



King County

2016 King County Comprehensive Plan Update

Public Review Draft

Development Code Amendments

- Amendments Related to Proposed Comprehensive Plan Policy Changes
- Development Code 1: Agricultural Production Districts
- Development Code 3: Alternative Housing Models
- Development Code 5: Agricultural Lands, Including KCC 202.24
- Development Code 6: Extensions of plat approvals



2016 King County Comprehensive Plan Update Development Code Amendments

Public Review Draft

The following Code Amendments are related to the policy changes in the Public Review Draft of the 2016 King County Comprehensive Plan.

TITLE 2. ADMINISTRATION

- **Framework Policies:** Update to the Human Services Framework Policies at KCC 2.51.

TITLE 14. ROADS AND BRIDGES

- **Transportation Concurrency:** Modify KCC 14.70, Transportation Concurrency Management, to revise testing methodology consistent with the comprehensive plan update.
- **Non-Motorized Transportation Planning:** Modify KCC 14.56, Non-Motorized Vehicle Program, to reflect an integrated approach to non-motorized planning and programming for pedestrian, bicycle and equestrian travel modes. Revisions will reflect that non-motorized policies and project needs lists are fully integrated into the King County Comprehensive Plan and the adopted functional plans of King County departments rather than in a separate planning document.

TITLE 16. BUILDING AND CONSTRUCTION STANDARDS

- **Tenant Protections:** Amendments to Housing Code section to include additional tenant protections including housing habitability protections and just cause eviction.

TITLE 21A. ZONING

- **Inclusionary Affordable Housing:** For consideration of upzoning with inclusionary affordable housing requirements near frequent transit and commercial hubs - this would require an addition to the General Provisions in KCC 21.A Zoning

- **Residential Local Improvement Districts:** Amendments to authorize community improvement districts such as "food innovation districts" as proposed in Communities of Opportunities work.
- **Transfer of Development Rights:** Add Code Section in the commercial allowances tables in 21A.12 that addresses the following:

One (1) Rural Transferable Development Right shall equal 4,000 sf of bonus commercial development capacity for density bonuses of commercial development. One (1) Urban Transferable Development Right shall equal 2,000 square feet of bonus commercial development capacity for density bonuses of commercial development.

(Note: the current code states that Transferable Development Right can be used for commercial projects, but doesn't specify the amount of development each Transferable Development Right gives a developer).



2016 King County Comprehensive Plan Update

Development Code #1

Agricultural Production Districts

Public Review Draft

Department of Permitting and Environmental Review

Scope of Work from King County Council Motion 14351

Consider code amendments and comprehensive plan policies for agriculture supportive and dependent uses to support viable and sustainable agricultural production districts.

Background

Land suitable for farming is an irreplaceable natural resource. Agricultural lands and farming provide many benefits to the citizens of King County including a connection to our cultural heritage, fresh local food and a diverse economy. King County has developed comprehensive planning policies that are aimed at maintaining and enhancing commercial agriculture. These policies call for King County to:

- Protect productive farmland by designation and zoning
- Limit development to operations that are needed to support commercial agriculture.
- Develop mechanisms to maintain the affordability of farmland; and
- Allow necessary infrastructure and services to support commercial agriculture

In 1985, the King County Comprehensive Plan (KCCP) designated five Agricultural Production Districts. Subsequent planning efforts established minimum lot sizes and appropriate uses for these districts and their surrounding areas. When the King County Zoning regulations were rewritten in 1993, agricultural land uses were included in the Resource land use table in K.C.C. 21A.08.090. These regulations were determined to be consistent with the requirements of GMA to designate productive agricultural lands and to plan for adjacent and nearby land uses that are not incompatible long-term commercial agriculture.

The Resource Lands Comprehensive Planning Policies have evolved significantly since 1994. King County updated its comprehensive planning policies (KCCPP) and comprehensive plan (KCCP) in 2012 establishing a long- term goal over the next thirty years that resource lands be recognized as valuable assets of King County and be renowned for their productivity and sustainable management. The relevant portions of the planning policies in the KCCPP applicable to agricultural lands and establishment of agricultural supportive and dependent uses to support viable and sustainable agricultural production districts are summarized below:

- DP-52 Promote and support agriculture and other resource-based industries.
- DP-53 Conserve commercial agricultural lands primarily for their long-term productive resource value and for the open space, scenic views, wildlife habitat, and critical area protection they provide.
- DP-54 Encourage best practices in agriculture operations for long term protection of the natural resources.
- DP-55 Prohibit annexation of lands within designated Agricultural Production Districts.
- DP-57 Discourage incompatible land uses adjacent to designated agricultural lands to prevent interference with their continued use for the production of agricultural products.
- DP-58 Support local production and processing of food to reduce the need for long-distance transport and to increase the reliability and security of local food. Promote activities and infrastructure, such as farmers markets, farm worker housing and agricultural processing facilities, that benefit both cities and farms, by improving access to locally grown agricultural products.

The 2012 KCCP policies broadly support the KCCPP vision of establishing a vibrant and sustainable agricultural economy. The relevant 2012 KCCP policies applicable to agricultural lands and establishment of agricultural supportive and dependent uses to support viable and sustainable agricultural production districts are summarized below:

- R-606 Farm lands shall be conserved for productive use through the use of Designated Agricultural Production Districts where the preferred land uses will be commercial agricultural activities, and by the designation of appropriate compatible uses on adjacent rural and urban lands.
- R-608 King County should encourage infrastructure and services that support resource lands management and resource-based businesses. These should be sited in close proximity to designated Agricultural Production Districts when adverse impacts and incompatibilities can effectively be mitigated.
- R-649 Agriculture must remain the predominant use in any Agricultural Production District.
- R-651 Maintaining the viability of farmlands is a high priority for King County.
- R-662 Agricultural processing, packing and direct sales are considered agricultural activities and should be allowed at a size and scale appropriate to the zone in which they are operating.

The Scope of Work can be rephrased in the following question: Do King County's existing zoning and related development regulations promote establishment of agricultural supportive and dependent uses to support viable and sustainable agricultural production districts?

Discussion

Under the 1993 zoning code, agricultural land uses were included in the Resource land use table in K.C.C. 21A.08.090. These uses were limited to the growing and harvesting of crops and raising livestock and small animals. Farmworker housing was allowed as an accessory to an agricultural operation in the A, RA and UR zones but was limited to a maximum of two dwelling units. Food processing was included in the Manufacturing land use table as an allowed use within the A, RA and UR zones but was limited to products produced on-site. Agricultural product sales were included in the Retail/Wholesale land use table as an allowed use in the A, RA and UR zones but were limited to products produced on site and sales areas were limited to 500 square feet. Food product warehousing, refrigeration and storage were included in the Business Services land use table as an allowed use in the A, RA and UR zones but were limited to products produced on site.

Structurally, there has been little change made to the zoning code over the past twenty plus years. Agriculture, as a Resource land use, is still limited to the growing and harvesting of crops and raising of livestock and small animals. Farmworker housing is included as a Residential land use and is limited to agricultural operations located in the A zone. Processing of agricultural products are still allowed as a Manufacturing land use and are allowed in the A, RA and UR zones but only as an accessory to an agricultural use and subject to conditions limiting the size of the support structures and requiring that sixty percent of the products be from the Puget Sound region. The most significant change is that retail sales and warehousing, refrigeration and storage of food products is allowed in the A, RA and UR zones and does not require that the products be produced on-site.

The structural make-up of the zoning code and limiting the definition of agriculture to the raising of livestock and small animals and growing and harvesting of crops can create significant obstacles for implementing many of the comprehensive planning policies listed above. The best example of this regards the new shoreline regulations that were adopted in 2012 and became effective in 2013. The shoreland areas located within the APDS were all assigned the Resource shoreline designation. Within the Resource shoreline environment, agricultural activities listed in KCC 21A.08.090 (Resource) are allowed but retail, business service and manufacturing land uses are not. As a result, new processing operations or retail or agricultural support facilities on existing farms located within the Resource shoreline environment would not be allowed. This is a significant issue for farms located in the Snoqualmie, Lower and Upper Green River and Sammamish APDs.

The other problem created by the existing structure of the zoning code is that each time a new type of agricultural supportive or dependent operation is identified that is not included in the existing use tables, the code has to be amended. This is a time consuming and labor intensive process that is not conducive to efficient permitting. By contrast, most of the Puget Sound counties have broadly defined agriculture and agriculture related activities to include processing, sales, storage, equipment repair, farm maintenance and all of the other related supportive or dependent activities typically associated with a farm.

This and other regulatory and permitting issues potentially affecting agriculture have been discussed extensively with King County Department of Natural Resources and Parks Agriculture Program staff and the King Conservation District for nearly a year. These issues were also presented to the Snoqualmie

Fish, Farm, Flood (FFF) Advisory Committee in November 2014. This group consisted of farmers, representatives of the KCD, Agriculture Commission, Snoqualmie Tilth and several local and state agencies.

Recommendation

Update the zoning code by redefining agriculture and including all agricultural activities and related agricultural supportive or dependent uses in the Resource land use table. The code amendments would include the following:

Amend K.C.C. 21A.06; adding definitions for agriculture, agricultural activities, agricultural support facilities, and farm.

Amend K.C.C. 21A.08.030; moving farm worker housing to K.C.C. 21A.08.090 as a resource accessory use.

Amend K.C.C. 21A.08.050.B.33; moving accessory agricultural repair to K.C.C. 21A.08.090 as a resource accessory use.

Amend K.C.C. 21A.08.060.B.15, 36; moving farm product warehousing, refrigeration, and storage to K.C.C. 21A.08.090 as a resource accessory or supportive use.

Amend K.C.C. 21A.08.070.B.7; moving agricultural product sales to K.C.C. 21A.08.090 as an agricultural accessory use.

Amend K.C.C. 21A.08.080.B.1; moving food and kindred products to K.C.C. 21A.24.090 as a resource accessory or supportive use.

Amend K.C.C. 21A.08.090; adding agricultural activities and agricultural supportive facilities as allowed agricultural activities, subject to conditions.

Amend K.C.C. 21A.42; establishing criteria for director approval of expansions of agricultural use or development beyond the criteria in K.C.C. 21A.08.090 and establishing criteria for director approval for siting of agricultural support facilities on properties on or adjacent to the agricultural production districts where agriculture is not the existing primary use of the property.

Other minor code amendments may be needed to support the amendments proposed above.

DNRP staff have been actively involved in drafting the proposed code amendments. Additional coordination with the Agriculture Commission, KCD and other stakeholders will be required once a draft of the ordinance is available.



2016 King County Comprehensive Plan Update Development Code #3 **Alternative Housing Models**

Public Review Draft
Department of Permitting and Environmental Review

Scope of Work from King County Council Motion 14351

Consider code flexibility for alternative housing models, such as micro-housing.

Background

While the item in the scope of work for the 2016 Comprehensive Plan Update, as stated above, mentions only **micro-housing**, the Department of Permitting and Environmental Review (DPER) has received many inquiries about portable/movable **tiny houses**, or very small houses on wheels; these inquiries are from people who would like to locate a tiny house on their property as either a full-time or occasional residence. DPER has also had inquiries about other housing models such as **recreational vehicles** as well as **apodaments**, small, individual living units in a multi-family residential building with shared bath and kitchen facilities.

King County Code Title 21A, the County's zoning code, does not define "micro- housing" or "tiny houses/homes" or any of the other housing models identified above. The chart below compares some general parameters of these models.

	Micro-housing	Container Housing	Tiny Houses	Recreational Vehicles	Apodaments	Manufactured Home
Governing regulations	International Residential Code (IRC), if qualify as single family unit; International Building Code (IBC), if qualify as multi-family	Either by local jurisdiction's IRC if qualify as single family unit; by State Labor & Industries if factory built	Either by local jurisdiction's IRC if qualify as single family unit; by State Labor & Industries if factory built	Licensed by State Department of Licensing (as factory built structures)	International Residential Building Code	Licensed by State Labor & Industries
Bath/shower facilities	Can be shared (separate building) or	Can be shared (separate building) or	Individual	Can be shared (separate building) or	Shared (separate location in	Individual

	Micro-housing	Container Housing	Tiny Houses	Recreational Vehicles	Apodaments	Manufactured Home
	individual (included)	individual (included)		individual (included)	building)	
Kitchen facilities	Can be shared (separate building) or individual (included)	Can be shared (separate building) or individual (included)	Individual	Can be shared (separate building) or individual (included)	Shared (separate location in building)	Individual
Size	In multi-family building with kitchen & separate toilet facility, minimum 220 sf; no minimum size if considered single family (with kitchen and toilet); see notes below	In multi-family building with kitchen & separate toilet facility, minimum 220 sf; no minimum size if considered single family (with kitchen and toilet); see notes below	In multi-family building with kitchen & separate toilet facility, minimum 220 sf; no minimum size if considered single family (with kitchen and toilet); see notes below	Regulated by State	In multi-family building with kitchen & separate toilet facility, minimum 220 sf; no minimum size if considered single family (with kitchen and toilet); see notes below	Regulated by State
Permanent or mobile	Either	Probably permanent	Probably mobile	Mobile	Permanent	Mobile if wheels left on

For building construction in unincorporated King County, the County has adopted both the 2012 International Building Code (IBC) and the 2012 International Residential Code (IRC) and there are differences between them regarding minimum size of dwellings.

- The IBC applies to three or more dwellings in the same building. An efficiency dwelling unit, where sleeping, living, dining rooms are combined, must be a minimum of 220 sf. It must contain a kitchen and a separate toilet facility. At least one room must be a minimum of 120 sf.
- The IRC applies to single family dwelling units, ADUs (Accessory dwelling units), and zero lot line dwelling units. There is no minimum dwelling unit size. It must contain a kitchen and a separate toilet facility. At least one room must be a minimum of 120 sf and all habitable rooms must be at least 70 sf each. The 2015 IRC, which is expected to go into effect on July 1, 2016, will eliminate the 120 sf requirement for at least one room. The 70 sf requirement for all habitable rooms will not change.

Housing for People Experiencing Homelessness

There is a continuum of housing models into which housing for people experiencing homelessness fits. There are also various ways these housing models may be permitted.

	Tent Encampments	Emergency Housing/ Transitional Housing	Affordable Housing	Market Rate Housing
Length of Residency	Temporary (120 days maximum in King County)	Immediate, short term, temporary	Long term	Long term
Structures	Temporary	Permanent, where use is allowed; Permanent or	Permanent	Permanent

	Tent Encampments	Emergency Housing/ Transitional Housing	Affordable Housing	Market Rate Housing
		temporary, where use is allowed only on temporary basis		
Zoning Approval Method	Temporary Use Permit (TUP)	Conditional Use Permit (CUP); can set conditions; periodic renewal of approval of use; Building permit or building life safety permit	Outright permitted; building permit	Outright permitted; building permit

King County Action

In December, 2014, King County Council adopted Ordinance 17950 which renewed the County’s regulations with respect to homeless encampments in KCC Title 21A.45. Section 8 of this Ordinance contains requests for three provisos:

- Proviso A: describe existing micro-housing communities and options for local replication
- Proviso B: identify County-owned properties that could be used for temporary homeless encampments or micro-housing communities
- Proviso C: encampment background checks

In June, 2015, the King County Executive, through the Department of Community and Human Services (DCHS), submitted reports addressing Proviso A and Proviso C. In October, 2015, a report addressing Proviso B was submitted, identifying four County-owned parcels that are “possible sites for either micro-housing or could be considered for redevelopment as traditional affordable housing” and three “possible sites for homeless encampments.”¹ Of the four potential micro-housing sites, two are located in unincorporated King County; the other two are within incorporated cities. Also in October, a group of staff from several County departments toured the sites with the goal of recommending one site for a homeless encampment (tents) and one site for more permanent micro-housing.

In reading the Proviso B report, the following seem to be the assumptions defining micro-housing:

- Permanent housing structure (wood or steel as materials)
- Short-term and/or long-term occupancy
- Communal/shared kitchen
- Communal/shared showers
- Some “wet” units: individual toilet and/or sink
- Some “dry” units: no toilet or sink in the unit

¹ “County Owned Properties for Micro Housing or Encampments – Response to King County Ordinance 17950, Section 8, Proviso B,” DCHS, September 2015

Discussion

As a **framework** to think about zoning code issues related to micro-housing, a “camp” or a “retreat center” are useful places to start to get at the **concepts** of overnight accommodations (such as cabins) and communal amenities for site users (such as food services and equipment and medical/health stations).

The following **concepts** are transferable from general zoning to a micro-housing community:

- Maximum number of people staying overnight based on design capacity of a water system and on-site sewage system approved by Seattle/King County Department of Health
- Minimum parcel size
- Facilities such as food service hall, medical station and activity room sized for number of people staying overnight
- Setbacks from adjacent properties
- Landscaping buffer
- Access to arterial roadway, if adjacent; options if it isn't
- Access to transit, transportation
- Lights for illuminating buildings or areas arranged to reflect light away from adjacent property
- Community meeting at least two weeks before an application is submitted

Another issue is the zone in which micro-housing may be located. Since the DCHS assumptions in the report for Proviso B discuss up to 100 residents in a community, and because most of the sites under consideration (either incorporated or unincorporated) are relatively small, high-density areas would seem logical. Urban Residential (R12-48) zones are located where density is appropriate. Neighborhood, Community and Regional Business zones (NB, CB, RB) and the Office (O) and Industrial (I) zones anticipate density, activity and adjacent services and would also seem appropriate.

As discussed above, the County has adopted and operates under both the International Building Code (IBC) and International Residential Code (IRC), depending on the structure involved.

Building code issues that will impact the construction of micro-housing (permanent housing structures) include the following:

- Americans with Disabilities Act (ADA) – for multi-units
- State energy code and County's green building goals
- Structural life-safety requirements – structural stability for both shelter and site
- Permanent foundation
- Fire hydrant within 350' of the site
- Fire access to the whole site
- Ventilation
- Public Health (water, waste disposal)

Other Fire Code issues which might not be met are structure separation and sprinklering of individual units. Fire detection monitoring could be done by on-site security personnel, if the micro-housing has 24/7 security like many homeless encampments do.

Public Health will need to determine whether an on-site septic system or an alternative septic (pumping) system may be used in lieu of sanitary sewer connections.

The County does not have the authority to amend or disregard portions of the State Energy Code; the code sets a high bar for energy reduction in new construction. The County may need to work with the State Building Code Council to get reductions enacted for micro-housing and/or adapt the rule changes made for temporary migrant worker housing in Grant County recently (no year-round occupancy).

Participation by representatives of DPER is important in discussions determining how micro-housing may be used in addressing the County's goal to provide housing for all.

Recommendation

Micro-housing:

Definition:

- Define micro-housing as small, individual, permanent, non-market rate housing structures for use on short or long-term basis with communal kitchen facilities, communal showers, and communal toilet facilities with water and sewage facilities approved by Public Health. Such housing should be operated by a faith community, not-for-profit organization, government services unit or similar entity for persons with incomes at _____ level.

Zoning:

- Allow micro-housing as a conditional use in Urban Residential (R12-48) and/or Commercial/Industrial zones at a minimum density of 12 units per acre subject to a development condition that includes the following:
 - Maximum number of people staying overnight based on design capacity of a water system and on-site sewage system approved by Seattle/King County Department of Health
 - Communal kitchen facilities (not in individual units)
 - Setbacks from adjacent properties
 - Landscaping buffer
 - Within one-quarter mile of transit stop
 - Lights for illuminating buildings or areas arranged to reflect light away from adjacent property
 - Community meeting at least two weeks before an application is submitted
 - Code of conduct approved as part of permitting process
 - Reviewing and addressing site and neighborhood issues

Building:

- Develop a template for building construction that can work through the approval process now and be approved on a site-specific basis quickly
 - Work with Public Health for leeway on alternative septic systems
 - Work with State Building Code Council on consideration in state energy code for permanent housing structures as additional capacity to house people without homes

- Work with Fire Code for alternatives on separation and sprinkler requirements

Other small housing models about which DPER has received inquiries:

- Develop definitions for each type of housing, including governing regulations and/or licensing agency
- Identify qualifiers, if any, such as size, bathroom facilities, kitchen facilities
- Identify appropriate zones, including appropriate development conditions, if any
- Identify appropriate tailored building code conditions, exemptions, and amendments, including green building requirements, for King County



2016 King County Comprehensive Plan Update

Development Code #5

Agricultural Lands, including K.C.C. 20.54

Public Review Draft

Department of Permitting and Environmental Review

Scope of Work from King County Council Motion 14351

Update and consolidate code sections related to agricultural lands, including K.C.C. 20.54, while still maintaining and/or memorializing relevant policy statements and findings.

Background

King County adopted its first comprehensive plan in 1964. While the plan anticipated growth in King County, it did not foresee, and therefore did not address, the consequences of that growth, including loss of resource lands to development. In 1985, the County adopted a new comprehensive plan. It was the first plan in the state to take the revolutionary step of clearly differentiating between rural and urban areas and delineating different goals and values through specific growth management policies and approaches for each area. The 1985 plan was also the first to provide for the protection and preservation of critical habitats and resource lands. This plan established five Agricultural Production Districts and a policy framework aimed at conserving farmland, encouraging continued agriculture and encouraging agricultural practices that protect the environment.

Nearly a decade before adoption of the 1985 comprehensive plan, King County adopted a policy framework in code that provided the basis for the 1985 and subsequent policy and code updates. Ordinance 3064, codified in King County Code (K.C.C.) Chapter 20.54 was adopted in February 1977 and called for the County to designate certain areas within King County as agricultural lands and then to develop an agricultural land protection program based upon both land use regulations and compensation to protect existing agricultural lands and private property. In 1979, King County adopted Ordinance 4341, codified in K.C.C. Title 26, which authorized the county to issue its general obligation bonds to acquire farmlands and open space lands. The ordinance established eligibility criteria and priorities for acquisition. During the 1980's King County acquired development rights on 12,600 acres of high quality farmland under this Farmlands Preservation Program.

After adoption of the 1985 comprehensive plan, K.C.C. Title 26 was amended, adding a new section requiring the county executive to review all of the previously approved agricultural land acquisition and

land use policies to ensure they were consistent with 1985 comprehensive plan. The areas of concern included the agriculture and open space acquisition policies in K.C.C. 26.04, agriculture current use assessment policies in K.C.C. 20.36, and agricultural lands policies in K.C.C. 20.54. The report of the review's findings was supposed to be submitted to the Council by August 15, 1987. There is no record that such a review or report was done. After adoption of the 1994 comprehensive plan, K.C.C. 26.08 was amended to include a review of agricultural zoning classifications in K.C.C. Title 21A. There was no timeline established for completing this second review nor is there a record that such a review was completed.

This current review of King County's agricultural and open space acquisition policies, agricultural current use expense policies, agricultural lands policies and agricultural zoning classifications is to determine if they are still relevant and consistent with the current comprehensive plan, and if not, to determine what changes need to be made to update and consolidate these provisions while still maintaining and/or memorializing relevant policy statements and findings.

Discussion

Agricultural Lands Policy - K.C.C. Chapter 20.54 was adopted in February 1977 and called for the County to designate certain areas within King County as agricultural lands and then to develop an agricultural land protection program based upon both land use regulations and compensation to protect existing agricultural lands and private property. A section by section review follows:

K.C.C. 20.54.010 – Findings and declaration of purpose – This includes some background recognizing the importance of agriculture to King County and its residents and providing the factual basis for why establishing an agricultural land protection program was important. The findings relative to loss of farmland and the importance of agriculture to the local economy are out of date and, if retained, should be updated. The agricultural policies and goals are still relevant but have been replaced by the current agricultural policies in the comprehensive plan.

K.C.C. 20.54.020 – Application of county policies – This section essentially is stating that agricultural lands are subject to the open space and development policies of the 1964 comprehensive plan. This provision is outdated and has been replaced by the more relevant provisions of the county's zoning code.

K.C.C. 20.54.030 – King County agricultural districts and agricultural lands of county significance – This section gave the county authority to identify agricultural districts and agricultural lands of county significance. This code provision is outdated and was replaced by the 1985 comprehensive plan that established the Agricultural Production Districts.

K.C.C. 20.54.040 – Designation of King County agricultural districts – This identified seven areas within King County that were designated as agricultural production districts. The location and extent of these districts were included in Appendices A through E of Ordinance 3064. This section is outdated and would have been replaced initially by the APDs that were identified in the 1985 comprehensive plan update.

K.C.C. 20.54.050 – Application of policies for lands located within King County agricultural districts - This established criteria for departments reviewing public and private development

proposals and all public projects and programs initiated and/or sponsored by King County to ensure the agricultural potential of the district not be adversely impacted, to the extent reasonably feasible. This has been superseded by the permitted use tables in K.C.C. 21A.08 and the current comprehensive plan policies.

K.C.C. 20.54.060 – Designation of agricultural lands of county significance – This section, in conjunction with Ordinance 3064, Appendix F, established criteria for when lands within the agricultural districts identified in Appendices A through E could be designated agricultural lands of county significance. This provision effectively established that all of the agricultural districts identified in exhibits A through E met the criteria in appendix F for designation as agricultural lands of county significance and were designated as such. These code provisions are outdated and were largely replaced by the Agricultural Production Districts and area zoning that were identified and adopted in the 1985 comprehensive plan update.

K.C.C. 20.54.070 – Application of policies concerning agricultural lands of county significance - This section established minimum lot sizes for proposed subdivisions within the designated agricultural lands of county significance and included a requirement that King County would not approve rezone applications for more intensive use classification for any of the designated agricultural lands of county significance. It is not clear if this code provision is still in effect. K.C.C. 20.54.130 provided that this section would sunset after 18 months unless further council action was taken and that such action to extend would not occur unless the agricultural lands and support programs set forth in Attachment G of Ordinance 3064 had been developed, approved and funded by the council. Development of the agricultural protection program was direction to develop the Farmland Preservation Program. This was adopted by Ordinance 4341 and codified in K.C.C. 26.04 which satisfied the prerequisite for extension of the policies outlined in K.C.C. 20.54.070 but the expiration clause in K.C.C. 20.54.130 was not extended. For the most part, the provisions in this section were superseded by the 1985 comprehensive plan update and the companion amendments to the zoning code that established the A-10 and A-35 zone classifications which mirrored the minimum lot sizes mandated by this section. (see Ordinance 7636 (1986))

K.C.C. 20.54.080, .090, .100 – Exemptions and variances from Section 20.54.070 provisions – Since K.C.C. 20.54.070 sunset in August 1978, these code provisions are no longer relevant.

K.C.C. 20.54.110 – Amendments and appeals to designations of King County agricultural districts or agricultural lands of county significance – These sections established criteria and procedures for modifying the boundaries of the agricultural districts and agricultural lands of county significance and procedures for landowners to appeal the appropriateness of these designations. Designation of agricultural lands and modification of resource lands mapping is now done through the comprehensive plan updates which is governed by the current comprehensive plan policies and the requirements in K.C.C. Chapter 20.18.

K.C.C. 20.54.120 – Development of agricultural protection program – This section established criteria and provided direction to develop the Farmlands Preservation Program and other agricultural support programs. This section was partially superseded by K.C.C. Chapter 26.04 which was adopted in 1979. The policy basis for continuing agricultural support programs can be found in the agricultural lands policies in the comprehensive plan.

Agricultural and Open Space Lands – K.C.C. Title 26

K.C.C. Chapter 26.04 – Acquisition of Interests – This title was adopted in 1979 (Ordinance 4341) and established the funding authorization, policy direction and priorities for acquiring farmlands through the Farmlands Preservation Program. K.C.C. Chapter 26.04 is still relevant as it directs the management of the property interests acquired through the 1979 bond funding authorized by this code section. It is consistent with Comprehensive Plan Policy R-642. Protecting agricultural lands through purchase of development rights is still a high priority in unincorporated King County, and the county continues to protect farmland through the purchase of development rights using Conservation Futures funding, the Transfer of Development Rights Program, and grant funds.

DNRP intends to review K.C.C. chapter 26.04 within the next two years to determine if it is appropriate to propose changes to reflect and facilitate expansion of the Farmland Preservation Program beyond the description and authorization contained in Ordinance 4341.

K.C.C. Chapter 26.08 – Agricultural Policy - This chapter was adopted in 1986 and amended in 1995 (Ordinances 7889 and 11792, respectively) after adoption of the 1985 and 1994 comprehensive plans. It essentially requires that the county review, and revise as necessary, all agricultural land acquisition and land use policies and regulations to ensure they are consistent with the comprehensive plans. The original ordinance required that a report of the review's findings accompanied by the necessary code amendments be filed with the council by August 15, 1987. The 1995 amendment did not include a similar provision. To date DPER has not been able to find if the required report was done. At this point, though, this code provision is neither relevant nor necessary. The zoning code and relevant development regulations are updated regularly as comprehensive plan policies change. These code updates are all reviewed for conformance with the countywide planning policies, the adopted King County Comprehensive Plan and applicable capital facilities plans. (K.C.C. 20.18.020) These code amendments are also reviewed and approved by the Washington State Department of Commerce's Growth Management Review Team once they have confirmed the proposed changes are consistent with the Growth Management Act and approved comprehensive plans.

Agricultural Land Use Regulations

King County regularly updates its land use regulations to maintain consistency with the adopted King County comprehensive plan. Since publication of the 2009 Farms Report which identified a number of regulatory impediments to agriculture, six code amendments have been adopted, each aimed at improving the regulatory framework around agriculture. These included the following:

Ordinance 16985 (2012) – These amendments included changes to the critical areas and shoreline regulations to allow for credit for voluntary mitigation and alternative mitigation strategies within the APD that focused on functional equivalency rather than strict ratios.

Ordinance 17539 (2013) – These amendments expanded the ag-ditch maintenance program to include agricultural waterways, established temporary farmworker housing as an allowed use, expanded allowances for agricultural and livestock best management practices within critical areas with an approved farm plan. This code also allowed non-residential farm support structures to be placed on top of farm pads.

Ordinance 17841 (2014) – This ordinance, in conjunction with Ordinance 17539, substantively addressed all of the other regulatory issues raised in the Farms Report.

Ordinances 17877 and 17878 (2014) – These established a demonstration project to allow up to ten alluvial fan management projects in the Snoqualmie River watershed. The purpose of this was to identify ways to protect and preserve existing infrastructure and agricultural uses on developed alluvial fans and to provide options for farmers whose existing operations are affected by alluvial fan deposits.

In addition to these zoning code amendments, the building code was amended to eliminate the need for building permits for agricultural accessory structures less than 200 square feet in size. During the 2016 Comprehensive Plan update, the department will propose additional changes to the zoning code to improve the alignment of the permitted use tables with the comprehensive plan policies. These changes will include redefining agriculture and including all agricultural activities and related agricultural supportive or dependent uses in the Resource land use table.

Recommendation

K.C.C. 20.54 is no longer relevant and has largely been replaced by updated zoning code regulations and updated comprehensive plan policies. This chapter should be decodified but because of its historic value, the relevant findings and policies should be recognized in the comprehensive plan and included as an appendix to the updated plan.

K.C.C. 26.08 is no longer relevant or necessary and should be repealed.

The zoning code (K.C.C. Title 21A) should be amended to make the agricultural use tables more consistent with the agricultural lands policies.

No other changes are recommended at this time.



2016 King County Comprehensive Plan Update
Development Code #6
Extension of plat approvals

Public Review Draft
Department of Permitting and Environmental Review

Scope of Work from King County Council Motion 14351

Evaluate and consider code changes to expand use of and/or timelines for extension of plat approvals.

Background

State of Washington

From 1981 to 1995, state law contained a provision allowing three years between preliminary plat approval and final plat approval; from 1995 to 2010, five years was the law. In 2010, state law was amended to lengthen the period to seven years and in 2012 the period was extended to nine years.

Adopted in 2013, the current state law identifies several time periods between issuance of preliminary plat approval and approval of final plat (see RCW 58.17.140(3) below):

- Five (5) years if date of preliminary plat approval is on or after January 1, 2015
- Seven (7) years if date of preliminary plat approval is on or before December 31, 2014
- Ten (10) years if date of preliminary plat approval is on or before December 31, 2007 and the plat is not subject to the Shoreline Management Act

Also, the current state law allows “any city, town or county” to adopt procedures to add or alter conditions and requirements as part of the extension review and approval. (see RCW 58.17.140(4) below).

RCW 58.17.140

Time limitation for approval or disapproval of plats — Extensions.

(1) Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from date of filing thereof unless the applicant consents to an extension of such time period or the ninety day limitation is extended to include up to twenty-one days as specified under RCW 58.17.095(3): PROVIDED, That if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating

the environmental impact statement by the local government agency.

(2) Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(3)(a) Except as provided by (b) of this subsection, a final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within seven years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015.

(b) A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within ten years of the date of preliminary plat approval if the project is not subject to requirements adopted under chapter 90.58 RCW (Shoreline Management Act) and the date of preliminary plat approval is on or before December 31, 2007.

(4) Nothing contained in this section shall act to prevent any city, town, or county from adopting by ordinance procedures which would allow extensions of time that may or may not contain additional or altered conditions and requirements.

King County

In the current King County Code regulations, preliminary plat approval duration is limited to 5 years, with two exceptions: when more than 50% of the lots constitute “affordable housing” (6 years) and when there are more than 400 lots in a plat and it is part of the County’s 4-to-1 open space program (7 years).

The County’s current regulations for the duration of preliminary plat approvals (K.C.C. 19A.12.020) are as follows:

- 60 months (5 years)
- 72 months (6 years) if date of preliminary plat approval is on or after January 1, 1998, the plat has more than 50 lots and more than 50% of the lots constitute “affordable housing” (80% median incomes) with a portion of funding from federal, state or county sources
- 84 months (7 years) if date of preliminary plat approval is on or after January 1, 1998 and the plat contains more than 400 lots and is part of the County’s 4-to-1 program

Two provisions on preliminary plat duration expired on December 31, 2014:

- 84 months (7 years) if date of preliminary plat approval is on or after December 1, 2003 (revisions to DPER fee estimates were allowed; this provision was repealed).
- 108 months (9 years) if date of preliminary plat approval is on or after December 1, 2003 and the plat includes low-impact or Built Green development pursuant to the Demonstration Project chapter of the code (revisions to DPER fee estimates were allowed; this provision was repealed).

K.C.C. 19A.12.020 Preliminary approval of subdivision

A. Preliminary subdivision approval shall be effective for a period of sixty months.

E. For any plat with more than four hundred lots that is also part of the county's four to one program, the preliminary subdivision approval shall be effective for eighty-four months. This subsection applies to any preliminary plat approved by either the council or the hearing examiner,

or both, on or after January 1, 1998, that relates to a four to one program with proposed plats containing more than four hundred lots.

F. For any plat with more than fifty lots where fifty percent or more of those lots will constitute affordable housing which is housing for those that have incomes of less than eighty percent of median income for King County as periodically published by the United States Department of Housing and Urban Development, or its successor agency, and at least a portion of the funding for the project has been provided by federal, state or county housing funds, the preliminary subdivision shall be effective for seventy-two months. This subsection applies to any plat that has received preliminary approval on or after January 1, 1998.

G.1. For any plat that has received preliminary approval on or after December 1, 2003, the preliminary subdivision approval shall be valid for a period of eighty-four months. The department may make revisions to the fee estimate issued by the department under K.C.C. 27.02.065.*

2. For any plat that received preliminary approval on or after December 1, 2003, pursuant to K.C.C. 21A.55.060, the preliminary subdivision approval shall be valid for a period of one hundred and eight months. The department may make revisions to the fee estimate issued by the department under K.C.C. 27.02.065.*

3. This subsection shall retroactively apply to any plat that has received preliminary approval on or after December 1, 2003. This subsection expires December 31, 2014.

***Reviser's note:** K.C.C. 27.02.065 was repealed by Ordinance 17682, Section 50.

While the scope of work does not mention short plats, the approval regulations for short plats are very similar to those for full subdivisions. Short plats (four lots or less) are currently valid for 5 years, with one exception: the short plat has at least 400 acres of dedicated open space through the 4-to-1 program and is part of an interlocal or development agreement signed on or before January 1, 1996 (7 years).

K.C.C. 19A.12.040 Preliminary short subdivision - approval time. *Preliminary approval of a short subdivision shall be effective for a period of sixty months, except:*

A. The approval period shall be eighty-four months for any short plat that was part of a development agreement or interlocal agreement entered into after January 1, 1996, that included at least four hundred acres of open space dedications and urban land designations at a four-to-one ratio; and

B.1. For any short plat that has received preliminary short approval on or after December 1, 2003, the preliminary short subdivision approval shall be valid for a period of eighty-four months. The department may make revisions to the fee estimate issued by the department under K.C.C. 27.02.065.*

2. This subsection shall retroactively apply to any short plat that has received preliminary approval on or after December 1, 2003. This subsection expires December 31, 2014.

***Reviser's note:** K.C.C. 27.02.065 was repealed by Ordinance 17682, Section 50.

Discussion

The RCW was amended due to the recession that began in 2008 to allow homebuilders extra time to build plat improvements and to allow the economy to recover so home buyers would have down payments and the ability to secure mortgages. The end of the recession is recognized by the state legislature in the RCW by the return to the maximum five year time period between preliminary plat approval and final plat approval.

Development Code #6
Extension of plat approvals

During the recession, the Council approved language in the King County Code permitting an extension on a preliminary plat approval prior to seeking a final plat approval. Extensions were identified for specific situations. An expiration clause was adopted for two of the situations. The County's current general rule for duration of a preliminary plat approval is consistent with the State's current rule (i.e. five years).

Concerns about plat approval extensions focus on changes and upgrades to applicable standards and codes that are made during the extension period. For example, the international and state building codes are updated and approved periodically to improve life safety requirements. The development requirements in the King County Code are amended and adopted periodically to address problems and undesired situations.

Final plats/short plats are vested to the codes and regulations in place at the time of preliminary plat/preliminary short plat approval. The longer the time in between preliminary and final approvals, the older the codes being used; new, significant code improvements adopted in the interim between preliminary and final approvals would not be implemented in older subdivisions. This would result in substandard improvements, compared to current standards.

Applying new codes and requirements (i.e. roads, drainage, critical areas, etc.) has the potential to greatly change the layout, revise construction drawings and potentially result in changes to infrastructure under construction or construction complete. This could make a project infeasible as well as potentially conflict with conditions of approval established by the Hearing Examiner and result in a new application and subsequent public hearing.

For permits with some unfinished construction that are older and/or expired and need finalization, DPER currently requires applicants to meet current life safety codes rather than the codes in place at the time the application was submitted. These codes include, but are not limited to, the fire code, the building codes, landslide hazard requirements and restrictions for flood hazard areas.

DPER has received at least two inquiries about, but no requests for, extension of preliminary plat approvals in the last several years.

Recommendation

No code amendments are recommended at this time.

If the Council determines a code amendment to allow extensions to the time period between preliminary plat/preliminary short plat approval and final plat/short plat approval is necessary, the following provisions are recommended:

- Limit the extension to one year
- Limit the number of extensions to one per plat