

ORDINANCE NO. **10153**

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AN ORDINANCE relating to the Bear Creek Community Plan; establishing demonstration projects for reasonably priced housing and selecting Master Plan Developments for the demonstrations; declaring consistency with the Bear Creek Community Plan Policies; allowing flexibility in streets, setbacks, lot sizes and other development standards through the Pre-Development Application approval process consistent with K.C.C. 21.56 for a master plan community; establishing methods to expedite processing for MPDs; and amending K.C.C. 12.20.130(D) to conform to federal law for a senior community.

FINDINGS:

1. The demographics for King County show a substantial increase in the senior citizen population. The proportion of seniors relative to the overall population is also expected to increase over the next decade. Over one-fifth of the population in the Puget Sound area is 55 years or older, and within eight years it is projected that the 55 and older population in the Puget Sound area will increase from 500,000 to 630,000 persons. This population creates a need for communities that can meet their requirements. Such communities are generally described as retirement communities.
2. A master planned retirement community has the potential to provide reasonably priced housing based on (a) its lower impacts, and hence lower mitigation costs, for traffic, water consumption and natural systems, (b) smaller lots and modified development standards, and (c) the economies of scale and quantity of housing which can be provided through a master plan community.
3. A retirement community, in light of the other provisions and components of the Bear Creek Plan including the Northridge MPD, is consistent with the Bear Creek Community Plan Policies to establish an urban activity center on Novelty Hill for urban residential density and a range of housing types. The Novelty Hill MPDs together comprise approximately 2,550 acres of urban density and together provide the "Urban Activity Center" contemplated in the Bear Creek Community Plan. The Novelty Hill MPDs will absorb their fair share of growth through a range of housing types, and will develop at urban densities consistent with environmental protection criteria and other conditions of the Bear Creek Community Plan. A planned retirement community, with the special facilities and amenities required for age 55 and over retirement housing under federal law, will provide housing for the fastest growing segment of the Puget Sound market.
4. The council has agreed that a master planned retirement community proposal on the Blakely Ridge site along with the Northridge MPD can and should serve as a

- 1 demonstration project to evaluate methods for achieving
- 2 and retaining reasonably priced housing in King County,
- 3 and that county processes should be modified to
- 4 facilitate review of this demonstration project,
- 5 consistent with all applicable Bear Creek Community
- 6 Plan policies.

- 7 5. Allowing flexible development standards as part of the
- 8 MPD review, including modified public and private
- 9 streets widths, zero or minimal building setbacks,
- 10 innovative lot configurations and other development
- 11 standards can help reduce housing costs and better
- 12 achieve reasonably priced housing.

- 13 6. Processing delays and backlogs add significant costs to
- 14 the ultimate home prices, and the council wishes to
- 15 establish methods to expedite processing and review of
- 16 permits connected with MPDs to achieve reasonably
- 17 priced housing.

- 18 7. The council wishes to evaluate the demonstration
- 19 project to determine the general applicability of
- 20 measures to provide reasonably priced housing to the
- 21 citizens of King County.

- 22 8. The provision of retirement housing can further be
- 23 facilitated by revising the county's Open Housing Code
- 24 (K.C.C. 12.20) to conform more closely to the federal
- 25 fair housing requirements.

26 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

27 SECTION 1. Purpose. The council hereby establishes both

28 proposed master plan developments (MPDs) on Novelty Hill as

29 demonstration projects to evaluate measures to provide

30 reasonably priced housing, flexible development standards and

31 expeditious permit review process. The demonstration projects

32 shall not alter in any manner the requirements of SEPA, the

33 county's Sensitive Areas Ordinance, the county's Road Adequacy

34 and concurrency standards or the MPD policies and criteria of

35 the Bear Creek Community Plan.

36 SECTION 2. Flexible Development Standards. As part of

37 the county's Pre-Development Application review for the Novelty

38 Hill Master Planned Developments as set out in the Bear Creek

39 Community Plan and Area Zoning, and subject to final council

40 approval, development standards may be modified to achieve

41 flexibility, promote reasonably priced housing and promote

42 development consistent with the general health, safety and

43 public welfare. Such modifications may include small lot

44 sizes, lot clustering and averaging, zero or minimum building

45 and yard setbacks, reduced street widths, modification of

1 street setbacks and off-street and shared parking requirements,
2 special street lighting, allowing mixed uses including combined
3 residential and retail in a single building, special signage
4 standards, and adoption of architectural controls for elements
5 such as additional building heights for roofs and accent
6 features and for security. This section does not modify or
7 amend any codes, ordinances, rules or any regulations of King
8 County, including, but not limited to, the environmental
9 protections contained in the Bear Creek Community Plan and Area
10 Zoning, the Sensitive Areas Ordinance or the Surface Water
11 Management Drainage Manual. Initial approval or denial of
12 variances from King County Road Standards shall continue to be
13 the responsibility of the King County Road Engineer.

14 SECTION 3. Processing and Review. The following shall
15 apply to the processing of both MPDs:

16 A. Facilitator. The county shall retain as a consultant
17 an experienced professional selected by the manager of Building
18 and Land Development Division (BALDD) to serve as a facilitator
19 for the county's review process, on behalf of the manager of
20 BALDD. The Facilitator shall be subject to Rule #20-44-030 of
21 King County's Building and Land Development Division rules
22 relating to conflict of interest. The costs of the facilitator
23 shall be reimbursed by the applicant pursuant to a budget
24 mutually approved by the county and the applicant. The
25 facilitator shall review each Memorandum of Understanding
26 specified in Subsection 3(C) to ensure an expeditious review
27 process and shall prepare reports or other information
28 regarding scheduling and processing, and shall make
29 recommendations to the manager of BALDD which help accomplish
30 the purpose of expedited review and which ensure that all
31 review processes are completed.

32 B. Schedule. The Council hereby adopts the schedule for
33 the demonstration projects as set forth in Exhibits A and B
34 attached hereto to be adhered to by all county agencies for the
35 county's SEPA and review processing for MPD Pre-Development

1 Application and any accompanying plats, rezones and
2 construction permits, subject to the applicant providing the
3 information needed to make the schedule feasible. To adhere to
4 the schedule, all county agencies shall implement measures to
5 expedite project review such as avoiding duplicative county
6 review processes, establishing concurrent rather than
7 consecutive review periods by county staff, reviewing portions
8 of the draft or final EIS in advance of complete compilation of
9 all portions of the draft or final EIS. At the earliest time
10 it becomes apparent any portion of the schedule may not be met,
11 the facilitator shall meet with the BALDD manager and any
12 Interdisciplinary Review Team (hereinafter referred to as "IRT"
13 and as defined in the Bear Creek Community Plan) member to
14 review the status and propose measures where possible to
15 maintain the schedule.

16 C. IRT and Consultant Review. BALDD shall enter into
17 Memorandums of Understanding (MOU) with agency members of the
18 IRT. Each MOU shall specify the special tasks and timetables,
19 consistent with the schedule, for performance by that
20 particular agency. A copy of each MOU shall be provided to the
21 BALDD manager and the facilitator. The MOU with the surface
22 water management division, resource planning, transportation
23 planning, traffic and planning, and other IRT agencies which
24 could utilize third-party assistance shall specify an
25 independent consultant who shall perform some and/or all of the
26 review work on behalf of that agency if any delays occur or to
27 ensure that the schedule is not delayed due to county review or
28 processing. The consultant costs shall be paid by the
29 applicant upon mutual approval of a budget by the applicant and
30 the applicable King County agency. The Consultant shall be
31 subject to Rule #20-44-030 of King County's Building and Land
32 Development Division rules regarding conflict of interest.

33 D. Hearing Examiner Review. For each MPD, upon
34 publication of the FEIS, the hearing examiner's office shall
35 designate a hearing examiner to be available on a continuing

1 basis for the period beginning with the publication of the
2 staff report until publication of the examiner's written report
3 on the Pre-Development Application and any other approvals
4 being processed concurrently. If the hearing examiner
5 determines the full-time assignment may create scheduling
6 problems or a backlog for other hearings, then the hearing
7 examiner's office is authorized to retain a pro tem examiner to
8 preside at the MPD hearing or to cover other workload during
9 the period of the demonstration project. Notice of the public
10 hearing on the application(s) shall make reference to the
11 possible use of techniques such as pre-hearing conferences,
12 exchange of witness and exhibit lists, premarking of exhibits
13 and written statements of issues, and any interested person
14 shall be enabled to participate in, and receive notice of, pre-
15 hearing processes. No pre-hearing order shall be construed to
16 limit the right of any individual not a party to a pre-hearing
17 order to present information or argument on his or her own
18 behalf.

19 E. Final Plat, Construction Permits and Peer Results.

20 To allow the final plat for the first phase and related
21 construction permits of each MPD to be issued in accordance
22 with the schedule, each county agency reviewing a portion of
23 the first phase final plat and related construction permits
24 shall establish a peer review process, to be used as necessary
25 to avoid delays in schedule, for review by an independent
26 consultant of engineering plans and other required documents
27 for final plat approvals, issuance of grading permits and other
28 construction permits. The cost of peer review shall be paid by
29 the applicant upon mutual approval of a budget by the applicant
30 and the applicable King County agency.

31 F. Approved Budget. Following adoption of this
32 ordinance, both applicants and the county, through BALDD's MPD
33 Section, shall mutually approve an overall budget for the
34 project processing and review as contemplated by this section,
35 including the presentation of testimony by consultants and a

1 contingency up to 10% for unanticipated matters. The scope of
2 work shall be determined within 30 days after submittal of
3 those portions of the application which are necessary for
4 determining the budget, and the budget shall be agreed upon 20
5 days thereafter. Each department shall have an additional 30
6 days to propose changes in the budget based upon further
7 review. The approved budget shall include provisions for
8 adjustments based on significantly changed circumstances in
9 scope, scale, impacts of the project, or complexity of review.

10 G. Adequacy of Applicant's Submittals. The County will
11 review the applicant's submittal for completeness and shall
12 identify additional information required to enable processing
13 within 15 working days of the submittal.

14 The schedule shall be expressly modified to reflect the
15 time required for the applicant to submit and for BALDD to
16 review the additional information.

17 Any future requests for information shall be reviewed by
18 the facilitator for schedule impacts and the schedule revised
19 accordingly.

20 Any dispute arising from these schedule revisions shall be
21 subject to the dispute resolution procedures outlined in
22 Section 3H.

23 H. Dispute Resolution Procedures. If any dispute or
24 difference in interpretation arises between the MPD Team, any
25 IRT member, and/or the applicant under this ordinance or during
26 processing of the Pre-Development Application or EIS or related
27 approvals for the demonstration project, then any of those
28 parties may invoke dispute resolution procedures as follows:

29 (1) Within five (5) working days after a request by the
30 MPD Team, an IRT member, and/or the applicant, the Facilitator
31 under the direction of BALDD manager shall review the disputed
32 matter or interpretation and make a recommendation to resolve
33 the matter to the affected parties;

34 (2) Any party may request within five (5) working days
35 after the BALDD Manager's determination that the matter be

1 reviewed by either the Director of Parks, Planning and
2 Community Development Department or Public Works Director as
3 appropriate. The Director's determination shall be the BALDD
4 Manager's determination unless the Director issues a different
5 determination by 5:00 p.m. on the fifth (5th) working day
6 following the request for review.

7 (3) The review times set forth above may be extended upon
8 mutual approval of the applicant and the MPD Team or IRT
9 Manager, and/or the Director may hold informal conferences or
10 request information as they deem appropriate as part of the
11 dispute resolution.

12 SECTION 4. Quarterly Reports to Council. At least
13 quarterly during the demonstration projects and more frequently
14 if requested by the Council, the Facilitator and the Manager of
15 BALDD shall schedule and make a presentation to the Council's
16 Committee-of-the-Whole regarding the status of the processing
17 and review, schedule and issues relating to the demonstration
18 projects.

19 SECTION 5. Ordinance 5280, Section 10 and K.C.C.
20 12.20.130 are each amended to read as follows:

21 **12.20.130 Exceptions.** Nothing in this chapter shall:

22 A. Apply to the renting, subrenting, leasing or
23 subleasing of a single-family or duplex dwelling unit wherein
24 the owner or person entitled to possession thereof normally
25 maintains, or intends to maintain, a permanent residence, home
26 or abode;

27 B. Prohibit a religious organization, association or
28 society, or any nonprofit institution or organization operated,
29 supervised or controlled by or in conjunction with a religious
30 organization, association, or society, from limiting the sale,
31 rental or occupancy of dwellings which it owns or operates for
32 other than a commercial purpose, to persons of the same
33 religion, or from giving preference to such persons,

1 PROVIDED THAT:

2 1. Membership in such religion is not restricted on
3 account of race, color or national origin;

4 2. Such limitation or preference is reasonably in
5 the furtherance of a religious purpose or activity.

6 C. Prohibit any person from limiting the rental or
7 occupancy of housing accommodations in any YWCA, YMCA,
8 sorority, fraternity, school dormitory or similar residential
9 facility to persons of one sex;

10 D. Prohibit any person from limiting the sale, rental
11 or occupancy of housing accommodations to senior citizens,
12 persons age 55 or over where the project fully meets the
13 requirements of the Federal Housing Amendments Act of 1988,
14 42 U.S.C. §§ 3601, or handicapped persons in any housing
15 facility operated exclusively for senior citizens or
16 handicapped persons or operated for age 55 and over in
17 compliance with all federal requirements and which has received
18 county council approval as a Master Plan Development consistent
19 with the provisions of an adopted community plan;

20 E. Require any person to rent or lease a housing
21 accommodation to a minor;

22 F. Require or permit any sale, rental or occupancy
23 otherwise prohibited by law;

24 G. Be interpreted to prohibit any person from making a
25 choice among prospective purchasers or tenants of real property
26 on the basis of factors other than race, color, religion,
27 national origin, age, sex, marital status, parental status,
28 sexual orientation, the presence of any sensory, mental or
29 physical handicap, or the use of a trained dog guide by a blind
30 or deaf person;

31 H. Apply to the renting, subrenting, leasing or
32 subleasing exclusively to adults of any dwelling unit in a
33 duplex or multifamily building or any pad in a mobile home park
34 where such building or park was held for rent or lease
35 exclusively to adults for at least one year prior to

1 January 31, 1982. This exception shall also apply if the
2 building or park was first held open for tenancies during the
3 one-year period and has been rented or leased exclusively to
4 adults since the inception of tenancies;

5 I. Prohibit any person from placing limitations on the
6 maximum number of tenants permitted per unit on account of
7 reasonable space limitations or requirements of law;

8 J. Prohibit any person from limiting on the basis of
9 parental status the rental of a certain percentage of dwelling
10 units within an apartment complex, so long as the following
11 conditions are met:

12 1. At least fifty percent of the dwelling units in
13 the complex are rented without regard to parental status, and

14 2. The total number of dwelling units in the
15 complex exceeds forty.

16 K. Apply to the renting, subrenting, leasing,
17 subleasing, or sale exclusively to adults of any dwelling or
18 dwelling unit in a planned adult residential community which
19 has received county approval as a Planned Unit Development
20 (K.C.C. Chapter 21.56) prior to January 31, 1981, or which has
21 received County Council approval as a Planned Unit Development
22 on the express condition that it be a planned adult residential
23 community or has received approval from the director of the
24 department of planning and community development after review
25 by the King County affirmative action committee. Such approval
26 by the director of the department of planning and community
27 development may be granted only upon a finding that there is an
28 adequate number of housing units within the community which are
29 available without regard to parental status. The developer of
30 the planned adult residential community shall provide evidence
31 necessary for the director to reach such a finding and pay a
32 fee which approximately covers the county's costs in processing
33 the request.

1 SECTION 6. Nothing in this ordinance is intended to limit
2 the authority of the IRT, or to otherwise modify the MPD
3 implementation process outlined in Section 1, pages 138 through
4 146, of the Bear Creek Plan.

5 INTRODUCED AND READ for the first time this 23rd day
6 of September, 1991.

7 PASSED this 4th day of November, 1991.

8 KING COUNTY COUNCIL
9 KING COUNTY, WASHINGTON

10 Lois North
11 Chair

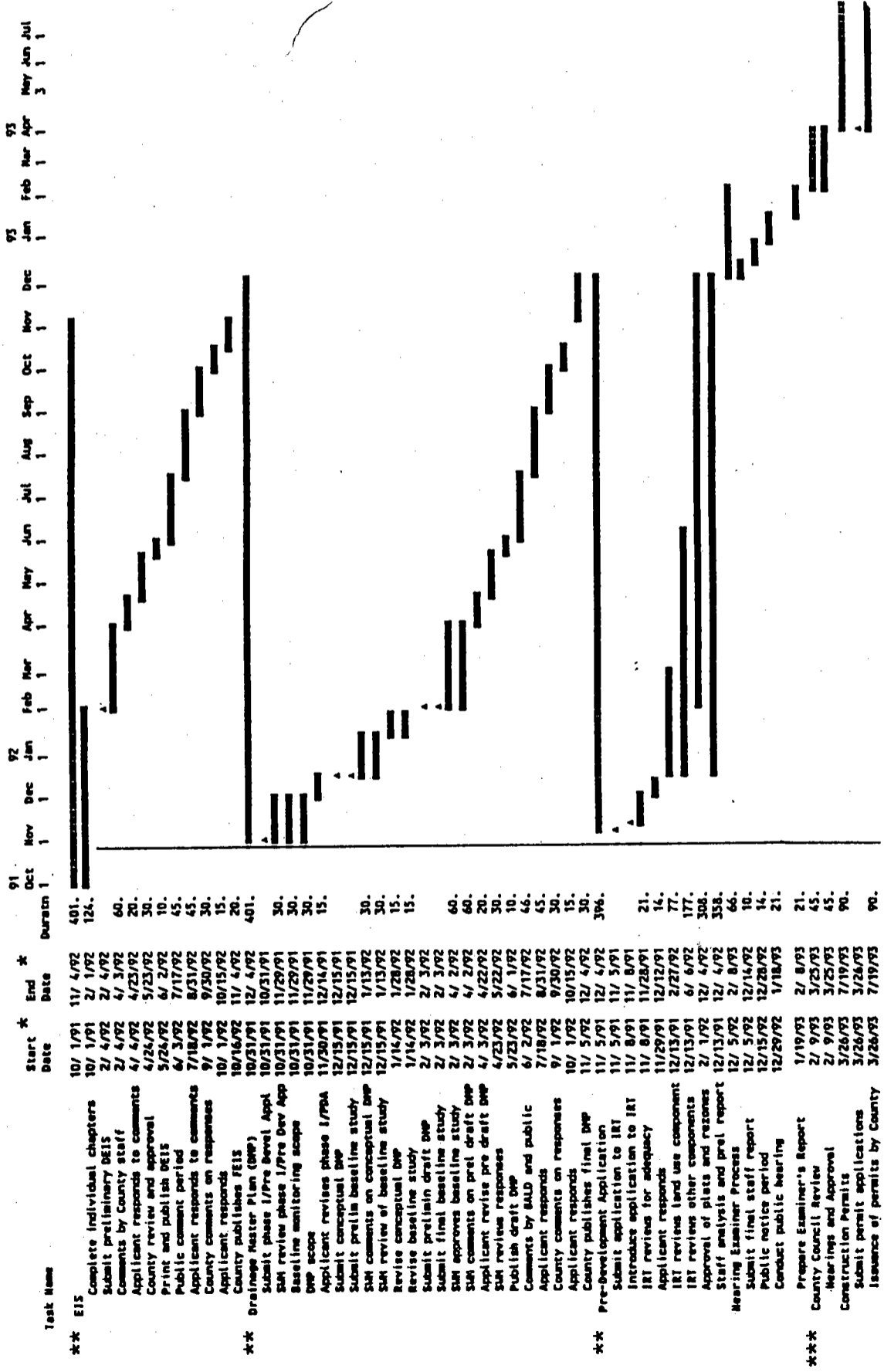
12 ATTEST:

13 Gerald A. Selman
14 Clerk of the Council

15 APPROVED this 17th day of November, 1991.

16 Jim Hill
17 King County Executive

EXHIBIT B
Northridge MPD Schedule

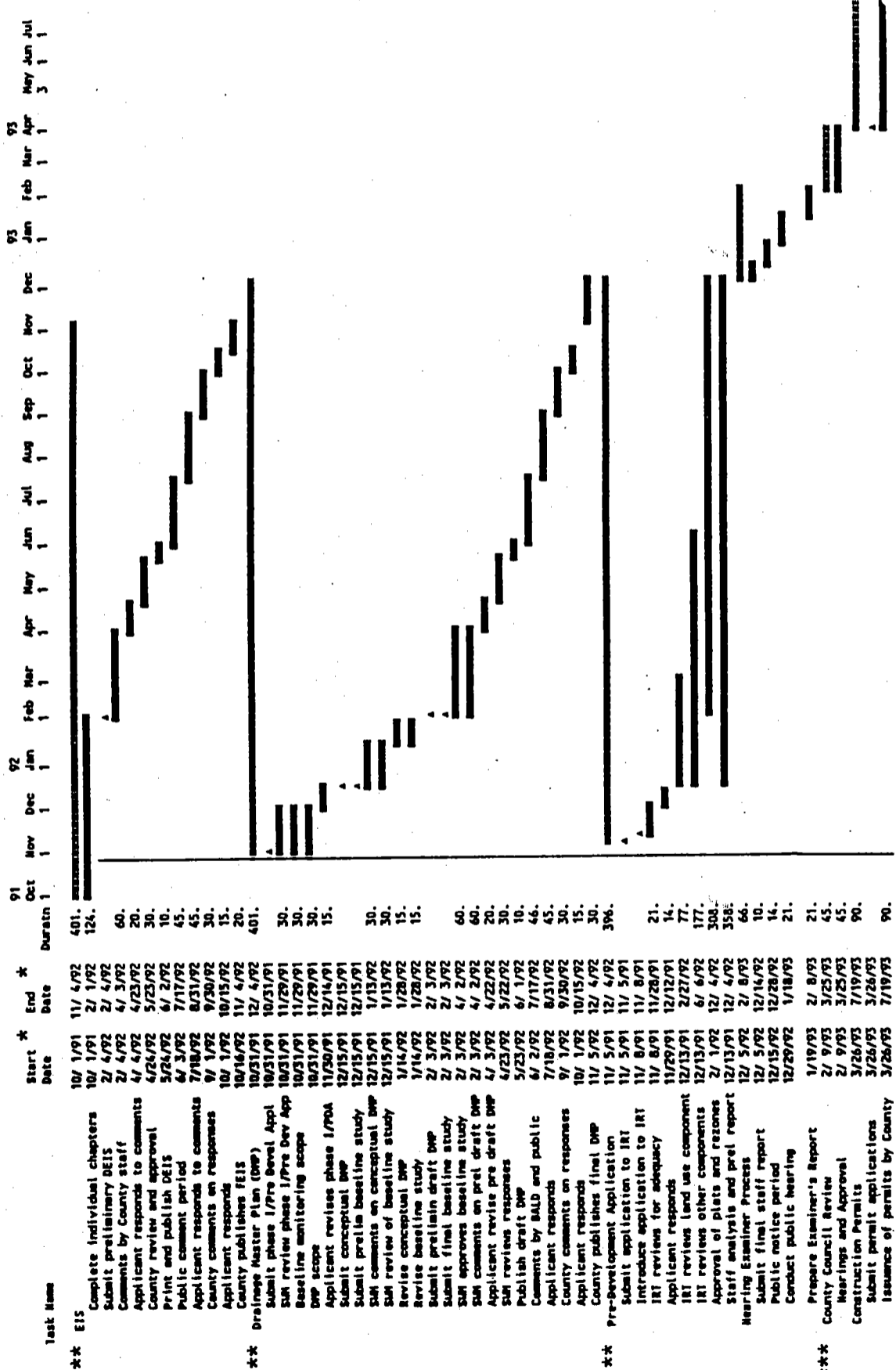


* Approximate dates; controlling factor is duration time.

** The EIS, DMP, and Pre-Development Application are on the critical path; all must be approved prior to County Council approval.

*** As required by the BCCP, sewer and water comprehensive plans must be approved by the County Council and contracts signed for additional lanes or a new bridge over the Sammamish River and the SR 520/SR 202 Interchange prior to, or concurrent with, County Council approval.

EXHIBIT A
Blakely Ridge MPD Schedule



* Approximate dates; controlling factor is duration time.

** The EIS, DMP, and Pre-Development Application are on the critical path; all must be approved prior to County Council approval.

*** As required by the BCCP, sewer and water comprehensive plans must be approved by the County Council and contracts signed for additional lanes or a new bridge over the Sammamish River and the SR 520/SR 202 Interchange prior to, or concurrent with, County Council approval.