

February 21, 1996

Introduced by:

Chris Vance

Proposed No.:

96-129

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ORDINANCE NO. **12171**

AN ORDINANCE relating to zoning; adopting amendments to the King County Planning Code and Zoning Code relating to new Fully Contained Communities, in compliance with the Washington State Growth Management Act, as amended, to comply with portions of the Central Puget Sound Growth Management Hearings Board's decision and order in Case No. 95-3-0008, as corrected, remanding portions of the Comprehensive Plan to the County for modification; amending Ordinance 4461, Section 1, as amended and K.C.C. 20.24.070; amending Ordinance 10870, Section 28, as amended and K.C.C. 21A.04.070; amending Ordinance 10870, Section 574, and K.C.C. 21A.38.010; amending Ordinance 10870, Section 575, and K.C.C. 21A.38.020; and amending Ordinance 10870, Section 577, as amended and K.C.C. 21A.38.040; adding a new section to K.C.C. 21A.06; adding new sections to K.C.C. 21A.38; adding new sections to K.C.C. 21A.39; and adding a new section to K.C.C. 21A.44.

PREAMBLE:

For the purpose of effective land use planning and regulation, the King County Council makes the following legislative findings:

1. King County has adopted the 1994 King County Comprehensive Plan, to meet the requirements of the Washington State Growth Management Act (GMA).
2. The amendments to the King County Code proposed to be adopted by this ordinance are necessary to comply with portions of the Central Puget Sound Growth Management Hearings Board's Decision and Order in Case No. 95-3-0008, as corrected.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 4461, Section 1, as amended and K.C.C. 20.24.070 are each amended to read as follows:

Recommendations to the council. A. The examiner shall receive and examine available information, conduct public hearings and prepare records and reports thereof and issue recommendations, including findings and conclusions to the council based on the issues and evidence in the record in the following cases;

1. Applications for reclassifications of property;
2. Applications for special use permits;

1 3. Applications for urban planned development permits or new fully contained
 2 community permits;

3 4. Applications for preliminary plats; including those variance decisions made by the
 4 road engineer pursuant to K.C.C. 14.42.060 with regard to road circulation in the subject
 5 preliminary plat proposal;

6 5. Applications for shoreline environment redesignations,;

7 6. Applications to extend sewer service pursuant to K.C.C. 13.24;

8 7. Applications for agricultural land variances;

9 8. Applications for public benefit rating system assessed valuation on open space
 10 land and current use assessment on timber lands except as provided in Section 20.36:090;

11 9. Appeals from denials by the county assessor of applications for current use
 12 assessments on farm and agricultural lands;

13 10. Appeals from decisions regarding residential condominium binding site plan
 14 applications pursuant to Section 19.34.050;

15 11. Applications for the vacation of county roads;

16 12. Appeals of a recommendation by the department of public works to deny the
 17 petition for vacation of a county road;

18 13. Appeals of a recommendation by the department of public works of the
 19 compensation amount to be paid for vacation of a county road;

20 14. Proposals for establishment or modification of cable system rates; and

21 15. Other applications or appeals which the council may prescribe by ordinance.

22 B. The examiner's recommendation may be to grant or deny the application or appeal, or
 23 the examiner may recommend that the council adopt the application or appeal with such
 24 condition, modifications and restrictions as the examiner finds necessary to make the application
 25 reasonably compatible with the environment and carry out applicable state laws and regulations
 26 and the regulations, policies, objectives and goals of the Comprehensive Plan, the community
 27 plan, subarea or neighborhood plans, the zoning code, the subdivision code and other official
 28 laws, policies and objectives of King County. In case of conflict between the King County
 29 Comprehensive Plan and a community, subarea or neighborhood plan, the Comprehensive Plan
 30 shall govern.

31 SECTION 2. Ordinance 10870, Section 28, as amended and K.C.C. 21A.04.070 are
 32 each amended to read as follows:

33 Urban reserve zone. A. The purposes of the urban reserve zone (UR) are to phase
 34 growth and demand for urban services, and to reserve large tracts of land for possible future
 35 growth in portions of King County designated by the Comprehensive Plan for future urban
 36 growth while allowing reasonable interim uses of property; or to reflect designation by the
 37 Comprehensive Plan of a property or area as part of the urban growth area when a detailed plan
 38 for urban uses and densities has not been completed; or when the area has been designated as a
 39 site for a potential urban planned development or new fully contained community, as provided
 40 in K.C.C. 21A.38. These purposes are accomplished by:

41 1. Allowing for rural, agricultural and other low-intensity uses;

1 2. Allowing for limited residential growth, either contiguous to existing urban
2 public facilities, or at a density supportable by existing rural public service levels; and

3 3. Requiring clustered residential developments where feasible, to prevent
4 establishment of uses and lot patterns which may foreclose future alternatives and impede
5 efficient later development at urban densities.

6 B. Use of this zone is appropriate in urban areas or in rural city expansion areas
7 designated by the Comprehensive Plan, when such areas do not have adequate public facilities
8 and services or are not yet needed to accommodate planned growth, do not yet have detailed
9 land use plans for urban uses and densities, or are designated as sites for a potential urban
10 planned development or new fully contained communities.

11 NEW SECTION. SECTION 3. There is added to K.C.C. 21A.06 a new section to
12 read as follows:

13 Fully contained community (FCC). FCC: a site specific development project
14 consisting of conceptual site plan(s), development standards, processing and other elements,
15 and which is consistent with the criteria provided in RCW 36.70A.350.

16 SECTION 4. Ordinance 10870, Section 574 and K.C.C. 21A.38.010 are each
17 amended to read as follows:

18 Purpose. The purposes of this chapter are to provide for alternative development
19 standards to address unique site characteristics and to address development opportunities which
20 can exceed the quality of standard developments, by:

21 A. Establishing authority to adopt property-specific development standards for
22 increasing minimum requirements of this title on individual sites; or

23 B. Establishing special district overlays with alternative standards for special areas
24 designated by community plans or the Comprehensive Plan.

25 SECTION 5. Ordinance 10870, Section 575 and K.C.C. 21A.38.020 are each
26 amended to read as follows:

27 Authority and application. A. This chapter authorizes King County to increase
28 development standards or limit uses on specific properties beyond the general requirements of
29 this title through property-specific development standards, and to carry out comprehensive and
30 community plan policies and map designations through special overlay districts which
31 supplement or modify standard zones through different uses, design or density standards or
32 review processes;

33 B. Property-specific development standards shall be applied to specific properties
34 through either area zoning as provided in K.C.C. 20.12 and ~~((20-18))~~ 20.16, or reclassifications
35 of individual properties as provided in K.C.C. 20.24 and 21A.44; and

36 C. Special district overlays shall be applied to specific properties or areas containing
37 several properties through area zoning adopted in conjunction with community plans or the
38 Comprehensive Plan as provided in K.C.C. 20.12 and ~~((20-18))~~ 20.16.

39 SECTION 6. Ordinance 10870, Section 577, as amended and K.C.C. 21A.38.040 are
40 each amended to read as follows:

1 Special district overlay - general provisions. Special district overlays shall be
 2 designated on community plan maps and indicated on area zoning maps or a notation in the
 3 SITUS File, as follows:

4 A. A special district overlay shall be designated in a community plan, plan update or
 5 plan amendment, or the Comprehensive Plan, as provided in K.C.C. 20.12. Designation of an
 6 overlay district shall include policies that prescribe the purposes and location of the overlay;

7 B. A special district overlay shall be applied to land through the area zoning adopted
 8 in conjunction with the community plan or the Comprehensive Plan and shall be indicated on
 9 the zoning map or a notation in the SITUS File, with the suffix "-SO" following the map
 10 symbol of the underlying zone or zones;

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

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

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

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

23 NEW SECTION. SECTION 7. There is added to K.C.C. 21A.38 a new section to
 24 read as follows:

25 Special district overlay - fully contained community (FCC) purpose, designation, and
 26 implementation.

27 A. The purpose of the FCC special district overlay is to provide a means to designate
 28 a limited number of areas which are uniquely appropriate for conversion to urban development
 29 on a large scale basis.

30 B. In designating an overlay district, the Comprehensive Plan and area zoning shall:

31 1. Delineate FCC overlay district boundaries; and

32 2. Ensure that surrounding properties are classified with rural residential zoning
 33 consistent with community plan and comprehensive plan policies, in order to restrict future
 34 urban development in the area solely to the FCC site.

35 C. In designating an overlay district, the Comprehensive Plan and area zoning may:

36 1. Set a maximum or range of the number of dwelling units within the FCC; and

37 2. Incorporate project description elements or requirements to the extent known,
 38 including but not limited to the following: conceptual site plan; mix of attached and detached
 39 housing; affordable housing goals and/or programs; major transportation or other major
 40 infrastructure programs and the FCC's participation therein; any other provision or element
 41 deemed appropriate.

1 D. Implementation of the FCC shall be accomplished by complying with the
2 standards and procedures set forth in 21A.39.

3 NEW SECTION. SECTION 8. There is added to K.C.C. 21A.39 a new section to
4 read as follows:

5 Fully contained community (FCC) - permit. A. King County shall accept an
6 application for a FCC permit only in areas designated as a FCC by the Comprehensive Plan and
7 contained within the boundaries of a FCC special district overlay designated by the area zoning
8 implementing the Comprehensive Plan.

9 B. In order to be approved, a proposed FCC permit shall comply with the provisions
10 relating to urban planned development permits in King County Council 21A.39.020(B) and (C)
11 and 21A.39.030 through 21A.39.130, except that a proposed FCC shall comply with the
12 following additional standards:

13 1. New infrastructure (including transportation and utilities infrastructure) is
14 provided for and impact fees are established and imposed on the FCC consistent with the
15 requirements of RCW 82.02.050;

16 2. Transit-oriented site planning and traffic demand management programs are
17 implemented in the FCC. Pedestrian, bicycle, and high occupancy vehicle facilities are given
18 high priority in design and management of the FCC;

19 3. Buffers are provided between the FCC and adjacent urban and low-density
20 residential development. Buffers located on the perimeter boundaries of the FCC delineated
21 boundaries, consisting of either landscaped areas with native vegetation or natural areas, shall
22 be provided and maintained to reduce impacts on adjacent lands;

23 4. A mix of uses is provided to offer jobs, housing, and services to the residents of
24 the new FCC. No particular percentage formula for the mix of uses is required. Instead, the
25 mix of uses for an FCC shall be evaluated on a case-by-case basis, in light of the geography,
26 market demand area, transportation patterns, and other relevant factors affecting the proposed
27 FCC. Service uses in the FCC may also serve residents outside the FCC, where appropriate;

28 5. Affordable housing is provided within the new FCC for a broad range of income
29 levels, including housing affordable by households with income levels below and near the
30 median income for King County;

31 6. Environmental protection has been addressed and provided for in the new FCC,
32 at levels at least equivalent to those imposed by adopted King County environmental
33 regulations;

34 7. Development regulations are established to ensure urban growth will not occur
35 in adjacent nonurban areas. Such regulations shall include but are not limited to rural zoning of
36 adjacent rural areas, urban planned development permit conditions requiring sizing of FCC
37 water and sewer systems so as to ensure urban growth will not occur in adjacent nonurban
38 areas; and/or urban planned development permit conditions prohibiting connection by property
39 owners in the adjacent rural area (excepting public school sites) to new FCC sewer and water
40 mains or lines;

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8. Provision is made to mitigate impacts of the FCC on designated agricultural lands, forest lands, and mineral resource lands; and

9. The plan for the new FCC is consistent with the development regulations established for the protection of critical areas by King County pursuant to RCW 36.70A.170.

C. If an applicant utilizes the procedural provisions of this section of King County Council 21A.39, any previously submitted urban planned development permit applications are deemed the equivalent of and accepted as complete applications for a FCC permit under this chapter.

D. If the Comprehensive Plan designates more than one FCC site within a FCC area, the FCC applications may be submitted and reviewed independently unless a combined review is requested by the owners of the proposed FCC sites. If FCC permits on adjoining properties within the designated FCC area are considered in combined review, then the applicants can request that the criteria specified in Section B above be applied to the combined area and uses within the two adjoining FCC permit sites. In applying the FCC criteria of Section B above to an FCC permit, the County shall consider the uses and other characteristics of any existing FCC permit on an adjoining site within the FCC area.

E. Approved urban planned developments. Any approved urban planned development can proceed with development consistent with the terms of the recorded development agreement or, at the owner's election, may request King County to review and issue an FCC permit. The additional review process shall follow the processing requirements for a FCC but would incorporate the prior urban planned development permit file and prior proceedings and would be limited to determining whether there is a basis for the additional findings and conclusions necessary for a FCC permit beyond those required for an urban planned development.

NEW SECTION. SECTION 9. There is added to K.C.C. 21A.44 a new section to read as follows:

Fully contained community (FCC) permit.
An application for a FCC permit shall be granted only if the applicant demonstrates compliance with the provisions of K.C.C. 21A .38 and 21A.39.

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SECTION 10. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, such decisions shall not affect the validity of the remaining portion of this ordinance.

INTRODUCED AND READ for the first time this 29th day of January, 19 96.

PASSED by a vote of 8 to 5 this 11th day of March, 1996.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON.

Louise Miller
VICE Chair

ATTEST:

Guadalupe A. Peltier
Clerk of the Council

APPROVED this 15th day of March, 1996.

Greg Lohse
King County Executive

Attachments: