



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 19, 2008

Ordinance 16099

Proposed No. 2008-0216.2

Sponsors Constantine

1 AN ORDINANCE relating to demonstration projects; and
2 amending Ordinance 14662, Section 1, as amended, and
3 K.C.C. 21A.55.060.
4

5 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

6 SECTION 1. Ordinance 14662, Section 1, as amended, and K.C.C. 21A.55.060
7 are each hereby amended to read as follows:

8 A. The purpose of the low-impact development and Built Green demonstration
9 projects is to determine whether innovative permit processing, site development and
10 building construction techniques based on low-impact development and building
11 construction practices result in environmental benefits, affordable housing and lead to
12 administrative and development cost savings for project applicants and King County.
13 The demonstration projects will provide information on application of these techniques to
14 an urban infill mixed-use redevelopment project, an urban single family residential
15 project, ~~((and))~~ a Vashon Town housing project and an urban infill residential
16 redevelopment project. The demonstration projects will also provide information to
17 assist in the development of King County Comprehensive Plan policies to guide

18 application and refinement of regulations such as zoning, subdivision, roads and
19 stormwater regulations. Expected benefits from the demonstration projects include:
20 improved conditions of habitat, ground and surface waters within a watershed; reduced
21 impervious surface areas for new site infrastructure in developed and redeveloped
22 projects; greater use of recycled-content building materials and more efficient use of
23 energy and natural resources; and the opportunity to identify and evaluate potential
24 substantive changes to land use development regulations that support and improve natural
25 functions of watersheds. The demonstration projects will also evaluate whether
26 consolidated administrative approval of modifications or waivers and any subsequent
27 hearings, if required, effectively speeds the development review process while
28 maintaining land use coordination and environmental protection, and whether that leads
29 to administrative costs savings for project applicants and King County.

30 B. The department shall implement the low-impact development and Built Green
31 demonstration projects in all or a portion of each of the following: the White Center
32 neighborhood of the Greenbridge Project as described in Attachment A to Ordinance
33 14662; the unincorporated Urban Area north of Burien at approximately 4th Avenue
34 Southwest and Southwest 116th Street known as Park Lake Homes II as described in
35 Attachment A to this ordinance; the unincorporated Urban Area east of Renton at
36 approximately 148th Avenue Southeast and Southeast 128th Street as described in
37 Attachment B to Ordinance 14662; and the Vashon Town as described in Attachment C
38 to Ordinance 14662. If the geographic boundaries of the Greenbridge Project are
39 expanded, the provisions of this ordinance may apply provided the criteria in subsection
40 L. of this section are met.

41 C. A request by the applicant to modify or waive development standards for the
42 development proposals shall be evaluated by the department based on the criteria in
43 subsection L. of this section. A request shall first be either approved or denied
44 administratively and may be further reviewed as described in subsection H.3. of this
45 section. Approval or denial of the proposed modification or waiver shall not be
46 construed as applying to any other development application either within the
47 demonstration project area or elsewhere in the county.

48 D. A modification or waiver approved by the department in accordance with the
49 low-impact development and Built Green demonstration projects shall be in addition to
50 those modifications or waivers that are currently allowed by K.C.C. Title 9 and this title.
51 The range of proposed modifications or waivers to development regulations that may be
52 considered pursuant to the low-impact development and Built Green demonstration
53 projects shall include only the following King County code regulations and related public
54 rules:

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

57 2. King County road standards: K.C.C. 14.42.010 and the ((~~county road~~
58 ~~standards, 1993 update~~)) King County road design and construction standards;

59 3. Density and dimensions: K.C.C. chapter 21A.12, if the base density is that of
60 the zone applied to the entire demonstration project and if the minimum density is not
61 less than the minimum residential density of the zone calculated for the portion of the site
62 to be used for residential purposes, in accordance with K.C.C. 21A.12.060. However, if a
63 demonstration project provides fifty-one percent or more of the housing to households

64 that, at the time of initial occupancy, have incomes of eighty percent or less of median
65 income for King County as periodically published by the United States Department of
66 Housing and Urban Development, or its successor agency, or if fifty-one percent or more
67 of the rental housing is permanently priced to serve low-income senior citizens, then the
68 director may approve:

- 69 a. less than the minimum density; and
- 70 b. for parcels within the area bounded by SW Roxbury Street, 12th Avenue
71 SW, SW 102nd Street and 2nd Avenue SW that are developed in conjunction with the
72 Greenbridge Project, greater than the maximum density, up to a maximum of R-48
73 (Residential forty-eight dwelling units per acre);
- 74 4. Design requirements: K.C.C. chapter 21A.14;
- 75 5. Landscaping and water use: K.C.C. chapter 21A.16;
- 76 6. Parking and circulation: K.C.C. chapter 21A.18;
- 77 7. Signs: K.C.C. chapter 21A.20; and
- 78 8. Environmentally sensitive areas: K.C.C. chapter 21A.24, if the modification
79 results in a net improvement to the functions of the sensitive area.

80 E. A demonstration project authorized by this section and located in the R-12
81 through R-48 zones may contain residential and limited nonresidential uses subject to the
82 following provisions:

- 83 1. The demonstration project may request a modification or waiver of any of the
84 development conditions contained in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050,
85 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, subject to the review process

86 described in subsection H. of this section and the criteria described in subsection L. of
87 this section.

88 2. The demonstration project may include single family detached residential
89 dwelling units as a permitted use, subject to the review process described in subsection H.
90 of this section and the criteria described in subsection L. of this section.

91 3. The demonstration project may include any nonresidential use allowed as a
92 permitted use in the NB zone, subject to any development conditions contained in K.C.C.
93 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, without
94 the need to request a modification or waiver as described in subsection H. of this section.
95 The applicant may request a modification or waiver of the development conditions
96 contained in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060, 21A.08.070,
97 21A.08.080, and 21A.08.100, subject to the criteria in subsection L. of this section. If a
98 nonresidential use is permitted in the R-12 through R-48 zones, subject to development
99 conditions, and is permitted in the NB zone without development conditions, the use shall
100 be permitted in the demonstration project without development conditions and without
101 the need to request a modification or waiver.

102 4. If a nonresidential use is subject to a conditional use permit in the R-12
103 through R-48 zones and not subject to a conditional use permit in the NB zone, the use
104 shall be permitted in the demonstration project without requiring a conditional use
105 permit.

106 5. If a use is subject to a conditional use permit in both the R-12 through R-48
107 zones and the NB zone or only in the NB zone, the use may be permitted in the

108 demonstration project if the demonstration project applies for and obtains a conditional
109 use permit and satisfies the conditional use permit criteria.

110 6. Uses authorized by this subsection shall be allowed only as part of a
111 demonstration project under this section. All such uses shall be subject to the
112 development standards in KCC 21A.12.030, except as may be modified or waived under
113 subsection D. of this section and this subsection E.

114 F. A site in the NB and R-12 through R-48 zones located in a demonstration
115 project authorized by this section may contain residential uses subject to the following:

116 1. The demonstration project may request a modification or waiver for the site
117 of any of the development conditions contained in K.C.C. 21A.08.030, 21A.08.040,
118 21A.08.050, 21A.08.060, 21A.08.070, 21A.08.080 and 21A.08.100, subject to the review
119 process described in subsection H. of this section and the criteria described in subsection
120 M. of this section;

121 2. The site may include single family detached residential dwelling units as a
122 permitted use, subject to the review process under subsection H. of this section and the
123 criteria described in subsection M of this section;

124 3. The site may include any residential use allowed as a permitted use in the R-
125 12 through R-48 zones, subject to any development conditions in K.C.C. 21A.08.030,
126 without the need to request a modification or waiver under subsection H. of this section.
127 The applicant may request a modification or waiver of the development conditions in
128 K.C.C. 21A.08.030, subject to the criteria in subsection M. of this section. If a residential
129 use is permitted, subject to development conditions, in the NB zone and is permitted

130 without conditions in the R-12 through R-48 zones, the use shall be permitted without
131 development conditions and without the need to request a modification or waiver;

132 4. If a residential use is a conditional use in the NB zone and is a permitted use
133 in the R-12 through R-48 zones, the use shall be permitted as a permitted use under the
134 conditions that apply in the R12 through R-48 zones;

135 5. If a use is subject to a conditional use permit in both the R-12 through R-48
136 zones and the NB zone or only in the R-12 through R-48 zones, the use shall be permitted
137 in the demonstration project if the demonstration project applies for and obtains a
138 conditional use permit and satisfies the conditional use permit criteria; and

139 6. Uses authorized by this subsection shall be allowed only as part of a
140 demonstration project under this section. All such uses shall be subject to the
141 development standards in K.C.C. 21A.12.040, except as may be modified or waived
142 under subsection D. of this section and this subsection F.

143 G. This subsection authorizes a residential basics program for townhouse and
144 apartment building types if such housing are located in a demonstration project located in
145 the R-12 through R-48 zones, even if not otherwise authorized by the department of
146 development and environmental services public rules chapter 16-04: residential basics
147 program.

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

- 150 a. a site development permit;
- 151 b. a binding site plan;
- 152 c. a building permit;

- 153 d. a short subdivision;
- 154 e. a subdivision;
- 155 f. a conditional use permit; or
- 156 g. a clearing and grading permit.

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

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

168 4. A preapplication meeting with the applicant and the department to determine
169 the need for and the likely scope of a proposed modification or waiver is required before
170 submittal of such a request. The department of natural resources and parks and the
171 department of transportation shall be invited to participate in the preapplication meeting,
172 if necessary.

173 5. If the applicant requests a modification or waiver of K.C.C. 9.04.050 or the
174 Surface Water Design Manual, the director shall consult with the department of natural
175 resources and parks before granting the modification or waiver.

176 6. If the applicant requests a variance from the county road standards, the
177 director shall refer the request to the county road engineer for decision under KCC
178 14.42.060, with the right to appeal within the department of transportation as provided in
179 K.C.C. 14.42.062. The purposes of this demonstration ordinance are intended as a factor
180 to be considered relative to the public interest requirement for road variances described in
181 K.C.C. 14.42.060.

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

185 I. The hearing examiner may consider an environmental impact statement
186 adequacy appeal in conjunction with a demonstration project plat appeal if the
187 environmental impact statement is prepared by a lead agency other than the department
188 and if its adequacy has not previously been adjudicated, even if not otherwise authorized
189 by K.C.C. 20.44.120.

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

199 development proposal permit or approval shall be deemed a major modification. The
200 county, through the applicable development proposal permit or approval conditions, may
201 specify additional criteria for determining whether proposed modifications are major or
202 minor. The modifications allowed under this section supercede other modification or
203 revision provisions of K.C.C. Title 16, Title 19A and this title.

204 K.1. The preliminary subdivision approval of a subdivision with more than four
205 hundred units that is part of a demonstration project under this section shall be effective
206 for eighty-four months, even if not otherwise authorized by K.C.C. 19A.12.020. The
207 director may administratively grant a one-time extension, extending the preliminary
208 subdivision approval an additional five years, only if the applicant has shown substantial
209 progress towards development of the demonstration project. Before granting the
210 extension, the director will assess the applicant's compliance with the demonstration
211 project conditions and may modify or impose new standards deemed necessary for the
212 public health or safety.

213 2. A code modification or waiver approved under this section is effective during
214 the validity of the underlying development permit or for forty-eight months, whichever is
215 longer.

216 L.1. To be eligible to use the provisions of the demonstration project,
217 development proposals must be located within the boundaries of the Greenbridge Project
218 as described in Attachment A to Ordinance 15654, or as may be modified as described in
219 subsection B. of this section; in the unincorporated urban area north of Burien at
220 approximately 4th Avenue Southwest and Southwest 116th Street known as Park Lake
221 Homes II as described in Attachment A to this ordinance; in the area east of Renton at

222 approximately 148th Avenue Southeast and Southeast 128th Street as described in
223 Attachment B to Ordinance 14662; and in the Vashon Town as described in Attachment
224 C to Ordinance 14662.

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

228 3.a. Applications must demonstrate how the proposed project, when considered
229 as a whole with the proposed modifications or waivers to the code, will meet all of the
230 criteria listed in this subsection, as compared to development without the modification or
231 waiver, and achieves higher quality urban development; enhances infill, redevelopment
232 and greenfield development; optimizes site utilization; stimulates neighborhood
233 redevelopment; and enhances pedestrian experiences and sense of place and community.

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

236 (1) uses the natural site characteristics to protect the natural systems;

237 (2) addresses stormwater and drainage safety, function, appearance,
238 environmental protection and maintainability based upon sound engineering judgment;

239 (3) contributes to achievement of a two-star or a three-star rating for the
240 project site under the Built Green "Green Communities" program recognized by the
241 Master Builders Association of King and Snohomish counties; or

242 (4) where applicable, reduces housing costs for future project residents or
243 tenants without decreasing environmental protection.

244 4. The criteria of this subsection supercede other variance, modification or
245 waiver criteria and provisions of K.C.C. Title 9 and Title 21A.

246 M.1. Except for Park Lake Homes II and the part of Greenbridge that was added
247 to the demonstration project by Ordinance 15654, ((R))regulatory modification and
248 waiver applications, or both, authorized by this section shall be filed with the department
249 by December 31, 2007, or by such a later date as may be specified in the conditions of
250 any development approval for any type of modification or waiver for which the
251 opportunity for future application is expressly granted in those conditions. For Park Lake
252 Homes II and the part of Greenbridge that was added to the demonstration project by
253 Ordinance 15654, regulatory modification and waiver applications, or both, authorized by
254 this section shall be filed with the department by December 31, 2010, or by such a later
255 date as may be specified in the conditions of any development approval for any type of
256 modification or waiver for which the opportunity for future application is expressly
257 granted in those conditions.

258 2. Modifications or waivers contained within an approved development
259 proposal shall be valid as long as the underlying permit or development application
260 approval is valid. A permit or approval that implements an approved code modification
261 or waiver shall be considered under the zoning and other land use control ordinances in
262 effect on the date the applicable complete code modification or waiver application is
263 filed.

264 3. Except for Park Lake Homes II and the part of Greenbridge that was added to
265 the demonstration project by Ordinance 15654, ((M))modifications or waivers that are
266 approved as separate applications must be incorporated into a valid permit or

267 development application that must be filed by December 31, 2007. For Park Lake Homes
268 II and the part of Greenbridge that was added to the demonstration project by Ordinance
269 15654, modifications or waivers that are approved as separate applications must be
270 incorporated into a valid permit or development application that must be filed by
271 December 31, 2010.

272 4. The director may extend the date for filing the demonstration project permit
273 and development applications for a maximum of twelve months.

274 5. Except for Park Lake Homes II and the part of Greenbridge that was added to
275 the demonstration project by Ordinance 15654, ((F))the ability to establish the location
276 and maximum size of uses that are not otherwise permitted in the R-12 through R-48
277 zones as set forth in subsection E. of this section expires December 31, 2007. For Park
278 Lake Homes II and the part of Greenbridge that was added to the demonstration project
279 by Ordinance 15654, the ability to establish the location and maximum size of uses that
280 are not otherwise permitted in the R-12 through R-48 zones as set forth in subsection E.
281 of this section expires December 31, 2010. The ability to establish the location and
282 maximum size of uses that are not otherwise permitted in the NB zone or the R-18 zone
283 as set forth in subsection F. of this section expires at the end of the effective period
284 established in subsection K. of this section.

285 6. Any deadline set forth in this subsection shall be adjusted to include the time
286 for appeal of all or any portion of the project approval.

287 N.1. By December 31, 2006, the director shall prepare and submit to the council
288 a report on the pilot programs that:

- 289 a. describes and evaluates the pertinent preliminary results from the
290 demonstration projects; and
- 291 b. recommends changes, based on the evaluation, which should be made to the
292 county processes and ordinances.
- 293 2. If only insufficient or inconclusive data are available when this report is due,
294 the director shall provide an interim status report and indicate the date a subsequent
295 report or reports will be transmitted to fully evaluate outcomes of the demonstration
296 projects.
297

Ordinance 16099 was introduced on 4/14/2008 and passed as amended by the Metropolitan King County Council on 5/19/2008, by the following vote:

Yes: 5 - Ms. Patterson, Mr. Constantine, Ms. Lambert, Mr. Ferguson and Mr. Gossett

No: 0

Excused: 4 - Mr. Dunn, Mr. von Reichbauer, Mr. Phillips and Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



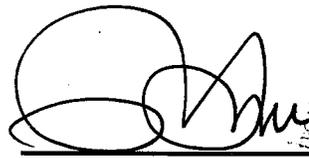
Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 28 day of May, 2008.

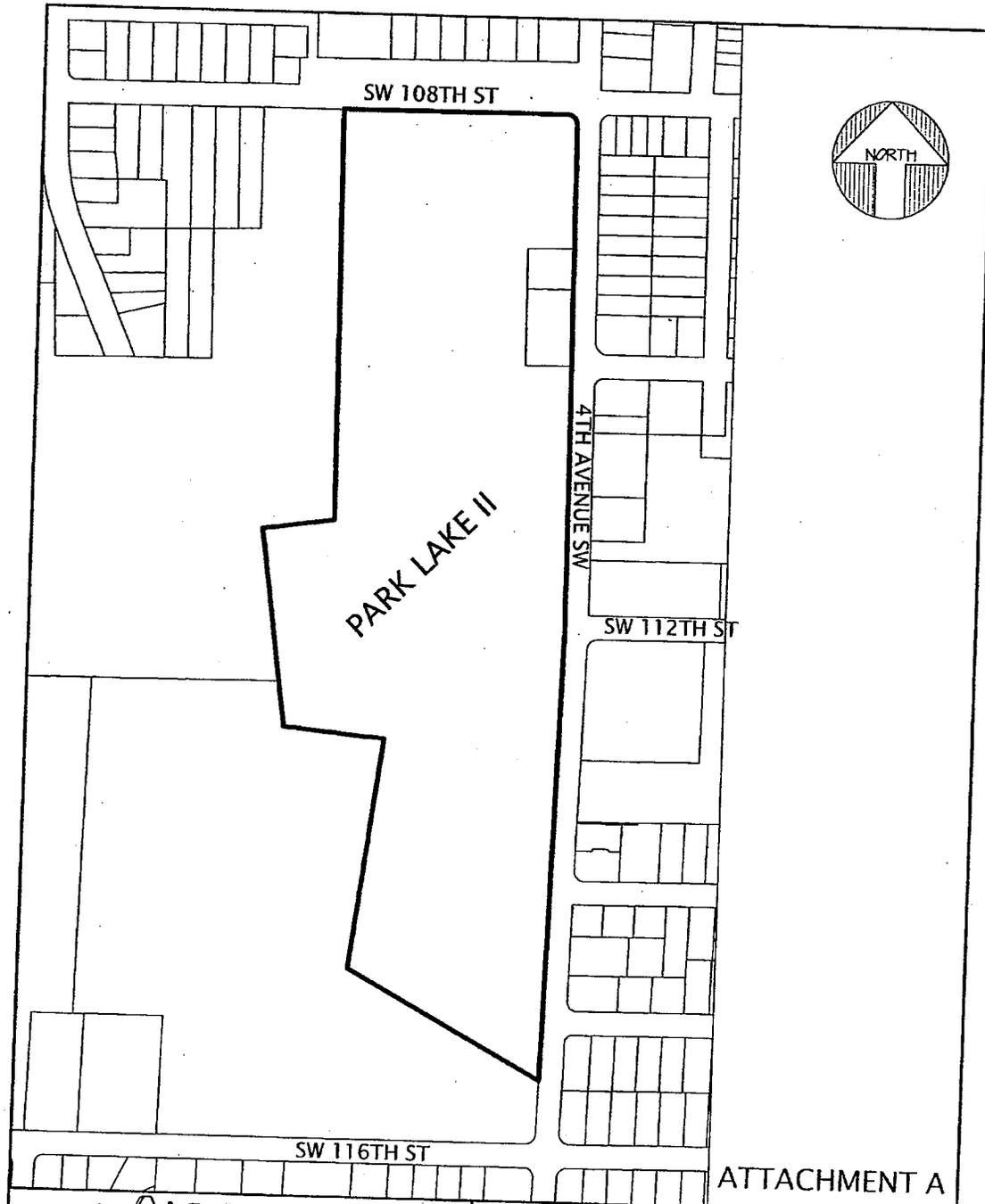


Ron Sims, County Executive

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KING COUNTY COUNCIL
CLERK

Attachments A. Park Lake Homes II Vicinity Map

16099



 GOLDSMITH & ASSOCIATES, INC. <small>Since 1958</small> Engineering - Land Use Planning - Surveying			KING COUNTY HOUSING AUTHORITY		06710
P.O. Box 3565, Bellevue, WA 98009 (425) 462-1080 FAX: (425) 462-7719					
SCALE: N.T.S.	APR:	BY:	PROPOSED PARK LAKE II		
PSSF:	DATE:	KING COUNTY		WASHINGTON	
DWG: 06710E12.dwg RNIX 03/04/08 13:19			M:\ACAD\PLAN\06\06710\06710E12.dwg		