



Legislation Text

File #: 2023-0439, **Version:** 1

Clerk 12/07/2023

AN ORDINANCE related to comprehensive planning; amending Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010, Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030, Ordinance 10870, Section 341, as amended, and K.C.C. 21A.12.040, Ordinance 17485, Section 43, as amended, and K.C.C. 21A.38.260, and Ordinance 19119, Section 2, and K.C.C. 21A.55.125, adding a new section to K.C.C. chapter 21A.12, repealing Ordinance 13275, Section 1, as amended, and K.C.C. 21A.55.050, Attachment A to Ordinance 13875, as amended, Ordinance 18623, Section 8, and K.C.C. 20.12.329, and Ordinance 12823, Section 13, and K.C.C. 21A.38.180, and establishing an effective date.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. The GMA requires King County to take action not later than December 31, 2024, to review and, if needed, revise its comprehensive plan and development regulations to ensure the plan and regulations comply with the requirements of the GMA. Ordinance XXXXX adopts the 2024 King County Comprehensive Plan ("2024 update"), which is compliant with the GMA and completes this statutorily required review and update.

B. The GMA and the King County Code allow the adoption of comprehensive plan updates only once per year, except under certain circumstances. The updates to policies and text in this ordinance are adopted as supplemental changes to the 2024 King County Comprehensive Plan.

C. The 2016 King County Comprehensive Plan launched a Community Service Areas subarea planning program. Community Service Area ("CSA") subarea plans are being created for the six rural CSAs and for the five large urban unincorporated potential annexation areas. The CSA subarea planning program recognizes the county's role as a local service provider in the unincorporated area, including for localized long-range planning. Many areas of unincorporated King County have not had subarea planning since the 1990s or earlier. The CSA subarea planning program provides improved coordination, accountability, and service delivery in the area of long-range planning for unincorporated areas of King County.

D. This ordinance adopts the Snoqualmie Valley/Northeast King County Community Service Area Subarea Plan ("the subarea plan") as an element of the 2024 Comprehensive Plan, as well as related map amendments and modifications to property specific zoning conditions.

E. The GMA and King County Code require that King County adopt development regulations that are consistent with and implement the Comprehensive Plan and subarea plans adopted as elements of the Comprehensive Plan. The changes to development regulations in this ordinance are needed to maintain conformity with the Comprehensive Plan and the subarea plan. They bear a substantial relationship to and are necessary for the public health, safety, and general welfare of King County and its residents.

F. The changes to zoning contained in this ordinance are needed to maintain conformity with the Comprehensive Plan and the subarea plan, as required by the GMA. As such, they bear a substantial relationship to, and are necessary for, the public health, safety, and general welfare of King County and its residents;

G. Ordinance 19613 adopted a moratorium prohibiting subdivisions of residentially zoned land in the Rural Town of Fall City and directed the executive to produce a work plan to address the issues and circumstances necessitating the moratorium. As required by the moratorium, the report and associated recommended King County Code and zoning changes were included in the transmittal of the subarea plan.

SECTION 2. A. Attachments A and B to this ordinance are adopted as supplemental changes to the

2024 King County Comprehensive Plan, as adopted in Ordinance XXXXX.

B. The elements of the 2024 King County Comprehensive Plan in Attachment A to this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.

C. The Snoqualmie Valley/Northeast King County Community Service Area Subarea Plan in Attachment B to this ordinance is hereby adopted as an element of the 2024 King County Comprehensive Plan.

D. The land use and zoning amendments in sections 7 and 8 of this ordinance and Attachment C to this ordinance are hereby adopted as amendments to Appendix A to Ordinance 12824, as amended, and as the official land use and zoning controls for those portions of unincorporated King County defined in those sections of this ordinance and attachments to this ordinance.

E. Attachment D adopts the Fall City Subdivision Moratorium Work Plan Report.

F. The King County department of local services, permitting division, shall update the geographic information system data layers accordingly to reflect adoption of this ordinance.

SECTION 3. Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010 are hereby amended to read as follows:

Under the King County Charter, the state Constitution, and the Washington state Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King County Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan for King County until amended, repealed, or superseded.

The Comprehensive Plan has been reviewed and amended multiple times since its adoption in 1994.

Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the 2024 King County Comprehensive Plan, as adopted in Ordinance XXXX and as amended by this ordinance. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations, and land development decisions.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 20.12 a new section to read as

follows:

The Snoqualmie Valley/Northeast King County Community Service Area Subarea Plan, dated December 2023, contained in Attachment B to this ordinance is adopted as an element of the King County Comprehensive Plan and, as such, constitutes official county policy for the geographic area of unincorporated King County defined in the plan.

SECTION 5. Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030 are hereby amended to read as follows:

A. Densities and dimensions - residential and rural zones.

	RURAL AREA				RESIDENTIAL								
STANDARDS	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre (15)	0.2 du/ac	0.2 du/ac	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: Dwelling Unit/Acre (20)	0.4 du/ac (20)					1.5 du/ac (22)	6 du/ac (22) 8 du/ac (34)	9 du/ac (22) 12 du/ac (34)	12 du/ac (22) 16 du/ac (34)	18 du/ac (22) 24 du/ac (34)	27 du/ac (22) 36 du/ac (34)	36 du/ac (22) 48 du/ac (34)	72 du/ac (22) 96 du/ac (34)
Minimum Density: (2)							85% (12) (13) ((23))	85% (12) (13)	85% (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.875 ac	3.75 ac	7.5 ac	15 ac			10,000 sf (31)						
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7) (29)	10 ft (8) (31)	10 ft (8)	10 ft (8)	10 ft (8) (30)	10 ft (8) (30)	10ft (8) (30)	10 ft (8) (30)
Minimum Interior Setback (3) (16)	5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7) (29)	5 ft 10 (30)	5 ft	5 ft	5 ft (10) (30) (33)	5 ft (10) (30) (33)	5 ft (10) (30) (33)	5 ft (10) (30) (33)
Base Height	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft 2 (25a)	35 ft 2 (25a)	35 ft 2 (25a)	60 ft	60 ft	60 ft	60 ft
Maximum Height	75 ft (4)	75 ft (4)	75 ft (4)	75 ft (4)	75 ft (4)	75 ft (4) (32)	30 ft (25b) 7 ft (4) 3 ft (32)	45 ft (14) 30 ft (25b) 7 ft (4) 3 ft (32)	45 ft (14) 30 ft (25b) 7 ft (4) 3 ft (32)	75 ft (4) 35 ft (32)	75 ft (4) 80 ft (14)	75 ft (4) 80 ft (14)	75 ft (4) 80 ft (14)
Maximum Impervious Surface: Percent	25% (11) (19) (26)	20% (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (1) (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26) (30)	85% (26) (30)	85% (26) (30)	90% (26) (30)

B. Development conditions.

1. This maximum density may be achieved only through the application of:

a. transfers of development rights in accordance with K.C.C. chapter 21A.37, except for properties within the Skyway-West Hill or North Highline community service area subarea geographies;

b. inclusionary housing regulations in accordance with K.C.C. chapter 21A.48;

c. K.C.C. 21A.08.030.B.19.; or

d. a one hundred and fifty percent bonus as allowed in subsection B.22.c. of this section.

2. Also see K.C.C. 21A.12.060.

3. These standards may be modified under the provisions for zero-lot-line and townhouse developments.

4.a. Portions of a structure may exceed the base height if one additional foot of street and interior setback is provided for each foot above the base height. The following restrictions apply:

(1) for netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges, the maximum height shall not exceed seventy-five feet, except for recreation or multiuse parks, where the maximum height shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires a higher fence. All such netting, fencing, and support structures are exempt from the additional interior setback requirement, regardless of whether located in a recreation or multiuse park;

(2) properties with inclusionary housing developed in accordance with K.C.C. chapter 21A.48 shall not increase height through this method; and

(3) for all other structures, the maximum height achieved through this method shall not exceed seventy-five feet.

b. Accessory dwelling units and accessory living quarters shall not exceed base heights, except that this requirement shall not apply to accessory dwelling units constructed wholly within an existing dwelling unit.

5. Applies to each individual lot. Impervious surface area standards for:

- a. Regional uses shall be established at the time of permit review;
 - b. Nonresidential uses in rural area and residential zones shall comply with K.C.C. 21A.12.120 and 21A.12.220;
 - c. Individual lots in the R-4 through R-6 zones that are less than nine thousand seventy-six square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone; and
 - d. A lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.
6. Mobile home parks shall be allowed a base density of six dwelling units per acre.
 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand square feet in area.
 8. At least twenty linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport, or fenced area to the street property line.
 - 9.a. Residences shall have a setback of at least one hundred feet from any property line adjoining A, M, or F zones or existing extractive operations. However, residences on lots less than one hundred fifty feet in width adjoining A, M, or F zones or existing extractive operations shall have a setback from the rear property line equal to fifty percent of the lot width and a setback from the side property equal to twenty-five percent of the lot width.
 - b. Except for residences along a property line adjoining A, M, or F zones or existing extractive operations, lots between one acre and two and one-half acres in size shall conform to the requirements of the R-1 zone and lots under one acre shall conform to the requirements of the R-4 zone.
 - 10.a. For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be ten feet along any property line abutting R-1 through R-8, RA, and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet.

b. For townhouse and apartment development, the setback shall be twenty feet along any property line abutting R-1 through R-8, RA, and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.

11. Lots smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or larger, the maximum impervious surface area allowed shall be at least ten thousand square feet. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than one-half acre, an additional ten percent of the lot area may be used for structures that are determined to be medically necessary, if the applicant submits with the permit application a notarized affidavit, conforming with K.C.C. 21A.32.170A.2.

12. For purposes of calculating minimum density, the applicant may request that the minimum density factor be modified based upon the weighted average slope of the net buildable area of the site in accordance with K.C.C. 21A.12.087.

13. The minimum lot area does not apply to lot clustering proposals as provided in K.C.C. chapter 21A.14.

14. This maximum height is only allowed as follows:

a. in R-6 and R-8 zones, for a building with a footprint built on slopes exceeding a fifteen percent finished grade; and

b. in R-18, R-24, and R-48 zones, only through application of:

(1) inclusionary housing regulations in accordance with K.C.C. chapter 21A.48; or

(2) transfer of development rights in accordance with K.C.C. chapter 21A.37, except for properties within the Skyway-West Hill or North Highline community service area subarea geographies.

15. Density applies only to dwelling units and not to sleeping units.

16. Vehicle access points from garages, carports, or fenced parking areas shall be set back from the property line on which a joint use driveway is located to provide a straight line length of at least twenty-six feet as measured from the center line of the garage, carport, or fenced parking area, from the access point to the opposite side of the joint use driveway.

17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered if the property is located within or contains:

- (1) a floodplain;
- (2) a critical aquifer recharge area;
- (3) a regionally or locally significant resource area;
- (4) existing or planned public parks or trails, or connections to such facilities;
- (5) a category type S or F aquatic area or category I or II wetland;
- (6) a steep slope; or
- (7) an urban separator or wildlife habitat network designated by the Comprehensive Plan.

b. The development shall be clustered away from critical areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least fifty percent of the site. Open space tracts shall be permanent and shall be dedicated to a homeowners association or other suitable organization, as determined by the director, and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and designated urban separators shall be placed within the open space tract to the extent possible. Passive recreation, with no development of recreational facilities, and natural-surface pedestrian and equestrian trails are acceptable uses within the open space tract.

18. See K.C.C. 21A.12.085.

19. All subdivisions and short subdivisions in R-1 and RA zones within the North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North Fork and Upper Issaquah Creek subbasins are

identified in the Issaquah Creek Basin and Nonpoint Action Plan) and the portion of the Grand Ridge (~~(subarea of the East Sammamish Community Planning Area)~~) area of the Snoqualmie Valley/Northeast King County Community Service Area that drains to Patterson Creek shall have a maximum impervious surface area of eight percent of the gross acreage of the plat. Distribution of the allowable impervious area among the platted lots shall be recorded on the face of the plat. Impervious surface of roads need not be counted towards the allowable impervious area. Where both lot- and plat-specific impervious limits apply, the more restrictive shall be required.

20. This density may only be achieved on RA 2.5 zoned parcels receiving density from rural forest focus areas through a transfer of density credit under K.C.C. chapter 21A.37.

21. Base density may be exceeded, if the property is located in a designated Urban Growth Area for Cities in the Rural Area and each proposed lot contains an occupied legal residence that predates 1959.

22.a. ~~((The maximum density is four dwelling units per acre for properties zoned R-4 when located in the Rural Town of Fall City.~~

~~b. For properties within the Skyway West Hill or North Highline community service area subarea geographies, e))~~ Only as provided in the inclusionary housing regulations in K.C.C. chapter 21A.48 or subsection B.22.c. of this section.

~~((e-))~~ b. In the R-1 through R-48 zones, for duplex, triplex, fourplex, or townhouse developments with nine or fewer units and when located within a half mile of high-capacity or frequent transit as defined in the King County Countywide Planning Policies.

23. ~~((The subdivision or short subdivision of property within the Rural Town of Fall City is not required to meet with the minimum density requirements of this chapter.))~~ Repealed.

24. The impervious surface standards for the county fairground facility are established in the King County Fairgrounds Site Development Plan, Attachment A to Ordinance 14808, on file at the department of natural resources and parks and the department of local services, permitting division. Modifications to that

standard may be allowed provided the square footage does not exceed the approved impervious surface square footage established in the King County Fairgrounds Site Development Plan Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808, by more than ten percent.

25. For cottage housing developments only:

a. The base height is twenty-five feet.

b. Buildings that have pitched roofs with a minimum slope of six over twelve may achieve a maximum height of thirty feet at the ridge of the roof.

26. Impervious surface does not include access easements serving neighboring property and driveways to the extent that they extend beyond the street setback due to location within an access panhandle or due to the application of King County Code requirements to locate features over which the applicant does not have control.

27.a. For properties within the Skyway-West Hill or North Highline community service area subarea geographies, only in accordance with the inclusionary housing regulations in K.C.C. chapter 21A.48.

b. For all other properties, only for:

(1) in accordance with K.C.C. chapter 21A.48; or

(2) a project using the transfer of development rights affordable housing pilot program in accordance with K.C.C. 21A.37.130.A.2., except for properties within the Skyway-West Hill or North Highline community service area subarea geographies.

28. On a site zoned RA with a building listed in the National Register of Historic Places, additional dwelling units in excess of the maximum density may be allowed under K.C.C. 21A.12.042.

29. Height and setback requirements shall not apply to regional transit authority facilities.

30. Properties within the North Highline community service area subarea geography shall meet the setback and GreenCenter requirements in K.C.C. chapter 21A.XX (the new chapter created in section 8 of Ordinance 19687).

31 Applies only in the Rural Town of Fall City between the effective date of Ordinance 19690 and thirteen months after the effective date of Ordinance 19690.

32. For properties in Vashon Rural Town. Floors above two stories shall be setback at least an additional ten feet from the setbacks in this section.

33. A safe parking site shall be setback at least ten feet from adjacent residential uses and R zoned properties.

34. If served by public sewers, mobile home parks can have one additional unit per mobile home parking space or pad provided for the relocation of a mobile home that has been or will be displaced due to closure of a mobile home park in King County, up to the maximum density allowed for the zone.

SECTION 6. Ordinance 10870, Section 341, as amended, and K.C.C. 21A.12.040 are hereby amended to read as follows:

A. Densities and dimensions - resource and commercial/industrial zones.

STANDARDS	RESOURCE				COMMERCIAL/INDUSTRIAL				
	A-10	A-35	F	M	NB	CB	RB	O	I
Base Density: Dwelling Unit/Acre (19)	0.1 du/ac	.0286 du/a	.0125 du/ac		8 du/ac (2) du (22)	48 du/ac	236 du/ac (48 du/ac)	248 du/ac (2)	
Maximum Density: Dwelling Unit/Acre					12 du/ac (15) du/ac	372 du/ac (96 du/ac)	148 du/ac (172 du/ac)	372 du/ac (16) 96 du/ac (17)	
Minimum Lot Area	10 acres	35 acres	80 acres	10 acres					
Maximum Lot Depth/Width Ratio	4 to 1	4 to 1							
Minimum Street Setback	30 ft (4)	30 ft (4)	50 ft (4)	(12)	10 ft (5) (2)	10 ft (5) (2)	10 ft (5) (2)	10 ft (21)	25 ft
Minimum Interior Setback	10 ft (4)	10 ft (4)	100 ft (4)	(12)	10 ft (18) (14) (21)	20 ft (7) (23)	20 ft (7) (23)	20 ft (7) (21) (23)	20 ft (7) 50 ft (8)
Base Height	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft (24) 45 ft	35 ft (24) 45 ft
Maximum Height	75 ft (10)	75 ft (10)	75 ft (10)	75 ft (10)	35 ft (24) (6) 65 ft (2) 75 ft (10)	35 ft (24) (6) 65 ft (1) 75 ft (10) (20)	35 ft (24) (6) 75 ft (1) 85 ft (20)	35 ft (24) 65 ft (6) 75 ft (10) 85 ft (20)	35 ft (24) 75 ft (10)
Maximum Floor/Lot Ratio: Square Feet					1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Maximum Impervious Surface: Percentage (13)	15% 35% (11)	10% 35% (11)	10% 35% (11)		85% (21)	85% (21)	90% (21)	75% (21)	90%

B. Development conditions.

1. Repealed.

2. These densities are allowed only in the urban area and rural towns through the application of mixed-use development standards and, in the NB zone on property in the urban area designated commercial outside of center, for stand-alone townhouse development.

3. These densities may only be achieved:

a. as provided in the inclusionary housing regulations in K.C.C. chapter 21A.48;

b. through the application of transfer of development rights in mixed-use developments in the urban area or rural towns in accordance with K.C.C. chapter 21A.37, except for properties within the Skyway-West Hill or North Highline community service area subarea geographies; or

c. in the NB zone on property in the urban area designated commercial outside of center, for stand-alone townhouse development.

4.a. in the F zone, scaling stations may be located thirty-five feet from property lines. Residences shall have a setback of at least thirty feet from all property lines.

b. for lots between one acre and two and one-half acres in size, the setback requirements of the R-1 zone shall apply. For lots under one acre, the setback requirements of the R-4 zone shall apply.

c. for developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be ten feet along any property line abutting R-1 through R-8, RA, and UR zones.

5. Gas station pump islands shall be placed no closer than twenty-five feet to street front lines.

6. This maximum height allowed only for:

a. mixed-use developments; and

b. stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.

7. Required on property lines adjoining rural area and residential zones.

8. Required on property lines adjoining rural area and residential zones for industrial uses established by conditional use permits.

9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C. chapter 21A.14 or K.C.C. chapter 21A.48.

10. Portions of a structure may exceed the base height if one additional foot of street and interior setback is provided for each foot above the base height. The following restrictions apply:

a. for netting or fencing, and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges, the maximum height shall not exceed seventy-five feet. All such netting, fencing, and support structures are exempt from the additional interior setback requirement;

b. properties with inclusionary housing developed in accordance with K.C.C. chapter 21A.48 shall not increase height through this method; and

c. for all other structures, the maximum height achieved through this method shall not exceed seventy-five feet.

11. Applicable only to lots containing less than one acre of lot area. Development on lots containing less than fifteen thousand square feet of lot area shall be governed by impervious surface standards of the nearest comparable R-4 through R-8 zone.

12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.

13. The impervious surface area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

14. Required on property lines adjoining rural area and residential zones unless a stand-alone townhouse development on property designated commercial outside of center in the urban area is proposed to be located adjacent to property upon which an existing townhouse development is located.

15.a. For properties within the Skyway-West Hill or North Highline community service area subarea geographies, only as provided in the inclusionary housing regulations in K.C.C. chapter 21A.48.

b. For all other properties, only for a mixed-use in accordance with K.C.C. chapter 21A.48.

16.a. For properties within the Skyway-West Hill or North Highline community service area subarea geographies, only as provided in the inclusionary housing regulations in K.C.C. chapter 21A.48.

b. For all other properties, only for mixed-use development through the application of inclusionary housing regulations in accordance with K.C.C. chapter 21A.48 or the transfer of development rights in urban areas and rural towns in accordance with K.C.C. chapter 21A.37.

17.a. For properties within the Skyway-West Hill or North Highline community service area subarea geographies, only as provided in the inclusionary housing regulations in K.C.C. chapter 21A.48.

b. For properties in Snoqualmie Pass Rural Town developed under K.C.C. chapter 21A.48.

c. For all other properties, only for mixed-use development through the application of inclusionary housing regulations in accordance with K.C.C. chapter 21A.48 or the transfer of development rights in urban areas and rural towns in accordance with K.C.C. chapter 21A.37. Upper-level setbacks are required for any facade facing a pedestrian street for any portion of the structure greater than forty-five feet in height. The upper-level setback shall be at least one foot for every two feet of height above forty-five feet, up to a maximum required setback of fifteen feet. The first four feet of horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters shall be permitted in required setbacks.

18. Required on property lines adjoining rural area and residential zones only for a social service agency office reusing a residential structure in existence on January 1, 2010.

19. On a site zoned A with a building designated as a county landmark in accordance with the procedures in K.C.C. 20.62.070, additional dwelling units in excess of the maximum density may be allowed under K.C.C. 21A.12.042.

20. This maximum height allowed only for properties with inclusionary housing developed in accordance with K.C.C. chapter 21A.48.

21. Properties within the North Highline community service area subarea geography shall meet the

setback and GreenCenter requirements in K.C.C. chapter 21A.XX (the new chapter created in section 8 of Ordinance 19687).

22. Only when consistent with 21A.08.030.B.16.

23. A safe parking site shall be setback at least ten feet from adjacent residential uses and R zoned properties.

24. For properties in Vashon Rural Town. Floors above two stories shall be setback at least an additional ten feet from the setbacks in this section.

SECTION 7. Ordinance 17485, Section 43, as amended, and K.C.C. 21A.38.260 are hereby amended to read as follows:

A. The purpose of the Fall City business district special district overlay is to allow commercial development in Fall City ~~((to occur with on-site septic systems until such time as an alternative wastewater system is available))~~ that is consistent with the design and operation of the Fall City business district's large on-site sewage system and that is compatible with rural character. The special district overlay shall only be established in areas of Fall City zoned CB ~~((and shall be evaluated to determine if it is applicable to other rural commercial centers)).~~

B. The standards of this title and other county codes shall be applicable to development within the ~~((Fall City business district))~~ special district overlay except as follows:

1. The permitted uses in K.C.C. ~~((C))~~chapter 21A.08 do not apply and are replaced with the following:

a. Residential land uses ~~((as set forth in K.C.C. 21A.08.030))~~:

i. As a permitted use:

(A) ~~((Multifamily residential units shall only be allowed))~~ Apartment when part of a mixed-use development with residential units on the upper floors of a building~~((s))~~; and

(B) Home occupations under K.C.C. chapter 21A.30; and

ii. As a conditional use:

(A) Bed and Breakfast Guesthouse (five rooms maximum); and

(B) Hotel/Motel~~((:))~~;

b. Recreational~~((/))~~ and cultural land uses ~~((as set forth in K.C.C. 21A.08.040))~~:

i. As a permitted use:

(A) Library;

(B) Museum;

(C) Arboretum; ~~((and))~~

(D) Park; and

(E) Theater; and

ii. As a conditional use:

(A) Sports Club~~((/Fitness Center))~~, subject to 21A.08.040.B.17.;

(B) Amusement~~((/))~~ Recreation Services~~((/Arcades (Indoor))~~, indoor only and subject to K.C.C.

21A.08.040.B.14.; and

(C) Bowling Center;

c. General services land uses ~~((as set forth in K.C.C. 21A.08.050))~~:

i. As a permitted use:

(A) General Personal Services, except escort services;

(B) Funeral Home/Crematory;

(C) ~~((Appliance/Equipment))~~ Miscellaneous Repair;

(D) ~~((Medical or Dental))~~ Office/Outpatient Clinic;

(E) Medical or Dental Lab;

(F) Day Care I;

(G) Day Care II;

(H) Veterinary Clinic, subject to K.C.C. 21A.08.050.B.10.;

- (I) Social Services, subject to K.C.C. 21A.08.050.B.2.;
- (J) Animal Specialty Services;
- (K) Artist Studios; and
- (L) Nursing and Personal Care Facilities; and
- ii. As a conditional use:
 - ~~((A) Theater (Movie or Live Performance));~~
 - ~~(B) Religious Use))~~ Church, Synagogue, Temple;
- d. Government/Business services land uses ~~((as set forth in K.C.C. 21A.08.060))~~:
 - i. As a permitted use:
 - (A) General Business Service;
 - (B) Professional Office(~~(= Bank, Credit Union,))~~ Insurance Office(~~(=)~~) only;
 - (C) Private stormwater management facilities, subject to K.C.C. 21A.08.060.B.8.; and
 - ii. As a conditional use:
 - (A) Public Agency or Utility Office;
 - (B) Police ~~((Substation))~~ Facility;
 - (C) Fire ~~((Station))~~ Facility;
 - (D) Utility Facility; and
 - (E) Self-Service Storage;
- e. Retail(~~(=commercial))~~ land uses ~~((as set forth in K.C.C. 21A.08.070))~~:
 - i. As a permitted use on the ground floor:
 - (A) Food Stores;
 - (B) Drug Stores~~((Pharmacy))~~;
 - (C) ~~((Retail Store: includes f))~~ Florist shops~~((s))~~;
 - (D) ((b))Book, Stationary, Video and Art Supply ((s))Stores~~((s))~~;

~~(E) ((a))Apparel and ((accessories)) Accessory ((s))Stores((;));~~

~~(F) ((f))Furniture((/)) and ((h))Home ((f))Furnishings stores((;));~~

~~(G) Used goods: ((a))Antiques/((recycled goods store))Secondhand Shops((;));~~

~~(H) ((s))Sporting goods and Related ((s))Stores, subject to 21A.08.070.B.29((;)); ((video store, art supply store,))~~

~~(I) ((h))Hobby ((store)), Toy, Game Shops((;));~~

~~(J) ((j))Jewelry ((s))Stores((;)); ((toy store, game store, photo store, electronic/appliance store,))~~

~~(K) Photographic and Electronic Shops;~~

~~(L) ((f))Fabric ((s))Shops((;));~~

~~(M) ((p))Pet ((s))Shops((, and other retail stores (excluding adult-only retail)));~~

~~((D)) (N) Eating and Drinking Places((, including coffee shops and bakeries)); and~~

~~((E)) (O) Remote tasting rooms, subject to K.C.C. 21A.08.070.B.7((;)); and~~

ii. As a conditional use:

~~(A) Liquor Store or any ((R))retail ((S))store ((Selling)) otherwise allowed as a permitted use in this section and that sells ((A))alcohol;~~

~~(B) ((Hardware/Building Supply)) Building Materials and Hardware Stores;~~

~~(C) Retail Nursery((/)) Garden Center and Farm Supply Stores; and~~

~~(D) Department and Variety Stores;~~

~~((E) Auto Dealers (indoor sales rooms only);~~

~~f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.~~

~~g. Resource land uses as set forth in K.C.C. 21A.08.090;~~

~~i. As a permitted use:~~

~~(A) Solar photovoltaic/solar thermal energy systems;~~

~~(B) Private storm water management facilities;~~

~~(C) Growing and Harvesting Crops (within rear/internal side yards or roof gardens, and with organic methods only);~~

~~(D) Raising Livestock and Small Animals (per the requirements of Section 21A.30 of the Zoning Code)~~

~~ii. As a conditional use: Wind Turbines~~

~~h.) f. Regional land uses ((as set forth in K.C.C. 21A.08.100 with)): as a ((special)) permitted use ((permit)): ((Communication)) Transit Comfort Facility, subject to 21A.08.100.B.26.~~

2. The densities and dimensions ((set forth)) in K.C.C. chapter 21A.12 apply, except as follows:

a. Residential density is limited to six dwelling units per acre. ~~((For any building with more than ten dwelling units, at least ten percent of the dwelling units shall be classified as affordable under 21A.34.040F.1));~~

b. Buildings are limited to two floors, plus an optional basement;

c. The elevation of the ground floor may be elevated a maximum of six feet above the average grade of the site along the front facade of the building;

d. If the ground floor is designed to accommodate non((-)residential uses, the elevation of the ground floor should be placed near the elevation of the sidewalk to minimize the need for stairs and ((ADA)) ramps;

e. If the ground floor is designed to accommodate non((-)residential space, the height of the ceiling, as measured from finished floor, shall be no more than eighteen feet; and

f. Building height shall not exceed forty feet, as measured from the average grade of the site along the front facade of the building.

C.1. The business district's large on-site sewage system shall only serve the existing structures, lots, and range of allowed uses in the district as of the effective date of this ordinance; and

2. Residential development in the business district using the large on-site sewage system is limited to the densities in subsection B.2 of this section.

SECTION 8. Ordinance 19119, Section 2, and K.C.C. 21A.55.125 are hereby amended to read as follows:

A.1. The purpose of the alternative housing demonstration project is to:

a. encourage private market development of housing options that are affordable to different segments of the county's population by testing removal of certain regulatory barriers to developing such housing;

b. compare ~~((at least two))~~ alternative housing options and their accessibility for populations who are otherwise unable to find suitable housing, such as lower-income one-person households, low-income seniors, people with disabilities, veterans, and persons experiencing homelessness; and

c. evaluate the public benefit of providing housing options with smaller living spaces and shared facilities~~((; and~~

~~d. implement Phase I of King County Comprehensive Plan Workplan Action 6, as adopted in Ordinance 18427, and as amended by Ordinances 18427 and 18810)).~~

2. The expected benefits from the alternative housing demonstration project include:

a. the use of innovative design and development techniques to promote alternative housing options;

b. the development of new affordable housing built to modern building standards; and

c. the opportunity to identify and evaluate potential substantive changes to land use and development regulations that support the development of affordable housing while maintaining community character.

B. For purposes of this section:

1. "Congregate residence" means one or more buildings that contain either sleeping units or dwelling units, or both, and where residents share either sanitation facilities or kitchen facilities, or both.

2. "Sleeping unit" means a room or space in which people sleep, and can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

C. The alternative housing demonstration project shall be implemented in ~~((North Highline as~~

~~described in Attachment A to Ordinance 19119 and in the Vashon Rural Town as described in Attachment B to Ordinance 19119))~~ Snoqualmie Pass Rural Town as described in Attachment C to this ordinance.

D. Applications shall demonstrate how the proposed project, when considered as a whole with the proposed modifications or waivers to the code, will meet the criteria in this section and, as compared to development without the modification or waiver, the degree to which the project will:

- a. increase the range of (())affordable housing options, including providing housing types that meet the needs of the local community;
- b. provide housing options for low- to moderate-income households;
- c. provide for the development of lower rent housing options through construction of buildings with shared facilities;
- d. seek to prevent displacement of the local community's residents;
- e. for projects with public funding, meet or exceed the sustainable development standards adopted by Washington state Department of Commerce under RCW 39.35D.080;
- f. for projects without public funding, meet or exceed Master Builders Association of King and Snohomish Counties 4-star Built Green standard; and
- g. provide attractive and well-designed development.

E. The following apply to a demonstration project development proposal under this section and supersede development regulations under this title that are in conflict((:)). ((±)) A demonstration project development proposal for a congregate residence in ((North Highline identified in Attachment A to Ordinance 19119)) Snoqualmie Pass Rural Town as identified in Attachment C to this ordinance, is a permitted use under K.C.C. 21A.08.030 and the maximum residential density provisions ((and the base height provisions of K.C.C. 21A.12.030 and)) of K.C.C. 21A.12.040 do not apply if:

- ((a:)) 1. ((±))The proposal is for no more than a combined total of ((sixty)) forty dwelling units and sleeping units;

~~((b-))~~ 2. ~~((e))~~ Each sleeping unit or dwelling unit contains no more than two hundred twenty square feet of floor area; ~~((and))~~

~~((e-))~~ 3. ~~((t))~~ The proposed development does not exceed sixty-five feet in height; and;

4. The proposed development does not use the provisions of K.C.C. chapter 21A.48.

~~((2. A demonstration project development proposal for a congregate residence, in Vashon Rural Town as identified in Attachment B to Ordinance 19119 is a permitted use under K.C.C. 21A.08.030 and the maximum residential density provisions of K.C.C. 21A.12.030 do not apply if~~

~~a. the development proposal is for no more than five buildings with each building containing no more than a combined total of eight dwelling units and sleeping units; and~~

~~b. except for accessibility units designed to house persons with physical disabilities, sleeping units and dwelling units shall not contain more than three hundred fifty square feet of floor area. Sleeping units and dwelling units designed as accessible for persons with physical disabilities shall contain no more than three hundred eight five feet of net floor area.))~~

F. A congregate residence under this section shall meet the following standards:

1. A congregate residence shall include at least one common kitchen facility. In a congregate residence with more than two floors, at least one common kitchen facility is required on each floor with sleeping units. In a congregate residence consisting of more than one building, at least one common kitchen facility is required in each building.

2. A sleeping unit that does not include sanitation facilities in the sleeping unit shall have access to shared sanitation facilities on the same floor as the sleeping unit.

3. Communal areas, such as common kitchen facilities, lounges, recreation rooms, dining rooms, living rooms, laundry rooms, foyers, and lobbies, shall be open to all residents of the congregate residence and shall meet the following standards:

a. The total floor area of communal areas shall be at least twelve percent of the total floor area of all

sleeping and dwelling units; and

b. Service areas, including, but not limited to, hallways and corridors, supply or janitorial storage areas, operations and maintenance areas, staff areas, and offices may not be counted toward the communal area total floor area requirement.

G.1. An application for a development permit or building permit under this section shall include a proposed agreement with the department of local services, permitting division, that addresses at least the following to be undertaken by the applicant:

a. measures to ensure that rents remain affordable, such as rent and income restrictions or the inherent affordability of smaller units;

b. ~~((measures to reduce displacement of the local community's residents, such as affirmative marketing or maintaining wait lists;~~

~~e. measures to ensure that residents have available transportation choices to enable them reasonable access to retail and services, such as the Metro transit department Access paratransit services, community service vans, bike storage rooms or carshare services;~~

~~d. for projects in the Vashon Rural Town, services that will be available to residents of the project, such as case management for vulnerable populations or social connectivity programming;~~

e. measures to incorporate housing needs of the local community into the proposed development;

f.) measures to involve the local community in the proposed development; and

~~((g-))~~ c. what information the applicant will collect and when and how it will be reported to the department of local services, permitting division, and the department of community and human services to assist in evaluation of the demonstration project.

2. The department shall not approve a development permit or building permit application under this section until the proposed agreement under this subsection has been approved by the department of local services, permitting division.

H.1. A modification or waiver approved by the department of local services, permitting division, in accordance with this section shall be in addition to those modifications or waivers that are currently allowed by this title, K.C.C. Title 9, K.C.C. Title 14, and K.C.C. Title 16.

2. An applicant under this section, in conjunction with an application for a site development permit or a building permit, may request in writing a modification or waiver of the development regulations under the following chapters and titles. Proposals to modify or waive development regulations for a development application must be consistent with general health, safety, and public welfare standards and must not violate state or federal law:

- a. drainage review requirements: K.C.C. chapter 9.04 and the Surface Water Design Manual;
- b. King County road standards: K.C.C. chapter 14.42 and the county road standards, 2016 update;
- c. King County building code: K.C.C. Title 16;
- d. permitted uses: K.C.C. chapter 21A.08;
- e. density and dimensions: K.C.C. chapter 21A.12;
- f. design requirements: K.C.C. chapter 21A.14;
- g. landscaping and water use: K.C.C. chapter 21A.16;
- h. parking and circulation: K.C.C. chapter 21A.18; and
- i. school impact fees: K.C.C. chapter 21A.43.

3. Requests for a waiver or modification made in accordance with this section shall be submitted to the department of local services, permitting division, in writing before or in conjunction with a development permit or building permit application together with any supporting documentation. The supporting documentation must illustrate how the proposed modification meets the criteria in this section.

4. The notice of application, review and approval of a proposed modification or waiver under this section shall be treated as a Type 2 land use decision in accordance with K.C.C. 20.20.020. Approval or denial of the proposed modification or waiver shall not be construed as applying to any other development application

either within a demonstration project area or elsewhere in the county.

5. A preapplication conference with the applicant and the department of local services, permitting division, to determine the need for and the likely scope of a proposed modification or waiver is required before submittal of such a request. If a modification or waiver requires approval of the department of natural resources and parks or the department of local services, roads services division, that department or division shall be invited to participate in the preapplication conference.

6. If the applicant requests an adjustment from the county drainage standards, the director shall refer the request to the department of natural resources and parks for decision under K.C.C. chapter 9.04, with the right to appeal within the department of natural resources and parks as provided in K.C.C. 9.04.050.C.6. The department of natural resources and parks shall consider the purposes of this demonstration project as a factor relative to the public interest requirement for drainage adjustments described in K.C.C. 9.04.050.C.

7. If the applicant requests a variance from the county road standards, the director shall refer the request to the county road engineer for decision under K.C.C. 14.42.060, with the right to appeal to the department of local services, road services division, as provided in K.C.C. 14.42.060 and the associated public rules. The department of local services, road services division, shall consider the purposes of this demonstration project as a factor relative to the public interest requirement for road variances described in K.C.C. 14.42.060.

8. Administrative appeals of modifications or waivers approved by the director shall be combined with any appeal of the underlying permit decision.

I. An approved development permit or a building permit under this section, including site plan elements or conditions of approval, may be amended or modified at the request of the applicant or the applicant's successor in interest designated by the applicant in writing. The director may administratively approve minor modifications to an approved permit. Modifications that result in major changes as determined by the department of local services, permitting division, or as defined by the approval conditions shall be treated as a

new application for purposes of vesting and shall be reviewed as applicable to the underlying application in accordance with K.C.C. 20.20.020. Any increase in the total number of sleeping units and dwelling units above the maximum number set forth in the development permit or building permit approval shall be deemed a major modification. The county, through the applicable development permit or building permit approval conditions, may specify additional criteria for determining whether proposed modifications are major or minor. The modifications allowed under this section supersede other modification or revision provisions of K.C.C. Title 16 and this title.

J. Demonstration project applications shall be accepted by the department of local services, permitting division, for four years from ~~((July 19, 2020))~~ the effective date of this ordinance. Complete applications submitted before the end of the four years, shall be reviewed and decided on by the department of local services, permitting division.

K.1. The executive shall file the following reports in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the lead staff to the local services, committee or its successor and the lead staff to the community health and housing services committee or its successor:

a. A preliminary report within two years of the final certificate of occupancy for the first project completed under the demonstration project, as adopted in either ordinance 19119 or this ordinance, that describes and evaluates the pertinent preliminary results; and

b. A final report within two years of the final certificate of occupancy for the second project completed under the demonstration project, as adopted in either ordinance 19119 or this ordinance, that describes and evaluates the pertinent results and recommends changes, if appropriate based on evaluation, that should be made to the county processes and development regulations.

2. If only insufficient or inconclusive data are available when the report required under subsection K.1. of this section is due, the executive must file in the form of a paper original and an electronic copy with

the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the lead staff to the local services committee or its successor and the lead staff to the community health and housing services committee or its successor a report on the demonstration projects that indicates the date a subsequent report or reports will be transmitted to fully evaluate outcomes of the demonstration project sites and recommend changes, if appropriate, based on the evaluation, that should be made to the county processes and development regulations.

SECTION 9. The following are hereby repealed:

- A. Ordinance 13275, Section 1, as amended, and K.C.C. 21A.55.050;
- B. Attachment A to Ordinance 13875, as amended;
- C. Ordinance 18623, Section 8, and K.C.C. 20.12.329; and
- D. Ordinance 12823, Section 13, and K.C.C. 21A.38.180.

SECTION 10. This ordinance takes effect only if ordinance XXXXX adopting the 2024 King County Comprehensive Plan takes effect, and in that event, this ordinance takes effect immediately after ordinance XXXXX takes effect.

SECTION 11. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.