

Vetoed

June 26, 1996

Introduced By: Christopher Vance

CW:ac 2.5acre

Proposed No.: 96-406

ORDINANCE NO. 12412

AN ORDINANCE relating to zoning; allowing higher residential density in the RA 2.5 zone when surrounding property is higher density, consistent with the comprehensive plan; amending Ordinance 10870, Section 340 and K.C.C. 21A.12.030; all as amended.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The Metropolitan King County Council finds that pursuant to Ordinance 12196, the requirements for environmental analysis, protections and mitigation measures in this code chapter, as amended by this ordinance, provide adequate analysis of and mitigation for the specific adverse environmental impacts to which the requirements apply.

SECTION 2. Ordinance 10870, Section 340, as amended and K.C.C. 21A.12.030 are each hereby amended to read as follows:

A. Densities and dimensions - residential zones

Table with columns for ZONES (RURAL, URBAN RESERVE, URBAN RESIDENTIAL) and rows for STANDARDS (Base Density, Maximum Density, Minimum Density, Minimum Lot Width, Minimum Street Setback, Minimum Interior Setback, Base Height, Maximum Impervious Surface Percentage).

B. Development Conditions.

1. The maximum density may be achieved only through the application of residential density incentives or transfers of density credits pursuant to Chapters 21A.34 or 21A.36. Maximum density may only be exceeded pursuant to Section 21A.34.040 F. 1. f.

1 2. Also see Section 21A.12.060.

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

4 4. Height limits may be increased when portions of the structure which exceed the
5 base height limit provide one additional foot of street and interior setback for each foot above
6 the base height limit, provided that the maximum height may not exceed 75 feet. Netting or
7 fencing and support structures for the netting or fencing used to contain golf balls in the
8 operation of golf courses or golf driving ranges are exempt from the additional interior
9 setback requirement provided that the maximum height shall not exceed 75 feet.

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

11 a. regional uses shall be established at the time of permit review;

12 b. nonresidential uses in residential zones shall comply with K.C.C. 21A.12.120
13 and .220;

14 c. individual lots in the R-4 through R-6 zones which are less than 9,076 square
15 feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8
16 zone;

17 d. any lot may be increased beyond the total amount permitted in this chapter
18 subject to approval of a conditional use permit.

19 6. Mobile home parks shall be allowed a base density of six dwelling units per acre.

20 7. The standards of the R-4 zone shall apply if a lot is less than 15,000 square feet in
21 area.

22 8. At least 20 linear feet of driveway shall be provided between any garage, carport,
23 or other fenced parking area and the street property line. The linear distance shall be
24 measured along the centerline of the driveway from the access point to such garage, carport
25 or fenced area to the street property line.

26 9.a. Residences shall have a setback of at least 100 feet from any property line
27 adjoining A, M or F zones or existing extractive operations.

28 b. For lots between 1 acre and 2.5 acres in size, the setback requirements of the R-
29 1 zone shall apply. For lots under 1 acre, the setback requirements of the R-4 zone shall
30 apply.

1 10.a. For developments consisting of three or more single-detached dwellings
2 located on a single parcel, the setback shall be 10 feet along any property line abutting R-1
3 through R-8, RA and UR zones.

4 b. For townhouse and apartment development, the setback shall be 20 feet along
5 any property line abutting R-1 through R-8, RA and UR zones.

6 11. Lots smaller than .5 acre in area shall comply with standards of the nearest
7 comparable R-4 through R-8 zone. For lots that are .5 acre in area or larger, the maximum
8 impervious surface area allowed shall be at least 10,000 square feet. On any lot over 1 acre in
9 area, an additional 5 percent may be used for buildings related to agricultural or forestry
10 practices.

11 12. Reserved.

12 13. Reserved.

13 14. The base height to be used only for projects as follows:

14 a. in R6 and R8 zones, a building with a footprint built on slopes exceeding a 15%
15 finished grade; and

16 b. in R18, R24 and R48 zones using residential density incentives and transfer of
17 density credits pursuant to this title.

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

19 16. Vehicle access points from garages, carports or fenced parking areas shall be set
20 back from the property line upon which a joint use driveway is located to provide a straight
21 line length of at least 26 feet, as measured from the centerline of the garage, carport or fence
22 parking area, from the access point to the opposite side of the joint use driveway.

23 17. All subdivisions and short subdivisions in the R-1 zone shall be required to be
24 clustered away from sensitive areas to the extent possible and a permanent open space tract
25 that includes at least 50 percent of the site shall be created.

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

27 19. All subdivisions and short subdivisions in rural residential zones within the North
28 Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North Fork and
29 Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and Nonpoint
30 Action Plan) shall have a maximum impervious surface area of 8% of the gross acreage of the
31 plat. Distribution of the allowable impervious area among the platted lots will be recorded on

1 the face of the plat. Impervious surface of roads need not be counted towards the allowable
2 impervious area. in cases where both lot- and plat-specific impervious limits apply, the more
3 restrictive shall be required.

4 20. Any property abutted on at least three sides by existing lots of less than five
5 acres may be subdivided by formal plat or short plat at a density of one dwelling unit per 2.5
6 acres. Existing lots shall mean lots which were subdivided by formal plat or short plat prior to
7 the effective date of this ordinance. If a road or utility corridor owned by a public agency or
8 utility intervenes between two properties, the properties separated by the road or utility
9 corridor shall be considered abutting properties for the purpose of this footnote. For parcels
10 which are irregular in shape, the department shall permit subdivision at a density of one
11 dwelling unit per 2.5 acres when the parcel is at least 75% bordered by existing lots of less
12 than five acres.

13 INTRODUCED AND READ for the first time this 20th day of

14 May, 1996

15 PASSED by a vote of 7 to 4 this 29th day of July, 1996

16 KING COUNTY COUNCIL
17 KING COUNTY, WASHINGTON

18 Jane Hague
19 Chair

20 ATTEST:

21 Edwa Francis
22 Deputy Clerk of the Council

23 ~~APPROVED~~ this 8th day of August, 1996
VETOED

24 Ray Locke
25 King County Executive

26 Attachments:



King County Executive
GARY LOCKE

RECEIVED
95 AUG -8 AM 9:46
CLERK
KING COUNTY COUNCIL

August 8, 1996

The Honorable Jane Hague
Chair, King County Council
Room 1200
COURTHOUSE

Dear Councilmember Hague:

I am vetoing Ordinance 12412, adopted by the Council on July 29, 1996. Ordinance 12412 would have implemented Comprehensive Plan policy R-207, as amended in 1995, by allowing higher densities for some properties in the RA 2.5 zone. The RA 2.5 zone was originally established to recognize rural residential areas with predominant patterns of lots less than five acres in size. I have the following reasons for taking this action:

- Though intended to address the specific circumstances of RA 2.5 zoned lands, the ordinance would create large inequities between property owners with similar parcels. Depending on the size of adjacent lots, some property owners will benefit, while the majority will not;
- The ordinance adds to growth in areas where infrastructure and environmental limitations are the most significant, such as on Vashon-Maury Island;
- Ordinance 12412 adds significantly to growth capacity at a time when King County must carefully manage overall rural growth levels consistent with adopted targets. Recent data indicate that rural growth is preceding at twice the rate anticipated by the targets;
- Significant implementation difficulties exist with the amendments passed by Council;
- We must not lose an opportunity for innovative answers to complex rural growth questions. The ordinance would adversely effect the Transferable Development Rights (TDR) program now being developed as a part of the farm and forest incentives program.

Attached to this letter is a more detailed explanation of each of these points. These same issues were presented by Executive staff in 1995 when the enabling Comprehensive Plan policy, R-207, was amended by the County Council. Subsequently, an ordinance was transmitted

The Honorable Jane Hague

August 8, 1996

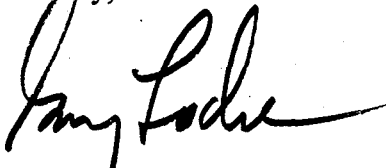
Page 2

implementing that policy revision; however, Executive staff continued to work with the Growth, Management, Housing and Environment Committee for a better approach to the RA 2.5 zone issue. A detailed analysis of this ordinance and the RA 2.5 zone was completed by the Office of Budget and Strategic Planning (OBSP) and presented to the Committee in June, 1996.

The Growth Management Act (GMA) requires consistency between policies and regulations. However, Comprehensive Plan policy R-207 should be amended rather than allowing this ordinance to become law. OBSP staff presented to the GMH&E Committee, a proposed Comprehensive Plan amendment that would provide an innovative approach to address the specific problems in the RA 2.5 zone. In contrast to Ordinance 12412, my proposed amendments to R-207 would treat all RA 2.5 property owners equally. It would address our multiple policy objectives for land preservation and property rights, without allowing inappropriate growth in the rural area and, therefore, be more reflective of the goals of the GMA.

I share the Council's goal in treating all rural property owners with fairness and predictability. I look forward to working with you to ensure that our public policy objectives are met in an equitable and effective manner. If you have any questions, please contact Tim Ceis, Deputy Director of the Office of Budget and Strategic Planning, at 296-4052.

Sincerely,



Gary Locke
King County Executive

Attachment

cc: King County Councilmembers
Tim Ceis, Deputy Director, Office of Budget and Strategic Planning

EXECUTIVE REASONS TO VETO ORDINANCE 12412

Ordinance 12412 and current policy R-207 lead to property-owner inequities.

Ordinance 96-406 would implement Comprehensive Plan policy R-207, as amended in 1995. The ordinance would allow higher density development (one home per 2.5 acres) on certain properties in the RA 2.5 zone that are surrounded on three sides by other lots less than five acres in size. Owners of property not meeting the three side provision could only develop at a lower density (one home per 5 acres).

Example parcels in three areas of King County (Hollywood Hills, north of Snoqualmie and between Black Diamond and Enumclaw) were examined to see how the three-side provision would work. The results indicate that such a three side test could be more easily met where smaller, "suburban-style" lot patterns predominate. In other areas where the lot pattern is more traditionally rural (blocks of 5 and 10 acre lots), owners of very similar properties could be treated quite differently, depending on the exact size of adjacent properties.

For example, Executive staff compared two subject lots (each about six acres) near Enumclaw. One had adjacent properties of 4.9 acres and the other had adjacent properties of 5.0 acres. The former would be able to subdivide and develop under the higher density that ordinance 12412 would allow, and the latter would not. Yet the subject parcels are not significantly different in any other way. This leads to an inequitable situation for owners of RA 2.5 zoned lands.

Higher density on Vashon-Maury Island where water resources are limited.

The RA 2.5 zone exists along much of the Vashon-Maury Island shoreline, and extends inland in several areas. Vashon-Maury Island has well-documented water availability and ground water resource issues. King County adopted Comprehensive Plan policy R-205A in March, 1996 which seeks to lower densities in areas on Vashon-Maury Island that are highly susceptible to ground water contamination. These problems would be exacerbated with the higher density development allowed under ordinance 12412.

Ordinance 12412 increases rural growth capacity overall.

King County Comprehensive Plan Policies R-105 and R-106 establish a very low target range for new household growth for King County's Rural Areas (5800 to 8200 over 20 years, or 300 to 400 annually). Recent data indicate that Rural Areas have experienced about twice that rate of growth since adoption of the targets. The current policy R-207 and ordinance 12412 could create up to 1600 additional lots in the Rural Area (or consume about four to five years worth of new households), which would make it difficult to maintain the 20-year target.

Significant implementation concerns with Ordinance 12412.

Ordinance 12412, as amended by Council, requires a significant research, mapping, and tracking effort. Because of the variety of ways lots have historically been created in the Rural area, determining which were created by means of formal or short plat is close to impossible.

Additionally, the ordinance provides dual criteria for allowing development at the one home per 2.5 acres density: a) being surrounded on three sides by lots less than 5 acres in size; or b) if the subject parcel is irregularly shaped, being 75% bordered by lots less than 5 acres in size. Deciding which lots are “irregular” and thus qualify with the 75% criteria is not straightforward, and will lead to real and perceived inequities among applicants and neighbors.

A Better Idea: Revise Policy R-207 and Adopt New Policy R-207A

The Countywide Planning Policies, the King County Comprehensive Plan and the recently completed Rural Farm and Forest Report all recommend a Transfer of Development Rights (TDR) program to relieve development pressure on Rural Farm and Forest Districts in King County. The TDR program would enable land owners with RA 2.5 zoning to realize higher densities and correspondingly higher land values. TDRs involve a transfer of density from one parcel (a “sending area”) to another (a “receiving area”), and therefore result in a net zero increase in residential growth. By pursuing development of a TDR program, King County better recognizes the economic circumstances and choices faced by Rural area landowners.

Many of the sending areas have already been identified, such as the Rural Farm and Forest Districts. Executive staff are now identifying appropriate receiving areas for the density transfers. Along with other Rural and Urban areas, the RA 2.5 zone would be an appropriate area to evaluate in the TDR Receiving Areas Planned Action EIS being prepared by DNR under a grant King County has received from the State Office of Community Trade and Economic Development. Should the zone (or appropriate geographic areas zoned RA 2.5) prove feasible, the appropriate changes to policies, zoning, and regulations can be made.

The RA 2.5 zone is potentially an attractive candidate receiving area for several reasons. Since areas zoned RA 2.5 exist in a variety of locations around the County, geographic continuity between sending and receiving areas is possible. Lots created at one home per 2.5 acres density could be of higher market value, thus increasing the likely effectiveness of a TDR program. It is also possible that some RA 2.5 lands may be more appropriate as sending areas. The TDR program can identify such lands and transfers could go the other way, as well.

However, the current policy R-207 and ordinance 12412 would allow some landowners in the RA 2.5 zone to realize an increase in their allowable density based on the historic lot pattern in the immediate area of their parcel. Many landowners in the RA 2.5 zone could take advantage of the three-side provision to increase their density. This is a potentially serious problem if the RA 2.5 zone is also identified as a viable receiving area for TDRs.

Studies conducted around the nation have indicated that TDR programs are more successful in jurisdictions that take steps to reduce or eliminate other methods of increasing density in receiving areas. Having the three-side method available for a landowner to increase density would make a density transfer through a TDR unlikely. By removing the three-side provision, density could be increased through a transfer from a Rural Farm or Forest District. Through this policy change, all RA 2.5 zoned property owners are treated equally, and the significant public benefit of conserving rural resource lands and uses could more easily be achieved.