and new energy resources and technologies;

³ Attachment 2 to this Staff Report

- Transmission and distribution lines;
- Sale of carbon offsets or environmental attributes; and
- Broadband internet access and public wireless capabilities.

Key themes in the Executive's Transmittal for Chapter 9 include policy changes addressing:

- Equity impact reviews for public facilities and facility planning processes;
- Green building;
- Use of County property for community uses;
- Public facilities supporting land use assumptions, growth targets, rural area protection;
- Greenhouse gas emission and fossil fuel use reduction;
- Rate discounts;
- Equity in Essential Public Facilities;
- Regional water planning;
- Community on-site sewage systems;
- Circular economy and zero waste of resources in solid waste planning;
- Future solid waste disposal planning;
- Stormwater, including regional stormwater planning, stormwater parks, and stormwater retrofits;
- Floodplain management;
- Environmental attribute purchasing;
- Renewable gas;
- Decarbonization, solar energy;
- Impacts of climate change on frontline communities; and
- Broadband service.

Attachment 3 to this staff report provides the staff analysis of the Executive's transmittal, including some additional policy changes that could be made to further clarify or streamline the Executive's transmittal. At today's meeting, policy staff will brief the new policy and substantive policy changes.

2024 KCCP Appendix A: Capital Facilities and Utilities⁴

Technical Appendix A includes information on capital facilities inventory and planning for facilities provided by King County and facilities provided by other public entities, as well as an inventory of utility facilities.

2024 CAPITAL FACILITIES INVENTORIES AND PLANNING: FACILITIES PROVIDED BY KING COUNTY

This section of the appendix provides a brief overview of and incorporates by reference several documents that provide continuing, cumulative review, and updates of all County facility planning and financing. These documents include:

⁴ Attachment 4 to this Staff Report

- King County Real Property Asset Management Plan (RAMP)
- Capital Improvement Program (CIP) of the King County Budget
- King County Open Space Plan: Parks, Trails, and Natural Areas
- Surface Water Management Documents, including:
 - Stormwater Management Program Plan
 - National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit Annual Report
- Comprehensive Solid Waste Management Plan
- Sanitary Sewer Collection and Treatment Documents, including:
 - King County Regional Wastewater Services Plan
 - Combined Sewer Overflow Control Program Update
 - Conveyance System Improvement Program Update
 - Wastewater Asset Registry
 - Wastewater Ratepayer Report
- King County Flood Hazard Management Plan
- Medic One/Emergency Medical Services Strategic Plan
- Transportation documents, including:
 - Strategic Plan for Road Services
 - Transportation Concurrency Update Report
 - King County Metro's Strategic Plan, Service Guidelines, Long Range Plan, and Transit System Evaluation

What's new in the transmitted 2024 KCCP?

Document references. The proposed 2024 KCCP update does not include references to some documents that were referenced in the 2016 appendix.

Table 1 –Changes to Document References

Category	Change	Rationale
Surface Water Management	The following documents are <u>not</u> referenced: the Coal Creek Basin Plan, Soos Creek Basin Plan, Covington Master Drainage Plan, Bear Creek Basin Plan, Lower Cedar River Basin and Nonpoint Pollution Action Plan, Issaquah Creek Basin and Nonpoint Pollution Action Plan, May Creek Basin and Nonpoint Pollution Action Plan, Surface Water Design Manual, East Lake Sammamish Basin and Non-point Action Plan, Hylebos Creek and	These basin plans are proposed to be repealed with the 2024 KCCP.

Category	Change	Rationale
	Lower Puget Sound Basin Plan	
Solid Waste Management	The following documents are <u>not</u> referenced: Solid Waste Transfer and Waste Management Plan	The information can be found in the Comprehensive Solid Waste Management Plan referenced in the update.
Sanitary Sewer Collection and Treatment	The following documents are <u>newly</u> referenced: Wastewater Ratepayer Report	This was a new report in 2016.
Health & Human Services Facilities	The following documents are <u>not</u> referenced: Master Plan for Seattle-King County Public Health Facilities and King County Public Health Operational Master Plan	The information can be found in the referenced RAMP, which includes administrative, court, law enforcement, jail, public health, and human services facilities, and the King County Budget that includes and captures six-year capital facility planning and financing for all county departments, agencies, and offices.
Law, Safety, & Justice Facilities	The following documents are <u>not</u> referenced: Regional Justice Center Facility Master Plan	The information can be found in the referenced RAMP, which includes administrative, court, law enforcement, jail, public health, and human services facilities, and the King County Budget which includes and captures six-year capital facility planning and financing for all county departments, agencies, and offices.

2024 CAPITAL FACILITIES INVENTORIES AND PLANNING: FACILITIES PROVIDED BY OTHER PUBLIC ENTITIES

The KCCP includes lists of other public entities in unincorporated King County that provide services for water, sewer, schools, fire, libraries, or other parks. Under state law, the county must make a good faith effort to “gather and include within the capital facilities element the information required for such facilities.” The appendix provides these lists and

incorporates by reference the planning documents for facilities owned by each public entity.

What's new in the transmitted 2024 KCCP?

Abbreviated libraries list. The 2024 update includes a list of only the King County Library System libraries that have facilities in unincorporated King County, whereas the 2016 appendix included a list of all facilities in the entire county.

New parks facility list. The 2024 update includes a list of other parks service providers in unincorporated King County. This list was not included in the 2016 appendix.

Table 2 – Newly Listed Parks Service Providers

Parks
Fall City Metropolitan Park District
Northshore Park and Recreation Service Area
Si View Park District
Tukwila Pool Metropolitan Park District
Vashon-Maury Island Park and Recreation District

Technical corrections needed for some lists. Council staff have identified inaccuracies within the lists of schools and fire districts. Executive staff state they are working on reconciling information to be included in the Chair's striker so that the 2024 update will identify the most accurate lists possible for all the applicable non-county public service providers.

2024 UTILITIES FACILITIES INVENTORIES

State law requires that comprehensive plans include a utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities including, but not limited to, electrical, telecommunications, and natural gas systems.⁵ The county is required to make a good faith effort to acquire information about these facilities and associated future planning.

What's new in the transmitted 2024 KCCP?

Utility contact attempts. The 2024 update states that the county attempted to contact and acquire information about facilities owned by the Bonneville Power Administration, Puget Sound Energy, and Tanner Electric Cooperative, but that these entities were either unresponsive, or stated that detailed information about the current and future locations of this infrastructure was unavailable due to security concerns.

Information provided for Puget Sound Energy and Tanner Electric Cooperative. The 2024 update does include information on some of the Puget Sound Energy infrastructure,

⁵ RCW 36.70A.070(3) and WAC 365-196-420

including that it has 2,840 miles of overhead wire, 6,187 miles of underground cable, and 155 substations countywide. It also includes a map of system information and circuit line data provided by Tanner Electric.

Proposed telecommunications facilities. The update includes that there are 53 pending King County permits for proposed telecommunications facilities and includes a map of the locations for these proposed facilities. Executive staff state that the 53 pending permits for telecommunications facilities include both pole towers and antennae. Further, most antennae permits are for upgrades, replacements, or additions to antennae equipment on existing poles. Other permits are for upgrades, replacements, or additions of antenna equipment on other existing structures, such as water towers, buildings, or utility stanchions.

Council Staff Analysis

No issues identified with Appendix A.

2024 KCCP Chapter 10: Economic Development⁶

Chapter 10 of the KCCP describes and includes policies related to equitable, diverse, and inclusive economic development; community engagement; economic development in cities versus in the Rural Area and Natural Resource Lands; family-wage and middle-wage jobs; small and locally owned businesses and opportunities for BIPOC and other historically underrepresented groups; green energy, creative economy, and emerging sectors; public/private partnerships to support economic development; international trade and the circular economy; supporting resilient communities; preventing displacement; and workforce development.

Key themes in the Executive's Transmittal for Chapter 10 include policy changes addressing:

- Inclusiveness, diversity, and equity in economic development;
- Access to opportunity;
- Focusing growth in the urban area;
- Providing for economic opportunity for rural and resource-based businesses;
- Jobs that provide family wage jobs and advance equity, sustainability, and workers' rights;
- Focusing on small businesses and locally owned businesses;
- Skills training for middle wage jobs;
- Preventing displacement;
- Prioritizing aerospace, green energy, creative economy, information technology, agriculture and forestry, and emerging sectors;
- Circular economy;
- Resilient communities; and
- Community stabilization.

⁶ Attachment 5 to this Staff Report

Attachment 6 to this staff report provides the staff analysis of the Executive's transmittal, including some additional policy changes that could be made to further clarify or streamline the Executive's transmittal. At today's meeting, policy staff will brief the new policy and substantive policy changes.

2024 KCCP Chapter 12: Implementation, Amendments, and Evaluation⁷

Chapter 12 of the KCCP describes and includes policies related to updates to the KCCP, including equitable engagement strategies to ensure public participation in the update process, and incentives to encourage housing affordable to all income levels in the Urban Growth Area. This chapter also describes seven Work Plan actions proposed by the Executive:

- Action 1: KCCP Performance Measures Framework Update
- Action 2: Comprehensive Plan Public Participation Code Update
- Action 3: Mandatory Inclusionary Housing and Community Preference Review
- Action 4: Multifamily Housing Tax Exemption Feasibility
- Action 5: Old Growth Corridors Strategies
- Action 6: Vashon-Maury Island Coastal Hazard Vulnerability Assessment and Response Plan
- Action 7: Wildfire Risk Assessment

Attachment 8 to this staff report provides the staff analysis of the Executive's transmittal, including some additional policy changes that could be made to further clarify or streamline the Executive's transmittal. At today's meeting, policy staff will brief the new policy and substantive policy changes.

2024 KCCP: Four-to-One Program⁸

The County's Four-to-One Program provides an opportunity to add land to the regional open space system through the dedication of permanent natural areas, to create a contiguous band of natural areas, running along the Urban Growth Area boundary. As part of the 2021 Countywide Planning Policies' update, the Council required the Executive to review the Four-to-One Program, and make recommendations through the Growth Management Planning Council to update it.

In Proposed Ordinance 2023-0438 (Countywide Planning Policies changes) and 2023-0440 (Comprehensive Plan Policy changes and Code changes), the Executive has proposed updates to the Four-to-One Program requirements.

Attachment 11 to this staff report provides the staff analysis of the Executive's transmittal, including some additional policy changes that could be made to further clarify or streamline the Executive's transmittal. At today's meeting, policy staff will brief the new policy and substantive policy changes.

⁷ Attachment 7 to this Staff Report

⁸ Attachment 9, 10, 12 to this Staff Report

The Proposed Ordinance includes regulations that implement the KCCP. There are over 40 different substantive topics within the Proposed Ordinance. Today, Council staff will cover:

- Middle Housing;
- Inclusionary Housing;
- Mobile Home Parks;
- Emergency Housing;
- Accessory Dwelling Units and Accessory Living Quarters;
- Transfer of Development Rights;
- Urban Agriculture; and
- Destination Resorts.

The substance of the entire Proposed Ordinance is available in Attachment 13 to this staff report.

Middle Housing

What is middle housing? Middle housing includes moderately scaled multi-unit attached or clustered detached housing types that are compatible in low-density residential areas (such as those areas developed with predominantly single detached residences). Middle housing developments typically include more housing units than single detached residential developments, but fewer than large apartment buildings. These housing types typically include, but are not limited to, duplexes, triplexes, fourplexes, multiplexes, townhouses, courtyard buildings, cottage houses, and live-work buildings.

Adopted County Regulations. Under K.C.C. Title 21A, the County identifies 5 main types of housing: single detached, townhouses, apartments, mobile home parks, accessory dwelling units, and group housing (senior assisted, dormitories, community residential facilities). Townhouses and apartments included any building with two or more dwelling units. Table 3 on the following page identifies the allowable housing types in each of the zoning designations.

⁹ Attachment 12 to this Staff Report

Table 3. Permitted Housing Types in the RA, UR, R, and Commercial Zones¹⁰

Housing Type	RA	UR	R-1 - R-8	R12-48	NB, CB, RB, O	I
Single Detached	Permitted. Conditional Use Permit (CUP) when more than one house is on a single lot				Not permitted	N o t P e r m i t t e d
Townhouse	Conditional, only in a registered historic building	Permitted. CUP required if exceeding base density or if more than one house is on a single lot	Permitted	Permitted as a mixed use development In NB, standalone townhouses permitted for commercial outside of center		
Apartment		In R-1, only if 50%+ of site is unbuildable and doesn't exceed 18 du/acre net buildable area In R-4 through R-8, permitted when under 18 du/acre net buildable area, CUP when more than 18 du/acre net buildable area				
Cottage Housing	Not permitted	Not permitted in R-1, permitted in R-4 through R-8	Not permitted			

Density for these housing types is identified in K.C.C. 21A.12.030. Base densities in the R zones reflect their number (e.g., R-8 zone allows a base density of 8 dwelling units per acre [du/acre]). The base density is 8 du/acre in the NB, 36 du/acre in the RB, and 48 du/acre in the CB and O.

In the R-1 through R-8 zones, densities for apartments are subject to “net buildable area” density. The net buildable area excludes right-of-way over 60 feet in width, critical areas and buffers, stormwater facilities, on-site recreation, regional utility corridors, or other areas (besides setbacks) that are required to remain undeveloped. Apartments are only permitted in the R-1 if more than 50% of the site is constrained with unbuildable critical areas and the density does not exceed 18 du/acre net buildable area. In the R-4 through R-8 zones, apartments are permitted, but require a conditional use permit if they exceed 18 du/acre net buildable area.

Developments can typically receive 150% or 200% maximum density (e.g., 12 dwelling units per acre or 16 dwelling units per acre in the R-8 zone respectively) for specific actions, such as:

- The Residential Density Incentives Program outside of Skyway-West Hill or North Highline in K.C.C Chapter 21A.34.
- Purchasing of TDRs outside of Skyway-West Hill or North Highline under K.C.C. Chapter 21A.37.
- Purchasing of Transfer of Development Rights (TDRs) for up to 9 units inside Skyway-West Hill or North Highline, but outside the unincorporated activity centers of White Center and the Skyway Business District.

¹⁰ This table excludes Resource zones (A, F, and M), as there are no middle housing provisions proposed for these zones.

- Providing affordable housing under the Inclusionary Housing Program in Skyway-West Hill or North Highline under K.C.C. Chapter 21A.48.

Executive's Proposal. The Executive is proposing to add three new housing types (duplexes, triplexes, and fourplexes) and modify existing housing types (townhouses and apartments).

- *Dwelling unit, duplex:* a dwelling unit contained in a building that is located on one legal lot or parcel, containing two dwelling units designed exclusively for occupancy by two individuals or families living independently of each other.
- *Dwelling unit, triplex:* a dwelling unit contained in a building that is located on one legal lot or parcel, containing three dwelling units designed exclusively for occupancy by three individuals or families living independently of each other.
- *Dwelling unit, fourplex:* a dwelling unit contained in a building that is located on one legal lot or parcel, containing four dwelling units designed exclusively for occupancy by four individuals or families living independently of each other.
- *Dwelling unit, townhouse:* a dwelling unit contained in a building containing five or more dwelling units that occupy space from the ground to the roof that is attached to one or more other townhouse dwellings by common walls.
- *Dwelling unit, apartment:* a dwelling unit contained in a building consisting of five or more dwelling units which may be stacked, or one or more dwellings with nonresidential uses.

The Executive is also proposing changes to which uses are permitted, conditional, and not permitted in the RA, UR, R, and commercial zones. Townhouses would be permitted outright in the R-1 through R-8 zones. On properties in the R-4 through R-8 zones that are 4,500 sf or greater, duplexes are permitted despite base density if TDRs are purchased meeting the requirements of K.C.C. 21A.08.030.B.19.

Duplexes, triplexes, fourplexes, and apartments would be allowed in the R-1 zone if more than 50% of the site is constrained with unbuildable critical areas and the density does not exceed 18 du/acre net buildable area. In the R-4 through R-8 zones, these uses are permitted but are subject to the 18 du/acre net buildable area. The provision to allow these uses to exceed the net buildable area requirement with a conditional use permit is proposed for removal by the Executive.

Table 4 summarizes the Executive-proposed middle housing changes by housing type and zone.

Table 4. Summary of Executive-Proposed Middle Housing Permitted Housing Changes by Zone

Housing Type	R A	UR	R-1 - R-8	R12-48	NB, CB, RB, O	I
Single Detached	Permitted. CUP when more than one house is on a single lot				Not permitted	N o t P e r m i t t e d
Townhouse	Conditional, only in a registered historic building		Permitted	Permitted	Permitted as a mixed use development In NB, standalone townhouses permitted for commercial outside of center	
Duplex			In R-1, 50% of site is unbuildable and doesn't exceed 18 du/acre net buildable area			
Triplex						
Fourplex						
Apartment						
Cottage Housing	Not permitted	Not permitted in R-1, permitted in R-4 through R-8	Not permitted			

As part of the Executive proposal, the Residential Density Incentive Program would be repealed. Under this Program, developments could receive bonus density (150% or 200% of base density) in the following ways:

- In the R-1 through R-48 zones, duplexes, triplexes, fourplexes, and townhouse developments with 9 or fewer units could receive 150% density when within 1/2 mile of high capacity transit.
- In areas outside of the Skyway-West Hill and North Highline, purchasing of TDRs to receive 150% density, or purchasing of TDRs through the TDR for affordable housing pilot program receive 200% density.
- In all urban areas and in the rural towns of Snoqualmie Pass and Vashon, providing affordable housing under the Inclusionary Housing Program in K.C.C. Chapter 21A.48.

The developments that could receive bonus density allowances in the circumstances described on the previous page could also be required to meet other design standards, such as parking, recreational space requirements, and other design requirements as follows:

Table 5. Summary of Other Zoning Requirements by Housing Type

Housing Type	Parking	On-site Recreation	Other Requirements
Single detached	2.0 per unit	Residential subdivisions at a density of less than 8 du/acre: 390 sf per unit When the density is more than 8 du/acre: 170 sf per unit	<ul style="list-style-type: none"> - Building modulation required for buildings 60+ feet facing streets or properties zoned R-1 through R-4. - When abutting an alley that is at least 20 feet wide, parking is placed to the rear with access via alley.
Duplex	1.0 per unit		
Triplex	1.0 per unit		
Fourplex	1.0 per unit	When the density of less than 8 du/acre: 390 sf per unit	
Townhouses	2.0 per unit		
Apartments	By unit size: Studio – 1.2 per unit 1 bedroom – 1.5 per unit 2 bedroom – 1.7 per unit 3+ bedroom – 2.0 per unit	When the density is more than 8 du/acre: Studios & 1 bedroom – 90 sf per unit 2 bedroom – 170 sf per unit 3+ bedrooms – 170 sf per unit	
Cottage Housing	1.0 per unit	250 sf per unit	

Council Staff Policy Flags. Council staff identified several areas that the Council may wish to consider:

- *Middle Housing Requirements.* As proposed by the Executive, the split in housing types occurs at five units. Developments with more than 5 units are classified as either apartments or townhouses. The zoning code provides some thresholds at 5 units (such as on-site recreation, alley access, or modulation) or at 9 units (such as the new proposed high-capacity transit density bonus or TDR density bonus). Council may wish to review zoning standards and evaluate if they could apply consistently to middle housing types.
- *Density bonuses near high-capacity transit.* In the R-1 through R-48 zones, duplexes, triplexes, fourplexes, and townhouse developments with 9 or fewer units within 1/2 mile of high-capacity transit can receive 150% density. Apartments and cottage housing are not eligible for this bonus, neither are housing types in commercial zones. Council may wish to consider if additional housing types or zones could be eligible for density bonuses.
- *Conditional use permit requirements.* Single detached residences are permitted in the R-1 through R-48 zones. If more than one single detached residence is proposed in these zones, a conditional use permit is required. Housing types with multiple dwelling units, such as duplexes, triplexes, fourplexes, townhouses, and

apartments are generally permitted outright in the R-4 through R-48 zones. Council may wish to consider whether multiple single detached residences should require a higher level of review through a conditional use permit compared to multi-unit housing types that would be permitted outright.

- *Cottage Housing.* No changes to the cottage housing standards were proposed as part of the Executive’s proposal. Council may wish to consider updates to this use in the zoning code.

Inclusionary Housing

King County’s Inclusionary Housing Program Background. The Inclusionary Housing program creates affordable housing in developments in exchange for regulatory incentives. As currently adopted, the program applies in Skyway-West Hill and North Highline for any development with more than one dwelling unit. Within the unincorporated activity centers of White Center and the Skyway Business District, inclusionary housing is mandatory. In all other areas of Skyway-West Hill and North Highline, the program is voluntary.

Under the current rules, developments can receive varying amounts of extra density based on the occupancy type, AMI, percentage of affordable units, and if additional TDRs are purchased. In the voluntary areas, developments with 9 or fewer units can purchase TDRs to receive 150% density. There is no equivalent allowance in the mandatory areas. Table 6 provides a summary of affordable housing percentages and maximum densities.

Table 6. Summary of Adopted Inclusionary Housing Percentages

Occupancy Type and AMI	Minimum % of Total Units Required to be Affordable	Maximum Density (as % of base density)	Additional Maximum Density Allowed with purchase of TDRs
Owner Occupied at 80% AMI	100%	200%	None
	30%	150%	Additional 50%, up to 200% of base density
	15%	125%	Additional 50%, up to 175% of base density
Any combination of 80% AMI (Owner) and 60% AMI (Rental)	100%	200%	None
	25%	150%	Additional 50%, up to 200% of base density
	12%	125%	Additional 50%, up to 175% of base density
Rental at 60% AMI	100%	200%	None
	20%	150%	Additional 50%, up to 200% of base density
	10%	125%	Additional 50%, up to 175% of base density

Occupancy Type and AMI	Minimum % of Total Units Required to be Affordable	Maximum Density (as % of base density)	Additional Maximum Density Allowed with purchase of TDRs
Rental at 50% AMI	100%	200%	None
	15%	150%	Additional 50%, up to 200% of base density
	7%	125%	Additional 50%, up to 175% of base density

The program provides incentives in addition to extra density, including increased maximum heights, lower parking requirements, and larger residential floor area percentages. Affordable units in the development are required to be integrated throughout the development, use materials of comparable quality to market-rate units, provide the same access to on-site amenities, and have a similar or larger unit size and bedroom composition as market-rate units.

The number of required affordable units is calculated by multiplying the total number of dwelling units to be constructed with the applicable percentage. The code provides different bedroom sizes to count towards the affordable unit requirement on a scale: studio units count as 0.5 of an affordable unit, 1- and 2-bedrooms count as 1 affordable unit, 3-bedrooms count as 1.5 affordable units, and 4-bedrooms count as 2 affordable units. When the number of affordable units results in a fraction, fractions below 0.50 pay a fee based on the value of the affordable dwelling unit and fractions above 0.50 are rounded up to the next whole number. Alternative compliance for off-site affordable units and in-lieu fees may be permitted under some circumstances.

The Inclusionary Housing Program also includes community preference and affirmative marketing plan requirements. Under the plan, tenant selection processes for affordable dwelling units must provide a preference for applicants with a connection to the subarea in which the project is located, advertising and outreach must be designed to attract potential housing applicants who would otherwise be less likely to apply, and there must be an appeals process for applicants.

Executive’s Proposal. The Executive is proposing to repeal the Residential Density Incentive Program under K.C.C. Chapter 21A.34 and expand the voluntary portion of the Inclusionary Housing Program to all urban unincorporated areas and rural towns served by sewers in the NB, CB, RB, and O zones as part of a mixed-use development and the R-4 through R-48 zones. Developments under the voluntary inclusionary housing provisions would be subject to the same occupancy type, AMI, percentage of affordable units, and TDR allowances as in Table 6, with the exception of properties in the Vashon Rural Town.

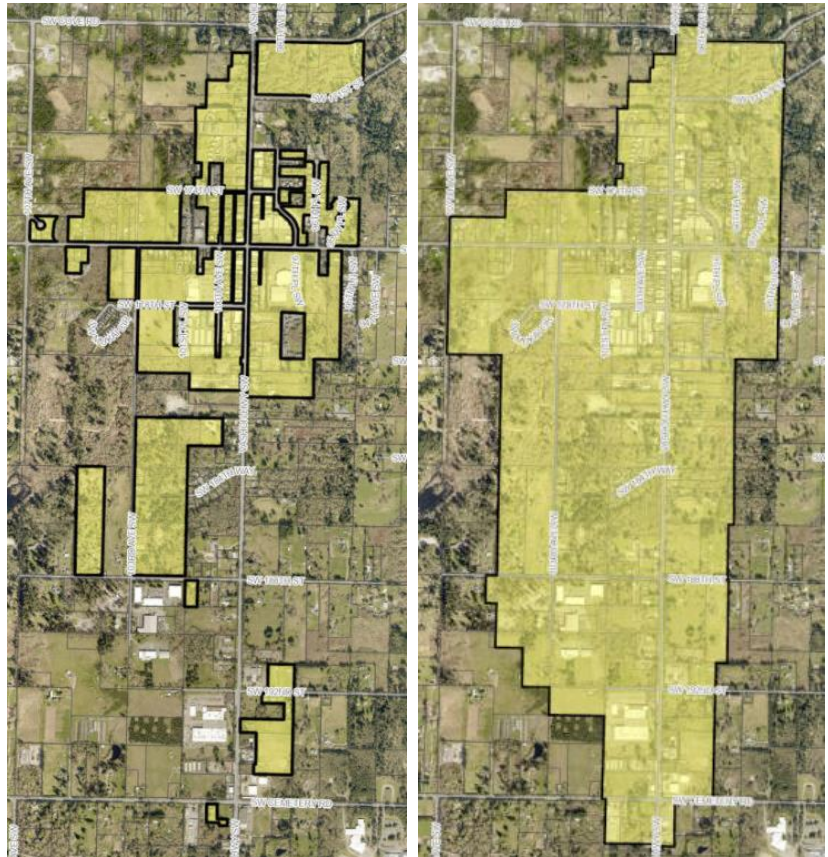
The Executive’s proposal also includes clarification of base and maximum density, stating that those densities are established in p-suffix conditions and special district overlays, when applicable. The proposal establishes new height limits for the CB zoned area of Snoqualmie Pass Rural Town at 65 feet and the Vashon Rural Town at 35 feet.

There is an existing Special District Overlay SO-270 that covers a portion of the Vashon Rural Town (see Figure 2, left). SO-270 is a voluntary overlay for affordable housing and requires 100% of units in a development to be affordable for density incentives, reduced parking, and reduced on-site recreation requirements.

The Executive proposes to repeal SO-270 and apply the voluntary portion of the Inclusionary Housing Program to the Vashon Rural Town (see Figure 2, right). Those developments in the Vashon Rural Town would be required to provide 100% of affordable housing. Developments would be limited to 45 feet in the Vashon Rural Town.

The requirements for a community preference and affirmative marketing plan would not be expanded and would remain a requirement in Skyway-West Hill and North Highline only.

Figure 2. Vashon Rural Town
LEFT: Existing Special District Overlay SO-270,
RIGHT: Executive's Proposal to Apply Voluntary
Inclusionary Housing Program



Council Staff Policy Flags. Council staff identified several areas that the Council may wish to consider given the expansion of the voluntary portion of the program:

- *Use of TDRs and equity across King County.* In Skyway-West Hill and North Highline, developments must use the Inclusionary Housing Program in order to gain extra density.¹¹ In the proposed expanded voluntary areas (urban areas and rural towns served by sewer), developments with 10 or more units are provided an additional option to purchase TDRs to gain extra density that are not available in Skyway-West Hill and North Highline. The cost of purchasing TDRs is significantly lower than the cost of providing an affordable housing unit, which may raise concerns related to the cost of construction depending on where a development is proposed. Council may wish to consider addressing the relationship between

¹¹ Two exceptions to this exist for developments with 9 or fewer units. Developments can build up to 150% density if they are within 1/2 mile of high capacity transit or if TDRs are used for development outside of the unincorporated activity centers.

density, TDRs, and the Inclusionary Housing Program with the expansion of the voluntary program.

- *Inclusionary housing percentages.* The Inclusionary Housing Program was implemented in 2022. According to the Housing Needs Assessment (Appendix B), 18 units of housing have been constructed under this program so far and 76 units are estimated over the next 20 years based on projections of the Residential Density Incentive Program. Council may wish to consider changes to the Inclusionary Housing Program to support the construction of more affordable housing units.
- *Vashon Rural Town.* The Executive's proposal carries forward a requirement of SO-270, which would require developments opting to use the Inclusionary Housing Program in the Vashon Rural Town to provide 100% affordability. It is Council staff's understanding that no developments were built utilizing SO-270 since its inception. Council may wish to consider Vashon-specific Inclusionary Housing Program requirements.

Mobile Home Parks

Mobile home parks are a conditional use in the R-4 through R-8 zones and a permitted use in the R-12 through R-48 zones. New mobile homes are not permitted in any other zones. New mobile home parks must be at least 3 acres in size and are limited to 6 du/acre in the R-4 zone, and the base density for zones in the R-6 through R-48 zones (6 du/acre through 48 du/acre respectively). Mobile home parks are exempt from impervious surface limits.

Under the County's existing Residential Density Incentive Program, mobile home parks may exceed the base density if a space reserved for the relocation of a mobile home that has been or will be displaced due to closure of another mobile home park located in King County.

Internal roads and sidewalks must provide access to each mobile home and are required to be constructed with the King County Road Standards for residential minor access streets. Mobile home parks are required to be separated by 10 feet and may be reduced to 5 feet, provide 2 parking stalls per home, with at least one stall located next to the mobile home, and 260 square feet of on-site recreation per unit. The following is required: Ten feet of Type II landscaping along street fronts, 5 feet of Type II landscaping on interior lot lines and 10 feet adjacent to single detached residences or vacant property zoned RA, UR, or R-1 through R-8.

Executive's Proposal. The Executive is proposing to repeal the Residential Density Incentive Program. The provision that allows additional density for relocation of mobile homes in that program is proposed to be added into the densities and dimensional section of the code under K.C.C. 21A.08.030.

Council Staff Policy Flags. If and how extra density is provided for mobile home parks, in this instance for displaced mobile homes, is a policy choice.

Emergency Housing

The Growth Management Act requires the County to plan to accommodate housing needs of residents at every income level. King County is required to complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing.

Executive’s Proposal. Under the Executive’s proposal, code changes are proposed that would allow various emergency housing types to create the zoned capacity intended to address the shortfall.

Emergency housing would be defined as “permanent facilities providing temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families.” Emergency housing includes the following new uses: emergency supportive housing; emergency shelters; interim housing; microshelter villages; recuperative housing; and safe parking. These new uses, allowances in each zone and use-specific requirements are identified in Table 7.

Table 7. Executive Proposed Emergency Housing Uses

Use and Definition	Zoning	Additional Requirements
<p>Emergency shelter. A permanent facility that operates more than one hundred and eighty days in a calendar year and provides a temporary shelter for individuals or families who are currently homeless. Emergency shelters may include day and warming centers that do not provide overnight accommodations.</p>	<p>R-1: Not allowed.</p> <p>R-4 through R-8: Conditional use; must be in the urban area; on the same site as a religious facility, public agency, or other specific social services uses; and consistent with the additional requirements in the next column.</p> <p>R-12 through R-48, CB, RB, and O: Permitted use when in the urban growth area and consistent with the additional requirements in the next column.</p> <p>NB: Not allowed.</p>	<p>24/7 shelters shall be staffed 24 hours per day with beds and rooms assigned to specific residents for the duration of their stay. Overnight and rotating shelters shall provide on-site supervision while operating. A lease agreement for residents is allowed, but not required.</p> <p>Minimum parking spaces required for all emergency shelter units: 1 per 2 employees, plus 1 per 20 units/beds.</p> <p>Exempt from onsite recreation, landscaping, bicycling, and electric vehicle parking requirements.</p> <p>Required to include a description of the staffing and operating characteristics, occupancy policies, a plan for managing the exterior appearance, contact information, an outreach plan for surrounding owners and residents, and a site plan.</p>
<p>Emergency supportive housing. Housing where persons experiencing chronic</p>	<p>R-1 through R-8: Not allowed.</p>	<p>Facilities shall be staffed and operational 24 hours per day; specific rooms and units shall be assigned to specific</p>

Use and Definition	Zoning	Additional Requirements
<p>homelessness or persons at risk of chronic homelessness can reside temporarily while seeking permanent housing, and that offers housing-oriented services, case management, and other necessary services and supports to assist households in stabilizing.</p>	<p>R-12 through R-48, CB, RB, and O: Permitted use when in the urban growth area and consistent with the additional requirements in the next column.</p> <p>NB: Not allowed.</p>	<p>residents for the duration of their stay; on site services are limited to residents; all vehicles on site shall be licensed and operational; and a lease agreement for residents is allowed but not required.</p> <p>Exempt from onsite recreation, landscaping, bicycling, and electric vehicle parking requirements.</p> <p>Required to include a description of the staffing and operating characteristics, occupancy policies, a plan for managing the exterior appearance, contact information, an outreach plan for surrounding owners and residents, and a site plan.</p>
<p>Recuperative housing. Housing that is designed for persons experiencing homelessness who are not acutely sick enough to warrant a hospital stay but have needs beyond what can typically be addressed in a traditional housing environment.</p>	<p>R-1: Not allowed.</p> <p>R-4 through R-8: Conditional use; must be in the urban area; on the same site as a religious facility, public agency, or other specific social services uses; and consistent with the additional requirements in the next column.</p> <p>R-12 through R-48, CB, RB, and O: Permitted use when in the urban growth area and consistent with the additional requirements in the next column.</p> <p>NB: Not allowed.</p>	<p>Recuperative housing is subject to the following criteria: prospective residents shall be referred by off site providers; facilities shall be staffed and in operation 24 hours a day; rooms shall be assigned to specific residents for the duration of their stay; on site services shall be limited to residents; all vehicles shall be licensed and operational; and lease agreements for residents are allowed but not required.</p> <p>Exempt from onsite recreation, landscaping, bicycling, and electric vehicle parking requirements.</p> <p>Required to include a description of the staffing and operating characteristics, occupancy policies, a plan for managing the exterior appearance, contact information, an outreach plan for surrounding owners and residents, and a site plan.</p>
<p>Safe Parking. A site designated for unsheltered people to reside in a recreational vehicle or vehicle and that provides access to onsite services and utilities.</p>	<p>R-1: Not allowed.</p> <p>R-4 through R-8: Conditional use; must be in the urban area; on the same site as a religious facility, public agency, or other specific social services uses; and</p>	<p>When safe parking is located on a site with another primary use, the director may reduce the number of on-site parking spaces required through a parking study.</p> <p>Safe parking sites that allow vehicles without restrooms must require restroom and potable water access. If recreational vehicles are hosted at the</p>

Use and Definition	Zoning	Additional Requirements
	<p>consistent with the additional requirements in the next column.</p> <p>R-12 through R-48, CB, RB, and O: Permitted use when in the urban growth area and consistent with the additional requirements in the next column.</p> <p>NB: Not allowed.</p>	<p>safe parking site, provision must be made for potable water and disposal of grey and black water.</p> <p>Safe parking sites are subject to the following criteria: a 6 foot clearance around each recreational vehicle; all vehicles shall be licensed, operational, and parked in the designated area; all personal property shall be stored in the vehicle; all propane tanks shall be securely fastened to a recreational vehicle; tents, leaking vehicles; fires; and sounds audible outside the vehicles are prohibited; the organization shall enforce compliance of state and local regulations.</p> <p>Required to include a description of the staffing and operating characteristics, occupancy policies, a plan for managing the exterior appearance, contact information, an outreach plan for surrounding owners and residents, and a site plan.</p>
<p>Interim housing. A facility that provides temporary shelter for people who are unsheltered or waiting to move into permanent housing.</p>	<p>R-1 through R-8: Not allowed.</p> <p>R-12 through R-48, CB, RB, and O: Permitted use when in the urban growth area and consistent with the additional requirements in the next column.</p> <p>NB: Not allowed.</p>	<p>Facilities shall be staffed and operational 24 hours per day; specific rooms and units shall be assigned to specific residents for the duration of their stay; on site services are limited to residents; all vehicles on site shall be licensed and operational; and a lease agreement for residents is allowed but not required.</p> <p>Exempt from onsite recreation, landscaping, bicycling, and electric vehicle parking requirements.</p> <p>Required to include a description of the staffing and operating characteristics, occupancy policies, a plan for managing the exterior appearance, contact information, an outreach plan for surrounding owners and residents, and a site plan.</p>
<p>Microshelter village. Emergency housing located on a lot, or lots, containing multiple microshelters and that provide: cooking facilities or meals; hygiene facilities, including restrooms and showers; and a</p>	<p>R-1: Not allowed.</p> <p>R-4 through R-8: Conditional use; must be in the urban area; on the same site as a religious facility, public</p>	<p>On site services shall be limited to residents; staff supervision provided on site at all times unless demonstrably not warranted for the hosted population; the operating organization shall provide sanitation and basic safety measures; all on site vehicles shall be licensed and</p>

Use and Definition	Zoning	Additional Requirements
<p>shared gathering space.</p> <p>Additional relevant definitions: Microshelter. A small structure designed to be used for overnight shelter.</p>	<p>agency, or other specific social services uses; and consistent with the additional requirements in the next column.</p> <p>R-12 through R-48, CB, RB, and O: Permitted use when in the urban growth area and consistent with the additional requirements in the next column.</p> <p>NB: Not allowed</p>	<p>operational; a lease agreement for residents is allowed but not required.</p> <p>Must either: 1) be setback 10 feet from the street, 2) provide Type II landscaping, or 3) a site obscuring fence.</p> <p>Exempt from onsite recreation, bicycling, and electric vehicle parking requirements.</p> <p>Required to include a description of the staffing and operating characteristics, occupancy policies, a plan for managing the exterior appearance, contact information, an outreach plan for surrounding owners and residents, and a site plan.</p>
<p>Permanent supportive housing. Subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness before moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and</p>	<p>R-1: Not allowed.</p> <p>R-4 through R-8: Conditional use; must be in the urban area; on the same site as a religious facility public agency or other specific units; and consistent with the additional requirements in the next column.</p> <p>R-12 through R-48, CB, RB, O: permitted in the urban growth area and exempt from on-site recreation requirements.</p> <p>NB: Not allowed.</p>	<p>In the R-4 through R-8 zones, permanent supportive housing units are permitted if the density does not exceed 18 units per acre of net buildable area.</p> <p>Minimum parking spaces required: 1 per 2 employees, plus 1 per 20 dwelling units.</p> <p>Exempt from onsite recreation, landscaping, bicycling, and electric vehicle parking requirements.</p> <p>Required to include a description of the staffing and operating characteristics, occupancy policies, a plan for managing the exterior appearance, contact information, an outreach plan for surrounding owners and residents, and a site plan.</p>

Use and Definition	Zoning	Additional Requirements
responsibilities defined in Chapter 59.18 RCW.		

Council Staff Policy Flags. Council staff identified several areas that the Council may wish to consider for the proposed emergency housing regulations:

- *Interim housing.* After transmittal, Executive staff noted that interim housing was a one-time emergency housing type and suggested that the use be removed from the proposed ordinance.
- *Conditional use requirements.* Many of the proposed emergency housing uses are proposed to be a conditional use in the R-4 through R-8 zones. After transmittal, Executive staff recommended they be changed to a permitted use, with a code change to require a site with an existing conditional use permit to obtain a new CUP or modify the existing CUP.
- *Terminology and definitions.* Council may wish to clarify the definitions used for emergency housing to ensure that consistent terms are used throughout the code and that regulations are moved from the definitions into the standards for these uses.
- *NB zones.* Emergency housing uses would not be permitted in the NB zones, although the uses do not appear to be incongruent with that zone. This is a policy choice.

Accessory Dwelling Units (ADUs) and Accessory Living Quarters (ALQs)

An accessory dwelling unit is a separate, complete dwelling unit attached to or contained within the structure of the primary dwelling; or contained within a separate structure that is accessory to the primary dwelling unit on the premises.

An accessory living quarter is in an accessory building for the use of the occupant or persons employed on the premises, or for temporary use by guests of the occupant. Such quarters do not include an area for the preparation or storage of food and are not used as a separate dwelling unit.

Executive’s Proposal. Under House Bill 1337, the County is required adopt changes for ADUs in the urban area. The Executive’s proposal includes changes to the zoning code to meet the new state requirement for ADUs in the urban area and a restriction on the size allowances for ADUs in the rural area, discussed further in the Transfer of Development Rights section below.

Table 8. Comparison of ADU and ALQ Requirements

	Adopted Code	Executive Proposed
Where ADUs are Permitted	Allowed in A, RA, UR, R-1 through R-48, NB, CB, RB, and O. Not permitted in F zone	Allowed in A, RA, UR, R-1 through R-48, and NB. Not permitted in F zone
Number of ADUs	1 accessory dwelling per primary single detached dwelling or townhouse unit	In the R-1 through R-48, UR, and NB zones in the urban area: 2 accessory dwelling units per primary single detached dwelling unit, duplex, triplex, fourplex, or townhouse unit In the rural area and natural resource lands: 1 accessory dwelling unit per primary single detached dwelling unit
Detached ADU requirements	Urban area or rural town: Allowed when the lot is 3,200 sf or greater Rural town: Allowed when the lot is 3,200 sf or greater Rural area: when the lot meets the minimum lot size. If a TDR is purchased, a detached ADU is allowed on a RA-5 lot that is 2.5 acres or greater.	Urban area: Allowed when the lot meets the minimum lot area for construction (2,500 sf) Rural town: Allowed when the lot is 3,200 sf or greater Rural area: when the lot meets the minimum lot size, but not on natural resource lands.
ADU Size Limit	The accessory dwelling unit shall not exceed 1,000 feet of heated floor area and 1,000 square feet of unheated floor area except: <ul style="list-style-type: none"> - when the accessory dwelling unit is wholly contained within a basement or attic, this limitation does not apply; - for detached accessory dwelling units, the floor area contained in a basement does not count toward the floor area maximum - 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 1,500 square feet and 1,500 square feet of unheated floor area 	The accessory dwelling unit shall not exceed 1,000 square feet of heated floor area and 1,000 square feet of unheated floor area except: <ul style="list-style-type: none"> - when the accessory dwelling unit is wholly contained within a basement or attic, this limitation does not apply; or - for detached accessory dwelling units, the floor area contained in a basement does not count toward the floor area maximum
ADU Parking Requirement	No additional off-street parking spaces are required for accessory dwelling units	No additional off-street parking spaces are required for accessory dwelling units

	Adopted Code	Executive Proposed
ADU Occupancy Requirement	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.	Removed by the proposed ordinance.
ADU Height Limit	Accessory dwelling units that are not wholly contained within an existing dwelling unit shall not exceed the base height established in 21A.12.030	Removed by the proposed ordinance.
ADU Notice Requirements	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	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 established in administrative rules
Attached ADU Requirements		Attached accessory dwelling units shall have at least one common wall with the primary dwelling unit and appear to be contained within one structure. Connection through a breezeway or covered pathway shall not constitute an attached accessory dwelling unit unless the breeze way or covered pathway is: <ul style="list-style-type: none"> - is less than ten feet in length; - shares a common wall with both the accessory dwelling unit and primary residence; - has a continuous roofline that appears to be one single building; - is completely enclosed; and - is heated space;
Nonconforming Buildings	No standard.	Accessory dwelling units may be converted from existing structures, including but limited to garages, even if the existing structure violates requirements for setbacks or maximum impervious surface percentage
Street Improvements	No standard.	In urban areas only, no public street improvements are required for accessory dwelling units

	Adopted Code	Executive Proposed
Entrance Requirement	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	Only required in the rural area or in natural resource lands. Not required in the urban area.
Design compatibility	Accessory dwelling units should be designed to be compatible with the primary dwelling unit and the surrounding properties, including material, colors, and building forms	Only in the rural area or in natural resource lands. Not required in the urban area.
Siting Analysis	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	Only in the rural area or in natural resource lands. Not required in the urban area.
Where ALQs are allowed	All zones but F zone.	All zone but F zone
Number of ALQs	1 accessory living quarter per lot	1 accessory living quarter per primary single detached dwelling
ALQ Lot Size Requirement	Urban area or rural town: Allowed when the lot is 3,200 sf or greater	Urban area or rural town: Allowed when the lot is 3,200 sf or greater
ALQ Height Limit	Limited to base height	Limited to base height
ALQ Size Limit	1,000 sf of heated and 1,000 sf of unheated	1,000 sf of heated and 1,000 sf of unheated

Council Staff Policy Flags. Council staff identified several areas that the Council may wish to consider for the proposed ADU and ALQ regulations:

- *Number of ADUs allowed.* As proposed by the Executive, 2 ADUs would be permitted for every dwelling unit in a single detached residence, duplex, triplex, fourplex, and townhouse in the urban area. This could mean that a fourplex could have up to 8 ADUs per lot. State law only requires that the County allow 2 ADUs per lot. This is a policy choice.
- *Nonconforming structures.* State law requires that the County allow existing buildings to be converted to ADUs “even if they violate current code requirements for setbacks or lot coverage.” Council may wish to consider clarifying that this would only apply to legally nonconforming structures, not to structures that were unpermitted.
- *Height limit.* Under existing code, detached ADUs are limited to the base height (in the R zones, this ranges from 35 to 60 feet) for the zone they are in. As proposed by the Executive, this limitation would be removed, and ADUs could go up the maximum height limit (in the R zones, this is up to 75 feet) provided certain conditions are met. State law requires that the County does not impose limits less than 24 feet. This is a policy choice.

- *ADUs in the CB, RB, and O zones.* With the exception of the F zone, ADUs are permitted in every zone that residential development is permitted. As proposed by the Executive, ADUs would only be allowed in the A, RA, UR, R-1 through R-48, and NB zones. The Council may wish to consider allowing ADUs in the CB, RB, and O zones.
- *TDR allowance in the RA zones.* As currently adopted, properties in the RA can purchase TDRs to allow larger ADUs and ADUs on substandard rural lots. This allowance is proposed for removal by the Executive to align with rural residential densities under the Growth Management Act, Department of Commerce guidance, and case law. This is a policy choice.

Transfer of Development Rights

The Transfer of Development Rights (TDR) program is used 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 in urban areas, where it can best be accommodated with the least impacts on the natural environment. Since its inception in 1999, the TDR program has permanently protected 147,580 acres of forestland, farmland, and other rural open spaces.

Executive's Proposal. In the proposed ordinance, the Executive proposes to make several changes to the TDR program.

Subdivisions. The proposed ordinance would change the standards by which TDRs could be used in full subdivisions (ten or more lots). The current code requires a subarea study (understood to mean area zoning and land use study) that includes a comprehensive analysis of impacts. The proposal would replace this with a requirement that the hearing examiner find that the additional density does not create unmitigated impacts beyond those created by development at base density.

Rounding. Under the current code, when fractions of development rights result from TDR calculations, those fractions are not counted as TDRs. The proposal would require that the fractional TDRs be rounded up or down based on whether they were above or below 0.5.

Bonus TDRs. In 2023, the Council adopted Ordinance 19671, which established a Forest Carbon program by which the County creates and sells carbon credits based on the carbon sequestration capacity of its forests and other natural resources. The Executive proposes to allow F-zoned lots awarded TDRs to receive one additional bonus TDR per lot participating in the Forest Carbon program.

Council staff notes that the Forest Carbon program is geared toward County-owned properties, whereas the TDR program generally prohibits publicly owned properties from participating, with few exceptions. Executive staff states that the Forest Carbon program may be expanded to private properties in the future, and also requests that the proposed ordinance be amended to allow publicly owned properties participating in the Forest Carbon program to be eligible for TDR. Additionally, in some cases TDR is used on private

properties before or during the process of acquisition by King County. This Forest Carbon program bonus could be used in such cases as well.

The Executive also proposes to allow one bonus TDR per lot for vacant marine shoreline sites that do not have any armoring or bulkheads. Council staff notes that the phrase "armoring or bulkheads" could be replaced with the term "hard shoreline stabilization" for consistency since that is the defined term.

Changes to TDR Allowances. The proposed ordinance would establish new uses for TDRs, and remove one use for TDRs. The proposal would allow a duplex on a lot 4,500 square feet or greater in the R-4 through R-8 zones if a TDR is purchased from the rural area or natural resource lands. This would require one TDR in Snoqualmie Pass Rural Town and one-half TDR in urban areas. This allowance would not apply to Fall City Rural Town or Vashon Rural Town.

The proposed ordinance would also remove an allowance that an ADU in the rural area be allowed to build up an additional 500 square feet (1,500 total) of heated space through the purchase of a TDR. Executive staff state that this change is proposed to ensure that rural ADUs do not have greater allowances than urban ADUs do, to align with case law and Department of Commerce guidance; there is no corresponding way to get to 1,500 feet for urban ADUs.

In-lieu Fee. The proposed ordinance would allow for payment to the TDR bank in-lieu of TDR purchase when sufficient TDR inventory is not available. Executive staff state that the fee-in-lieu TDRs would allow the TDR bank to bridge gaps when inventory is low and eliminate the risk of turning away developers with desires to build more homes.

Inclusionary Housing. As noted above, the voluntary Inclusionary Housing Program is proposed to expand throughout urban unincorporated King County and Vashon and Snoqualmie Pass Rural Towns. The allowance for additional density through TDRs is correspondingly expanded to those areas. An existing ban on using TDRs on Vashon-Maury Island would remain in place.

Urban Agriculture

In 2016, a new KCCP policy was added requiring the County to allow and support the development of community gardens and urban agriculture throughout residential and commercial areas. As implementing code was not adopted concurrently, a Work Plan action was added to direct additional work on the issue. The 2024 KCCP includes code changes to conform with the 2016 policy.

Executive's Proposal. The proposed ordinance would allow growing and harvesting of crops and agricultural activities in the R-1 through R-48 zones, NB, CB, RB, and O zones, subject to conditions:

SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	<u>R1-2-48</u>	<u>NB</u>	<u>CB</u>	<u>RB</u>	<u>O</u>	I
01	Growing and Harvesting Crops	P	P		P	P	P	<u>P29</u>	<u>P29</u>	<u>P29</u>	<u>P29</u>	<u>P29</u>	P
*	Agricultural Activities	P24C	P24C		P24C	P24C	<u>P29</u> <u>C30</u>	<u>P29</u>	<u>P29</u>	<u>P29</u>	<u>P29</u>	<u>P29</u>	

Agricultural activities include:

- Tilling, discing, planting, seeding, fertilization, composting, and other soil amendments and harvesting;
- Grazing, animal mortality management and on-site animal waste storage, disposal, and processing;
- Soil conservation practices including dust control, rotating and changing agricultural crops, and allowing agricultural lands to lie fallow under local, state, or federal conservation programs;
- Maintenance of farm and stock ponds, agricultural drainage, irrigation systems canals, and flood control facilities;
- Normal maintenance, operation, and repair of existing serviceable equipment, structures, facilities, or improved areas, including, but not limited to, fencing, farm access roads, and parking; and
- Processing, promotion, sale, storage, packaging, and distribution.

The Executive proposes the following conditions:

As a primary or accessory use, with development conditions:

- Accessory use is limited to 4,000 square feet;
- In the R-1 zone, on lots that are at least 75% cleared;
- With a water supply, and to prevent runoff onto adjacent properties;
- Compost must be 20' from interior lot lines and minimize odor and visual impacts;
- With a farm management plan;
- In the R zones, limited to:
 - Household mechanical equipment;
 - Retail sales and public use only between 7am and 7pm
 - One commercial delivery a day;
 - Maximum of two motor vehicles;
 - Maximum one sign;
 - Limitations on structures to those accessory to agricultural activities;

- When there is no other principle structure, size is limited to 1,000 square feet, 12' in height, and any other requirements for accessory structures.

In the R-1 zone, the R-zone-specific standards referenced above could be exceeded with a conditional use permit.

Council Staff Policy Flags. Council staff identified several areas that the Council may wish to consider for the proposed urban agriculture regulations:

- Council staff notes that the proposed conditional use permit language states "with additional conditions, as appropriate, to limit and mitigate impacts on surrounding residential areas." It is not clear if there are specific impacts of concern and therefore this could potentially be changed to reference the specific types of impacts intended to be addressed. Alternatively, because conditional use permits already are required to have conditions, as necessary, to limit and mitigate impacts to surrounding areas, this language could be removed.
- The requirement for a farm management plan may be a barrier to development of urban agriculture, particularly as it would be required for community gardens such as p-patches, as well as for someone wanting to grow and harvest crops as an accessory use on their own R-12 through R-48 zoned property. This is a policy choice.
- Council staff also notes that the varying requirements for primary versus accessory use, and for lots with no principal structure, are policy choices.
- Lastly, Council staff notes that allowing unlimited sales and public visits between 7am and 7pm could potentially cause impacts to the surrounding neighborhood in terms of noise, traffic, etc.

Destination Resorts

The Council adopted scope of work for the KCCP included a requirement to "evaluate existing and establishing new regulations for resorts in the rural area." This proposal is in response to that mandate.

Executive's Proposal. Destination resort is an existing use category in King County Code. The existing definition is shown here, with the Executive's proposed edits in underline and strikethrough:

Destination resort: an establishment for resource-based recreation and intended to utilize and provide access to outdoor recreational opportunities, including ~~((related))~~ accessory services, such as ~~((food))~~ retail, eating and drinking places, ~~((overnight))~~ temporary lodging, recreation equipment rentals, entertainment, and ~~((other conveniences for guests of the resort))~~ personal services.

According to Executive staff, there are no destination resorts in unincorporated King County, nor are there any pending applications for destination resorts. The proposal would modify the requirements for destination resorts as follows:

- Remove the allowance for a destination resort in the UR and RB zones;
- Add additional conditions for destination resorts in the F and RA zones (the only zones where they would remain allowed). Conditions include:
 - Requirement of a community meeting prior to application submittal;
 - A one-hundred-foot setback from roads and access easements, and a three hundred foot setback from adjacent residential, rural area, or resource-zoned properties for all structures and facilities other than trails;
 - A minimum site area of ten acres;
 - A minimum five-mile distance from the urban growth boundary;
 - A lodging limitation of two units per acre, up to one hundred units, proportionately scaled and limited based on developed site area, availability of recreation opportunities and distance to urban area zones allowing for temporary lodging;
 - In areas prioritized for forestry, the proposal must demonstrate that the predominate land area will remain viable for resource-based uses or preservation of forestry resources, and in the Forest Production District, the proposal must be compatible with long-term forestry, protection of Indian tribal cultural resources, and other resource management goals of the Comprehensive Plan; and
 - The site must provide at least two on-site outdoor resource-based recreation activities, and be within ten miles of at least three other outdoor-resource based recreation activities.

"Outdoor resource-based recreation activities" would be defined as "recreational activities that rely upon their setting in or near natural resource lands for their enjoyment, including but not limited to hiking, rafting, biking, skiing, horseback riding, fishing, climbing, or similar activities necessitating an outdoor setting."

These changes are policy choices, but Council staff has not identified any other issues with the proposal.

2024 KCCP: Critical Areas – Policy Changes¹²
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On March 1, 2024, the Executive transmitted supplemental changes to the 2024 KCCP, to update policies and regulations related to critical areas regulations. This includes policy changes updating language around landslide hazards and alluvial fans, post-wildfire debris flows and floods, streams and riparian areas, fish passage, endangered species and habitat protection, critical aquifer recharge areas, fish and wildlife habitat conservation areas, wetlands, channel migration, native and climate-smart plants, and adaptive management.

Attachment 15 to this staff report provides the staff analysis of the Executive's transmittal, including some additional policy changes that could be made to further clarify or streamline

¹² Attachment 14 to this Staff Report

the Executive's transmittal. At today's meeting, policy staff will brief the new policy and substantive policy changes.

ATTACHMENTS

1. Council's Review Schedule for 2024 KCCP, updated March 4, 2024
2. Proposed Ordinance 2023-0440 – Chapter 9 of the KCCP
3. Council staff analysis of Chapter 9
4. Proposed Ordinance 2023-0440 – Capital Facilities and Utilities Appendix
5. Proposed Ordinance 2023-0440 – Chapter 10 of the KCCP
6. Council staff analysis of Chapter 10
7. Proposed Ordinance 2023-0440 – Chapter 12 of the KCCP
8. Council staff analysis of Chapter 12
9. Proposed Ordinance 2023-0438 with its Attachments
10. Proposed Ordinance 2023-0440 – Chapter 2 of the KCCP
11. Council staff analysis of Four-to-One Program
12. Proposed Ordinance 2023-0440
13. Council staff analysis of Proposed Ordinance 2023-0440
14. Proposed Ordinance 2023-0440 – Critical Areas Policy Changes
15. Council staff analysis of Critical Areas Policy Changes
16. PowerPoint for April 17, 2024 Committee meeting

INVITED

- Lauren Smith, Director of Regional Planning Unit, Office of Performance, Strategy and Budget
- Chris Jensen, Comprehensive Planning Manager, Office of Performance, Strategy and Budget
- Jim Chan, Division Director, Permitting, Department of Local Services
- Megan Smith, Water Quality and Environment Policy Manager, Department of Natural Resources and Parks
- Michael Murphy, Supervisor, Open Space Acquisitions Unit, Department of Natural Resources and Parks

LINKS

All materials of the transmitted 2024 KCCP, as well as additional information about the Council's review of the proposal, can be found at:
kingcounty.gov/CouncilCompPlan

Proposed Ordinance 2023-0440 – 2024 King County Comprehensive Plan

- Attachment A – 2024 King County Comprehensive Plan
- Attachment B – Capital Facilities and Utilities
- Attachment C – Housing Needs Assessment
- Attachment D – Transportation
- Attachment E – Transportation Needs Report
- Attachment F – Regional Trail Needs Report
- Attachment G – Growth Targets and the Urban Growth Area

- Attachment H – Vashon-Maury Island Subarea Plan Amendments
- Attachment I – Land Use and Zoning Map Amendments

Supporting Materials

- Transmittal Letter
- Fiscal Note
- Summary of Proposed Ordinance
- Policy I-207 Analysis Matrix
- Equity Analysis
- Area Land Use and Zoning Studies
- Middle Housing Code Study
- Vashon-Maury Island P-Suffix Conditions Report
- Vashon Rural Town Affordable Housing Special District Overlay Final Evaluation
- Update on Best Available Science Critical Area Ordinance Review
- Public Participation Summary

Proposed Ordinance 2023-0439 – Snoqualmie Valley/Northeast King County Subarea Plan

- Attachment A – Supplemental Changes to the Comprehensive Plan
- Attachment B – Snoqualmie Valley/Northeast King County Subarea Plan
- Attachment C – Land Use and Zoning Map Amendments
- Attachment D – Fall City Moratorium Report

Supporting Materials

- Transmittal Letter
- Fiscal Note
- Summary of Proposed Ordinance
- Policy I-207 Analysis Matrix

Proposed Ordinance 2023-0438 – Countywide Planning Policy Update

- Attachment A – GMPC Motion 23-4 Relating to the Four-to-One Program

Supporting Materials

- Transmittal Letter
- Fiscal Note

Executive Recommended 2024 Critical Areas Update

- Critical Areas King County Code Updates
- Critical Areas Comprehensive Plan Updates
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Supporting materials

- Transmittal Letter
- Best Available Science Review and Updates to Critical Areas Protection
- Supplemental I-207 Analysis – Critical Areas Update