

Vashon-Maury Island Affordable Housing Special District Overlay (SDO)

Issue with Transmittal	Changes made by Striking Amendment S1
<p>Technical issues:</p> <ol style="list-style-type: none"> 1. Format is not consistent with other SDO's in K.C.C. 21A.38. 2. Repetitive code sections (income levels stated twice, and not consistent). 3. Maximum density allowances may lead to inconsistency with other sections of Code. 4. Combined procedural and substantive requirements. 5. Cross references to the Residential Density Incentive (RDI) code not clear. 	<ol style="list-style-type: none"> 1. Clarified format of the SDO in the Code, adds requirement to comply with other development standards. Clarified which parcels the SDO would apply to, by referencing the map amendments in Attachment B. 2. Removed duplicative language. 3. Removed references to other zones and stated the maximum density allowed. 4. Separates procedural and substantive requirements into two subsections. Removes duplicative requirements found elsewhere in code, such as for application requirements (certificate of water availability). Added a requirement for a pre-application meeting. Clarifies the requirements for the community meeting. Adds application requirements. 5. Included the applicable landscaping, parking and on-site recreation standards from the RDI code within the SDO section.
<p>Development agreement approved by DPER is unenforceable.</p>	<p>Required a covenant recorded against the property, to be approved by the DPER director, rather than a development agreement that is required to be approved by Council. Also clarifies the requirements of what is included in the covenant, and when it is required to be recorded.</p>
<p>The language on income limits is unclear, overlapping and unenforceable. There are no rental or sales caps. Without this cap, the income levels are unenforceable.</p>	<p>Clarified the income limits, so that a minimum of 50% of the units are required to be affordable at 60% AMI,¹ and the remainder of the units are affordable at 80% AMI. Sets rental and sales caps, similar to other affordable housing covenants and the County's existing code requires.</p>
<p>Duration of the affordability levels unclear.</p>	<p>Clarified that owner-occupied units are required to remain affordable for 50 years, and rental units for 30 years, from the date of final certificate of occupancy for the development.</p>
<p>Energy conservation measures required are less stringent than other State Building Code requirements.</p>	<p>Removed energy conservation requirements from the Ordinance.</p>
<p>Water conservation measures overlapping, and some are less substantive than others (for example, requiring mulch as one of the allowed measures would be an enforcement issue over time).</p>	<p>Removes reference to "watersense" appliances, and only includes the conservation measure threshold.</p> <p>No changes made to the substantive issue.</p>
<p>Allowance for reduction in off-street parking unclear.</p>	<p>Clarified that the submission of a site-specific study must demonstrate that parking demand is met, in</p>

¹ Area Median Income

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<p>The reduction in parking to below one per unit has not been sufficient in other parts of the County.</p>	<p>order to reduce the number of parking spaces below one space per unit.</p> <p>No changes made to the substantive issue.</p>
<p>Enforcement of the SDO may be problematic. The transmittal included a requirement for DCHS to verify incomes. However, DCHS does this for projects they fund because there is administrative funds that pay for that verification. DPER's code enforcement of the SDO over time, particularly for owner-occupied units, may be less robust than intended.</p>	<p>The requirement for income verification is put on the applicant to demonstrate their method to do this verification. Enforcement language is added that explicitly states that DPER can enforce the SDO, and a property owner may be required to correct nonconformances and that may include disgorgement of revenue that results from the nonconformance (such as selling it over the affordability levels required by code).</p>
<p>Requirements to evaluate the SDO's effectiveness are unclear, are in the wrong portion of the code, and require the Council to conduct public outreach and finalize the report and recommended changes to the SDO.</p>	<p>Moves the evaluation requirements to a separate, non-codified section of the ordinance; clarifies that the Executive is responsible for conducting the evaluation and transmitting a final report and ordinance to Council for consideration; clarifies the trigger for the evaluation; and requires specific outreach to impacted parties (utility purveyors, developers) in addition to the general public comment period.</p>
<p>One key component of the SDO is a requirement to connect new dwelling units to public water and sewer. It is unclear whether Water District 19 can provide water to any new units within the Rural Town or SDO parcels at this time, and what impacts the SDO would have on existing water use and the sole source aquifer.</p>	<p>No changes made.</p>
<p>The SDO may not be incentive enough to encourage development. The existing RDI code incentives for affordable housing have not resulted in any new units being built on Vashon-Maury Island. In the R-1 and R-8 zones, the SDO incentive allows for a greater density; in the R-12 and CB zones, the existing RDI code allows for greater density.</p>	<p>No changes, other than those above, are made. The RDI code would still apply on Vashon-Maury Island as it is currently adopted.</p>
<p>There may have been confusion about how many units can be constructed under the SDO. The transmitted ordinance does not put a limit on the number of total units that can be developed under the SDO. The density limits are on a site-specific basis. There is an evaluation period that is triggered when 120 units are built (or after 4 years, whichever is first), but additional projects can continue to be submitted, reviewed, approved and constructed under the SDO after the evaluation is triggered.</p>	<p>No changes made.</p>