



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

August 29, 2001

Ordinance 14190

Proposed No. 2001-0368.3

Sponsors Phillips and Nickels

1 AN ORDINANCE relating to natural resources, converting
2 the TDC Pilot Program to permanent status, establishing a
3 new chapter in K.C.C. Title 21A for a transfer of
4 development rights program, relocating the provisions of
5 the transfer of development credit (TDC) pilot program in
6 K.C.C. chapter 21A.55 to the new chapter, repealing the
7 transfer of residential density credits program in K.C.C.
8 chapter 21A.36; amending Ordinance 13274, Section 1, and
9 K.C.C. 21A.55.100, Ordinance 13274, Section 4, as
10 amended, and K.C.C. 21A.55.130, Ordinance 13274,
11 Section 5, as amended, and K.C.C. 21A.55.140, Ordinance
12 13274, Section 6, as amended, and K.C.C. 21A.55.150,
13 Ordinance 13274, Section 7, and K.C.C. 21A.55.160,
14 Ordinance 13274, Section 8, and K.C.C. 21A.55.170,
15 Ordinance 13274, Section 9, and K.C.C. 21A.55.180,
16 Ordinance 13733, Section 8, as amended, and K.C.C.
17 21A.55.200, Ordinance 13733, Section 10, and K.C.C.

18 21A.55.210, Ordinance 13733, Section 11, and K.C.C.
19 21A.55.220, Ordinance 13733, Section 12, and K.C.C.
20 21A.55.230, Ordinance 13733, Section 13, and K.C.C.
21 21A.55.240, Ordinance 13733, Section 14, and K.C.C.
22 21A.55.250, Ordinance 13733, Section 15, and K.C.C.
23 21A.55.260, Ordinance 13733, Section 16, and K.C.C.
24 21A.55.270, Ordinance 12076, Section 9, as amended, and
25 K.C.C. 4.08.015, Ordinance 13733, Section 9, and K.C.C.
26 4.08.327, Ordinance 12196, Section 9, as amended, and
27 K.C.C. 20.20.020, Ordinance 4461, Section 2, as amended,
28 and K.C.C. 20.24.080, Ordinance 10870, Section 95, and
29 K.C.C. 21A.06.275, Ordinance 13733, Section 1, and
30 K.C.C. 21A.06.943, Ordinance 13733, Section 2, and
31 K.C.C. 21A.06.1011A, Ordinance 13733, Section 3, and
32 K.C.C. 21A.06.1273, Ordinance 13733, Section 4, and
33 K.C.C. 21A.06.1273A, Ordinance 13733, Section 5, and
34 K.C.C. 21A.06.1273B, Ordinance 13733, Section 6, and
35 K.C.C. 21A.06.1273C, Ordinance 13733, Section 7, and
36 K.C.C. 21A.06.1273D, Ordinance 10870, Section 340, as
37 amended, and K.C.C. 21A.12.030, Ordinance 10870,
38 Section 341, as amended, and K.C.C. 21A.12.040,
39 Ordinance 10870, Section 344, as amended, and K.C.C.
40 21A.12.070, Ordinance 10870, Section 563, as amended,

41 and K.C.C. 21A.34.040, Ordinance 10870, Section 564,
42 and K.C.C. 21A.34.050, Ordinance 10870, Section 565,
43 and K.C.C. 21A.34.060, Ordinance 13332, Section 32, and
44 K.C.C. 27.10.170, adding a new chapter to K.C.C. Title
45 21A, adding new sections to K.C.C. chapter 21A.06,
46 recodifying K.C.C. 21A.55.100, 21A.55.130, 21A.55.140,
47 21A.55.150, 21A.55.160, 21A.55.170, 21A.55.180,
48 21A.55.200, 21A.55.210, 21A.55.220, 21A.55.230,
49 21A.55.240, 21A.55.250, 21A.55.260 and 21A.55.270 and
50 repealing Ordinance 10870, Section 568, and K.C.C.
51 21A.36.010, Ordinance 10870, Section 569, and K.C.C.
52 21A.36.020, Ordinance 10870, Section 570, as amended,
53 and K.C.C. 21A.36.030, Ordinance 10870, Section 571, as
54 amended, and K.C.C. 21A.36.040, Ordinance 10870,
55 Section 572, and K.C.C. 21A.36.050, Ordinance 10870,
56 Section 573, and K.C.C. 21A.36.060, Ordinance 13274,
57 Section 2, and K.C.C. 21A.55.110, and Ordinance 13274,
58 Section 3, and K.C.C. 21A.55.120.

59
60
61 PREAMBLE:

62 The Growth Management Act identifies transfer of development rights as an
63 innovative technique for land use management.

64 King County has a long tradition of developing innovative strategies to conserve

65 resource and environmentally sensitive lands that are essential to this region's
66 quality of life.

67 Protecting farms and forests, endangered species habitat and regional trails are
68 goals of the countywide planning policies and the King County Comprehensive
69 Plan.

70 Countywide planning policy LU-14 recognizes that the county may transfer
71 density from rural area properties to other rural or urban area properties in order
72 to secure county open space land, protect a significant natural resource or retain
73 rural resource-based uses.

74 Seattle and King County have adopted an interlocal agreement establishing a
75 transfer of development credit program in the Denny Triangle neighborhood in
76 downtown Seattle, the first Urban Center in this region to receive development
77 credits from rural areas.

78 Through the King County TDC program, seven hundred acres of now public land
79 worth an estimated ten million dollars has been permanently preserved at a public
80 cost of one million seven hundred thousand dollars.

81 The success of the transfer of development credit pilot program in voluntarily
82 preserving the rural and resource lands while increasing density inside cities is an
83 effective tool in the implementation of the state Growth Management Act, the
84 Countywide Planning Policies and the King County Comprehensive Plan and
85 therefore shall be converted permanent status.

86 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

87 SECTION 1. Findings. The metropolitan King County council finds that under
88 Ordinance 12196, the requirements for environmental analysis, protections and mitigation
89 measures in this code chapter, as amended by this ordinance, provide adequate analysis of
90 and mitigation for the specific adverse environmental impacts to which the requirements
91 apply.

92 SECTION 2. K.C.C. 21A.55.100, 21A.55.130, 21A.55.140, 21A.55.150,
93 21A.55.160, 21A.55.170, 21A.55.180, 21A.55.200, 21A.55.210, 21A.55.220,
94 21A.55.230, 21A.55.240, 21A.55.250, 21A.55.260 and 21A.55.270, each as amended by
95 this ordinance, should be recodified as a new chapter in K.C.C. Title 21A.

96 SECTION 3. Ordinance 13274, Section 1, and K.C.C. 21A.55.100 are each
97 hereby amended To read as follows:

98 **Transfer of development ((credit (TDC) pilot)) rights (TDR) program –**
99 **purpose.**

100 A. The purpose of the ((F))transfer of ((D))development ((Credit Pilot)) rights
101 (TDR) ((P))program is to provide a ((new,)) voluntary, incentive-based process for
102 permanently preserving rural, resource and Urban Separator lands that provide a public
103 benefit. ((The purpose of the TDC Pilot Program process is to allow for testing of the
104 provisions of Ordinance 13274 on initial sending and receiving site proposals.)) The
105 ((TDC)) TDR provisions are intended to supplement land use regulations, resource
106 protection efforts and open space acquisition programs and to encourage increased
107 residential development density, especially inside cities, where it can best be
108 accommodated with the least impacts on the natural environment and public services by:

109 ((A))_1. Providing an effective and predictable incentive process for rural,
110 resource and Urban Separator land property owners to preserve lands with a public
111 benefit as described in K.C.C. 21A.55.130, as recodified by this ordinance; and

112 ((B))_2. Providing ((a)) an efficient and streamlined administrative review
113 system to ensure that transfers of ((residential)) development ((credits)) rights to
114 receiving sites are evaluated in a timely way and balanced with other county goals and
115 policies, and are adjusted to the specific conditions of each receiving site.

116 B. The TDR provisions in this chapter shall only apply to TDR receiving site
117 development proposals submitted on or after the effective date of this ordinance and
118 applications for approval of TDR sending sites submitted on or after the effective date of
119 this ordinance.

120 SECTION 4. Ordinance 13274, Section 4, as amended, and K.C.C: 21A.55.130
121 are each hereby amended to read as follows:

122 **Transfer of development ((credit (TDC) pilot)) rights (TDR) program –**
123 **sending sites.**

124 A. For the purpose of this chapter, "sending site" means the portion of the
125 ((parcel or parcels)) lot or lots qualified under subsection B of this section. Sending sites
126 may only be located within rural, resource or Urban Separator areas, as designated by the
127 King County Comprehensive Plan and may not be in public ownership. If the sending
128 site consists of more than one tax lot, the lots must be contiguous. For purposes of this
129 section, lots divided by a street are considered contiguous if the lots would share a
130 common lot line if the street was removed. Sending sites shall be maintained in a natural
131 state, except for lands zoned A or F, or lands zoned RA within the rural forest focus

132 areas, or within proposed (~~(public park or)~~) regional trail or open space sites suitable for
133 (~~(active or)~~) passive recreation (~~(or historic sites. Nonresidential uses consistent with the~~
134 ~~zone may be allowed following the transfer of residential development credits if allowed~~
135 ~~under the conservation easement)~~).

136 B. Qualification of a sending site shall demonstrate that the site contains a public
137 benefit such that preservation of that benefit by transferring residential development
138 (~~(density)~~) rights to another site is in the public interest. A sending site must meet at least
139 one of the following criteria:

140 1. Designation in the King County Comprehensive Plan or a functional plan as
141 an agricultural (~~(or forest)~~) production district or zoned A (~~(or F or lands zoned RA)~~);

142 2. Designation in the King County Comprehensive Plan or a functional plan as
143 forest production district or zoned F;

144 3. Designation in the King County Comprehensive Plan or a functional plan as
145 within the rural (~~(farm or)~~) forest focus area and zoned RA with a minimum of fifteen
146 acres of forested land that is not encumbered through King County's development rights
147 purchase program; (~~(or)~~)

148 (~~(2-)~~) 4. Designation in the King County Comprehensive Plan, or a functional
149 plan as a proposed (~~(park)~~) rural or resource area regional trail or rural or resource area
150 open space site, through either:

151 a. designation of a specific site; or

152 b. identification of (~~(geographic areas of)~~) proposed (~~(park)~~) rural or resource
153 area regional trails or rural or resource area open space sites which meet adopted

154 standards and criteria, and for rural or resource area open space sites, meet the definition
155 of open space land, as defined in RCW 84.34.020; ((or))

156 ~~((3.a. A written determination by a public land managing agency, including but~~
157 ~~not limited to the King County department of parks and recreation,)) 5. Identification as
158 habitat for federal listed endangered or threatened species in a written determination by
159 the King County department of natural resources, ((King County office of cultural
160 resources, a city parks department if a sending site is located within that city's designated
161 potential annexation area, the Washington state Parks and Recreation Commission or a
162 private land conservation organization such as The Nature Conservancy,)) Washington
163 state Department of Fish and Wildlife, United States Fish and Wildlife Services or a
164 federally recognized tribe that the sending site is appropriate for preservation or
165 acquisition ((as:~~

166 ~~(1) open space,~~
167 ~~(2) wildlife habitat for federal or state listed endangered or threatened species~~
168 ~~priority or candidate priority species of local importance; or species of local significance~~
169 ~~as defined by the King County Comprehensive Plan; or wildlife networks designated by~~
170 ~~King County, or Priority Habitats as defined by the state,~~

171 ~~(3) urban separators,~~
172 ~~(4) regional trail/natural linkages, or~~
173 ~~(5) historic landmarks.~~

174 ~~b. The agency making the written determination of qualification shall state that~~
175 ~~the sending site is appropriate for preservation or acquisition under that agency's rules,~~
176 ~~regulations or guidelines and shall state that the proposed form of permanent protection is~~

177 acceptable to the agency responsible for managing the sending site once encumbered (i.e.
178 encumbrance with a conservation easement or fee simple ownership). Following the
179 encumbrance or dedication of the sending site, the remaining land value may be acquired
180 or accepted by the managing agency)); or

181 6. Designation in the King County Comprehensive Plan as Urban Separator and
182 zoned R-1.

183 C. For the purposes of the ((TDC pilot)) TDR program, "acquisition" means
184 obtaining fee simple rights in real property, or a less than a fee simple right in a form that
185 preserves in perpetuity the public benefit supporting the designation or qualification of
186 the property as a sending site.

187 D. If a sending site has any outstanding code violations, the person responsible
188 for code compliance should resolve these violations, including any required abatement,
189 restoration, or payment of civil penalties, before a TDR sending site may be qualified by
190 the interagency review committee created under K.C.C. 21A.55.160, as recodified by this
191 ordinance. However, the interagency may qualify and certify a TDR sending site with
192 outstanding code violations if the person responsible for code compliance has made a
193 good faith effort to resolve the violations and the proposal is in the public interest.

194 E. For lots on which the entire lot or a portion of the lot has been cleared or
195 graded pursuant to a Class II, III or IV special forest practice as defined in chapter 76.09
196 RCW within the six years prior to application as a TDR sending site, the applicant must
197 provide an affidavit of compliance with the reforestation requirements of the Forest
198 Practices Act, and any additional reforestation conditions of their forest practice permit.
199 Lots on which the entire lot or a portion of the lot has been cleared or graded without any

200 required forest practices or county authorization, shall be not qualified or certified as a
201 TDR sending site for six years unless the six-year moratorium on development
202 applications has been lifted or waived.

203 SECTION 5. Ordinance 13274, Section 5, as amended, and K.C.C. 21A.55.140
204 are each hereby amended to read as follows:

205 **Transfer of development (~~credit (TDC) pilot~~) rights (TDR) program –**
206 **receiving sites.** A. Receiving sites shall be:

207 1. King County unincorporated urban sites, except as limited in subsection D of
208 this section, ((Z))zoned R-4 through R-48, NB, CB, RB or O, or any combination thereof.
209 The sites may also be within potential annexation areas established under the countywide
210 planning policies; or

211 2. (~~King County incorporated municipal jurisdictions with urban centers as~~
212 ~~designated under the countywide planning policies, transit station sites and/or other urban~~
213 ~~areas)) Cities where new growth is or will be encouraged under the Growth Management
214 Act and the countywide planning policies and where facilities and services exist or where
215 public investments in facilities and services will be made, or~~

216 3. RA-2.5 and RA-5 zoned parcels, except as limited in subsection E of this
217 section, that meet the criteria listed in this subsection A.3 may receive development
218 credits transferred from rural forest focus areas, and accordingly may be subdivided and
219 developed at a maximum density of one dwelling per two and one-half acres. Increased
220 density allowed through the designation of rural receiving areas:

221 a. must be eligible to be served by domestic Group A public water service;

222 b. must be located within one-quarter mile of an existing predominant pattern
223 of rural lots smaller than five acres in size;

224 c. must not adversely impact regionally or locally significant resource areas or
225 environmentally sensitive areas;

226 d. must not require public services and facilities to be extended to create or
227 encourage a new pattern of smaller lots;

228 e. must not be located within rural forest focus areas; and

229 f. must not be located on Vashon or Maury Islands.

230 B. Except as provided in this chapter, development of an unincorporated King
231 County receiving site shall remain subject to all zoning code provisions for the base zone,
232 except TDR receiving site developments shall comply with dimensional standards of the
233 zone with a base density most closely comparable to the total approved density of the
234 TDR receiving site development.

235 ~~C. ((Apartments and townhouse units are permitted outright in the R-4 through~~
236 ~~R-8 zones through the transfer of density credits provisions of this pilot project, subject to~~
237 ~~the review process described in K.C.C. 21A.55.180.~~

238 D.)) An unincorporated King County receiving site may accept development
239 ((credits)) rights from one or more sending sites, up to the maximum density permitted
240 under K.C.C. 21A.12.030 and 21A.12.040.

241 ~~(E.))~~ D. Property located within the outer boundaries of the Noise Remedy
242 Areas as identified by the Seattle-Tacoma International Airport may not accept
243 development ((credits)) rights.

244 E. Property located on Vashon or Maury Islands may not accept development
245 rights.

246 SECTION 6. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.55.150
247 are each hereby amended to read as follows:

248 **Transfer of development ~~((credit (TDC) pilot))~~ rights (TDR) program –**
249 **~~((transfer rules))~~ calculations.**

250 A. ~~((Unincorporated urban sending sites and unincorporated urban receiving~~
251 ~~sites.~~

252 ~~1-))~~ The number of residential development ~~((credits))~~ rights that an
253 unincorporated ~~((urban))~~ sending site is eligible to send to ~~((an unincorporated urban))~~ a
254 receiving site shall be determined by~~((:~~

255 ~~a. applying twenty five percent of the sending site's base zoned density to the~~
256 ~~sending site's unbuildable sensitive areas for R-4 through R-48 zoned properties and one~~
257 ~~credit per acre for R-1 zoned properties. Due to the limitations imposed by K.C.C.~~
258 ~~chapter 21A.24, for the purposes of this chapter unbuildable sensitive areas shall include~~
259 ~~class 1 and class 2 wetlands, streams, slopes forty percent or steeper and associated~~
260 ~~buffers; and~~

261 ~~b.))~~ applying the TDR sending site base density ~~((of the zone the sending site is~~
262 ~~located in))~~ established in subsection D of this section to the ~~((remaining portion of the))~~
263 area of the sending site ~~((less))~~ after the following has been deducted:

264 ~~((1))~~ 1. ~~((a))~~ Any portion of the sending site already in a conservation
265 easement or other similar encumbrance;

266 ~~((2) any))~~ 2. The amount of land area ((already used to calculate residential
267 density)) equal to the base density in the density and dimensions tables in K.C.C.
268 21A.12.030 and 21A.12.040 for the zone for ((other)) each existing or proposed
269 residential development unit within the ((sending site)) lot or lots;

270 ~~((3))~~ 3. ((a))Any submerged land;

271 ~~((4) regional utility corridors;))~~ and

272 ~~((5))~~ 4. ((e))Other areas, excluding setbacks, required by King County to
273 remain undeveloped.

274 ~~((2.))~~ B. Any fractions of development ((credits)) rights that result from the
275 calculations in subsection A((1)) of this section shall not be included in the final
276 determination of total development ((credits)) rights available for transfer.

277 ~~((3. The twenty five percent discount for unbuildable sensitive areas in~~
278 ~~subsection A.1.a of this subsection shall not be applied to urban sending sites certified~~
279 ~~using the process prescribed in this chapter prior to December 31, 1998.~~

280 ~~4.))~~ C. For purposes of calculating the amount of development rights a sending
281 site can transfer, the amount of land contained within a sending site shall be determined
282 as follows:

283 1. If the sending site is an entire tax lot, the square footage or acreage shall be
284 determined:

285 a. by the King County department of assessments records; or

286 b. by a survey that has been prepared and stamped by a surveyor licensed in
287 the state of Washington;

288 2. If the sending site is a portion of a tax lot, the square footage or acreage shall
289 be determined by a survey that has been prepared and stamped by a surveyor licensed in
290 the state of Washington; and

291 3. If the sending site consists of a lot that is divided by a zoning boundary, the
292 square footage or acreage shall be calculated separately for each zoning classification.
293 The square footage or acreage within each zoning classification shall be determined by
294 the King County record of the action that established the zoning and property lines, such
295 as an approved lot line adjustment. When such records are not available or are not
296 adequate to determine the square footage or acreage within each zoning classification, the
297 department of development and environmental services shall calculate the square footage
298 or acreage through the geographic information system (GIS) mapping system.

299 D. For the purposes of the transfer of development ((credit (TDC))) rights (TDR)
300 program, the following TDR sending site base densities apply:

301 1. ~~((s))~~ Sending sites designated in the King County Comprehensive Plan as
302 Urban Separator and zoned R-1 shall have a base density of four dwelling units per acre.

303 ~~B. Rural or natural resource land sending sites and unincorporated urban~~
304 ~~receiving sites.~~

305 ~~1. For purposes of the transfer of development credit (TDC) program,))~~ 2.
306 Sending sites zoned RA outside a rural forest focus area shall have a base density
307 consistent with the base density established in the density and dimensions tables in
308 K.C.C. 21A.12.030;

309 3. ~~((property))~~ Sending sites zoned RA within rural forest focus areas shall have
310 a base density of one dwelling unit per five acres for transfer purposes only((;));

311 4. ~~((property))~~ Sending sites zoned A-10 and A-35 within the agricultural
312 production district shall have a base density of one dwelling unit per ~~((ten))~~five acres for
313 transfer purposes only~~((and one dwelling unit per thirty-five acres, respectively,));~~ and

314 5. ~~((property))~~ Sending sites zoned F within the forest production district shall
315 have a base density of one dwelling unit per eighty acres or one dwelling unit per each lot
316 that is between fifteen and eighty acres in size for transfer purposes only. ~~((The number~~
317 ~~of residential development credits that a rural or natural resource area sending site is~~
318 ~~eligible to send to an urban area receiving site shall be determined by applying twice the~~
319 ~~base density of the zone in which the rural or natural resource land sending site is located,~~
320 ~~after the following lands have been subtracted:~~

321 a. ~~any portion of the sending site already in a conservation easement or other~~
322 ~~similar encumbrance;~~

323 b. ~~any land area already used to calculate residential density for other~~
324 ~~development within the sending site; and~~

325 c. ~~any submerged lands.~~

326 2. ~~Any fractions of development credits that result from the calculations in~~
327 ~~subsection B.1 of this section shall not be included in the final determination of total~~
328 ~~development credits available for transfer.~~

329 C. ~~Rural or natural resource land sending sites and incorporated urban receiving~~
330 ~~sites.~~

331 1. ~~For purposes of the transfer of development credit (TDC) program, property~~
332 ~~zoned RA within rural forest focus areas shall have a base density of one dwelling unit~~
333 ~~per five acres, property zoned A-10 and A-35 within the agricultural production district~~

334 shall have a base density of one dwelling unit per ten acres and one dwelling unit per
335 thirty five acres, respectively, and property zoned F within the forest production district
336 shall have a base density of one dwelling unit per eighty acres or one dwelling unit per
337 each lot that is between fifteen and eighty acres in size)).

338 E. A sending site may send one development right for every legal lot created on
339 or before the effective date of this ordinance if that number is greater than the number of
340 development rights determined under subsection A of this section.

341 F. The number of development ((redits)) rights that a King County
342 unincorporated rural or natural resources land sending site is eligible to send to ((an)) a
343 King County incorporated urban area receiving site shall be determined through the
344 application of a conversion ratio established by King County and the incorporated
345 municipal jurisdiction. The conversion ratio will be applied to the number of available
346 sending site ((redits)) development rights determined ((by applying the base density of
347 the zone in which the sending site is located, after the following lands have been
348 subtracted:

349 a. any portion of the sending site already in a conservation easement or other
350 similar encumbrance;

351 b. any land area already used to calculate residential density for other
352 development within the sending site; and

353 c. Any submerged lands.

354 2. Any fractions of development credits that result from the calculations in
355 subsection C.1 of this section shall not be included in the final determination of total
356 development credits available for transfer.

357 D. Rural sending sites and rural receiving sites.

358 1. For purposes of the transfer of development credit (TDC) program, property
359 zoned RA within rural forest focus areas shall have a base density of one dwelling unit
360 per five acres. The number of residential development credits that a sending site is
361 eligible to send to a receiving site shall be determined by applying the base density of the
362 zone in which the sending site is located, after the following lands have been subtracted:

363 a. any portion of the sending site already in a conservation easement or other
364 similar encumbrance;

365 b. any land area already used to calculate residential density for other
366 development within the sending site; and

367 c. any submerged lands.

368 2. Any fractions of development credits that result from the calculations in
369 subsection D.1 of this section shall not be included in the final determination of total
370 development credits available for transfer)) under subsection A or E of this section.

371 ((E. Following the transfer of residential development credits from either rural or
372 urban sending sites, the portion of the parcel(s) not designated as a sending site may
373 accommodate a lot or lots on the buildable portion of the parcel(s), consistent with the
374 zoned base density provisions of the density and dimensions table in K.C.C. 21A.12.030,
375 the allowable dwelling unit calculations in K.C.C. 21A.12.070 and other King County
376 development regulations. For sending sites within the rural area, the development
377 potential remaining after a density transfer may only be actualized through a clustered
378 subdivision, short subdivision or binding site plan that creates a permanent preservation

379 tract as large or larger than the portion of the subdivision set aside as lots. Within rural
380 forest focus areas, resource use tracts shall be at least fifteen acres in size.

381 F. A site plan showing unbuildable sensitive areas and buffers as defined in this
382 section, submerged lands, regional utility corridors, areas required by King County to
383 remain undeveloped and conservation easements or other similar encumbrances shall be
384 submitted as part of the sending site certification application.)

385 G. Development ((credits)) rights from one sending site may be allocated to more
386 than one receiving site and one receiving site may accept development ((credits)) rights
387 from more than one sending site.

388 ((H. Following the transfer of credits from a sending site, deed restrictions
389 documenting the development credit transfers shall be recorded and notice placed on the
390 title to the sending site parcel.

391 I. A conservation easement granted to the county or other appropriate land
392 management agency shall be required for land contained in the sending site. The
393 conservation easement shall be documented by a map indicating the portion of the parcel
394 restricted from future residential development, whether or not the land is dedicated, as
395 follows:

396 1. A conservation easement, which contains the easement map, shall be
397 recorded on the sending site to indicate development limitations on the sending site;

398 2. For a sending site zoned A-10 or A-35, the conservation easement shall be
399 consistent in form and substance with the purchase agreements used in the agricultural
400 land development rights purchase program. The conservation easement shall preclude

401 subdivision of the subject property but may permit not more than one dwelling per
402 sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

403 3. For a sending site located within a rural forest focus area, the sending site
404 shall be a minimum of twenty acres. The conservation easement shall require that fifteen
405 acres of the sending site be restricted to forest management activities and shall include a
406 forest stewardship plan approved by the county for ongoing forest management practices.
407 No more than one dwelling unit, calculated at a base density of one dwelling unit per five
408 acres, is allowed for every twenty acres. The dwelling unit is to remain with the
409 unrestricted portion of the conservation easement or unencumbered portion of the
410 sending site.

411 4. For a sending site zoned F, the conservation easement shall encumber the
412 entire sending site. The conservation easement shall permit forestry uses subject to a
413 forest stewardship plan approved by the county for ongoing forest management practices,
414 and shall recognize existing, legally approved dwelling units.

415 J. Upon submitting an application to the department of development and
416 environmental services to develop a receiving site under this chapter, the receiving site
417 applicant shall provide either a sending site certification letter and evidence of the option
418 to buy the sending site development credits required for the receiving site development
419 proposals or evidence of ownership or full legal control of all sending sites proposed to
420 be used in calculating total residential density on the receiving site.

421 K. Development credits from a sending site shall be considered transferred to a
422 receiving site if a final decision is made on the TDC receiving area development proposal
423 by the department of development and environmental services, the sending site is

424 permanently protected by a completed and recorded land dedication or conservation
425 easement, and notification has been provided to the King County assessor's office.))

426 ((L.)) H. The determination of the number of residential development ((credits))
427 rights a sending site has available for transfer to a receiving site ((development)) shall be
428 valid for transfer purposes only, shall be documented in a ((TDC)) TDR certificate letter
429 of intent and shall be considered a final determination, not to be revised due to changes to
430 the sending site's zoning.

431 ((M. TDC receiving site developments shall comply with dimensional standards
432 of the zone with a base density most closely comparable to the total approved density of
433 the TDC receiving site development.))

434 I. The number of residential development rights that a sending site with RA, A or
435 F zoning is eligible to send to an urban area receiving site shall be determined by
436 applying twice the base density allowed for transfer purposes as specified in subsection D
437 of this section.

438 NEW SECTION. SECTION 7. There is hereby added K.C.C. chapter 21A.---
439 (created under section 2 of this ordinance) a new section to read as follows:

440 **Transfer of development rights (TDR) program – development limitations.**

441 A. Following the transfer of residential development rights from a sending site,
442 the portion of the lot or lots not designated as a sending site may accommodate
443 residential dwelling units on the buildable portion of the parcel or parcels or be
444 subdivided, consistent with the zoned base density provisions of the density and
445 dimensions tables in K.C.C. 21A.12.030 and 21A.12.040, the allowable dwelling unit
446 calculations in K.C.C. 21A.12.070 and other King County development regulations. For

447 sending sites zoned RA, the subdivision potential remaining after a density transfer may
448 only be actualized through a clustered subdivision, short subdivision or binding site plan
449 that creates a permanent preservation tract as large or larger than the portion of the
450 subdivision set aside as lots. Within rural forest focus areas, resource use tracts shall be
451 at least fifteen acres of contiguous forest land.

452 B. Nonresidential uses on lots zoned RA, A and F shall be limited as follows:

453 1. Only those uses directly related to, and supportive of the criteria under which
454 the site qualified are allowed on the portion of the lot designated as a sending site. The
455 limitations shall be included in the conservation easement.

456 2. The portion of the lot outside the sending site may develop nonresidential
457 uses consistent with the zone.

458 NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 21A.---
459 (created under section 2 of this ordinance) a new section to read as follows:

460 **Transfer of development rights (TDR) program – documentation of**
461 **restrictions.**

462 A. Following the transfer of development rights from a sending site, deed
463 restrictions documenting the development rights transfers shall be recorded by the
464 department of natural resources and notice placed on the title to the sending site parcel.

465 B. A conservation easement granted to the county or other appropriate land
466 management agency shall be required for land contained in the sending site. The
467 conservation easement shall be documented by a map. The conservation easement may
468 be placed on the entire lot or lots or only the portion of the lot or lots that is qualified as
469 the sending site. The conservation easement shall indicate the portion of the lot or lots

470 restricted from future residential development, or limitations on future residential and
471 nonresidential development within the conservation easement, whether or not the land is
472 dedicated, as follows:

473 1. A conservation easement, which contains the easement map, shall be
474 recorded on the entire sending site to indicate development limitations on the sending
475 site;

476 2. For a sending site zoned A-10 or A-35, the conservation easement shall be
477 consistent in form and substance with the purchase agreements used in the agricultural
478 land development rights purchase program. The conservation easement shall preclude
479 subdivision of the subject property but may permit not more than one dwelling per
480 sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

481 3. For a sending site located within a rural forest focus area, the sending site
482 shall be a minimum of twenty acres. The conservation easement shall require that fifteen
483 acres of contiguous forest land be restricted to forest management activities and shall
484 include a forest stewardship plan approved by the county for ongoing forest management
485 practices. The Forest Stewardship Plan shall include a description of the site's forest
486 resources and the long term forest management objectives of the property owner, and
487 shall not impose standards that exceed Title 222 of the Washington Administrative Code.
488 No more than one dwelling unit is allowed for every twenty acres. The dwelling unit is
489 to remain with the unrestricted portion of the conservation easement or unencumbered
490 portion of the sending site;

491 4. For a rural sending site located outside a rural forest focus area the
492 conservation easement shall allow for restoration, maintenance or enhancement of native

493 vegetation. A present conditions report shall be required to document the location of
494 native vegetation. If residential development will be allowed on the site under the
495 conservation easement, the present conditions report shall be used to guide the location of
496 residential development;

497 5. For a sending site qualifying as habitat for federal listed endangered or
498 threatened species, the conservation easement shall be placed on the portion of the lot or
499 lots needed for habitat protection. The conservation easement shall allow for restoration,
500 maintenance or enhancement of native vegetation. A present conditions report shall be
501 required to document the location of native vegetation. If residential development will be
502 allowed on the site under the conservation easement, the present conditions report shall
503 be used to guide the location of residential development; and

504 6. For a sending site zoned F, the conservation easement shall encumber the
505 entire sending site. Lots between fifteen acres and eighty acres in size are not eligible to
506 participate in the TDR program if they include any existing dwelling units intended to be
507 retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres and
508 eighty acres in size, the sending site must include the entire lot. For lots greater than
509 eighty acres in size, the sending site shall be a minimum of eighty acres. The
510 conservation easement shall permit forestry uses subject to a forest stewardship plan
511 approved by the county for ongoing forest management practices. The Forest
512 Stewardship Plan shall include a description of the site's forest resources and the long
513 term forest management objectives of the property owner, and shall not impose standards
514 that exceed Title 222 of the Washington Administrative Code.

515 SECTION 9. Ordinance 13274, Section 7, and K.C.C. 21A.55.160 are each
516 hereby amended to read as follows:

517 **Transfer of development ~~((credit (TDC) pilot))~~ rights (TDR) program –
518 sending site certification and interagency review committee process.**

519 A. An ~~((I))~~interagency ~~((R))~~review ~~((C))~~committee ~~((consisting of))~~, chaired by
520 the director of the office of regional policy and planning, and including the directors of
521 the department of development and environmental services~~((;))~~ and the department of
522 natural resources ~~((and the department of parks and recreation))~~, or their designees, shall
523 be responsible for qualification of sending sites ~~((and allocation of residential~~
524 development credits from sending sites for purposes of transfer and determination of the
525 appropriate agency to hold and enforce the conservation easement. Additional members
526 of the committee to be appointed by the Interagency Review Committee may also include
527 representatives of agencies with jurisdiction in the review of a specific sending site
528 application)). Determinations on sending site certifications made by the committee are
529 appealable to the examiner pursuant to K.C.C. 20.24.080. The department of natural
530 resources shall be responsible for preparing a written report, which shall be signed by the
531 director of the office of regional policy and planning or the director’s designee,
532 documenting the review and decision of the committee. The ~~((C))~~committee shall issue a
533 TDR certification letter within ~~((three weeks))~~ sixty days of the date of submittal of a
534 completed sending site certification application.

535 B. Responsibility for preparing a completed application rests exclusively with the
536 applicant. Application for sending site certification shall include:

537 1. A legal description of the site~~((;))~~;

538 2. A title report~~((;))~~;

539 3. A brief description of the site resources and public benefit to be
540 preserved~~((;))~~;

541 4. A ~~((map of))~~ site plan showing the proposed conservation easement area,
542 ~~((5. E))~~ existing and proposed dwelling units, submerged lands, ((regional utility
543 corridors, and unbuildable sensitive areas as defined in K.C.C. 21A.55.150,)) any area
544 already in a conservation easement or other similar encumbrance and any other area,
545 except setbacks, required by King County to remain open;

546 5. Assessors map or maps of the lot or lots;

547 6. A statement of intent indicating whether the property ownership, after TDR
548 certification, will be retained in private ownership or dedicated to King County or another
549 public or private nonprofit agency;

550 7. Any or all of the following written in conformance with criteria established
551 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as
552 habitat for a threatened or endangered species:

553 a. a wildlife habitat conservation plan, or

554 b. a wildlife habitat restoration plan, or

555 c. a wildlife present conditions report;

556 8. A forest stewardship plan, written in conformance with criteria established
557 through a public rule consistent with K.C.C. chapter 2.98, if required under New Section
558 8 B. 3 and 6, as recodified by this ordinance;

559 9. An affidavit of compliance with the reforestation requirements of the Forest
560 Practices Act and any additional reforestation conditions of the forest practices permit for
561 the site, if required under K.C.C. 21A.55.130.E, as recodified by this ordinance.

562 ~~((6.))~~ 10. A completed density calculation worksheet for estimating the number
563 of available development ~~((credits,))~~ rights; and

564 ~~((7.))~~ 11. The application fee consistent with K.C.C. 27.36.020.

565 SECTION 10. Ordinance 13274, Section 8, and K.C.C. 21A.55.170 are each
566 hereby amended to read as follows:

567 **Transfer of development ~~((credit (TDC) pilot))~~ rights (TDR) program –**
568 **~~((review))~~ transfer process.**

569 A. ~~((TDC))~~ TDR ~~((proposals))~~ development rights where both the proposed
570 sending and receiving sites would be within unincorporated King County shall be
571 ~~((reviewed))~~ transferred using the following process:

572 1. Following ~~((I))~~interagency ~~((R))~~review ~~((C))~~committee review and approval
573 of the sending site application as described in K.C.C. 21A.55.160, as recodified by this
574 ordinance, the ~~((I))~~interagency ~~((R))~~review ~~((C))~~committee shall issue a ~~((TDC))~~ TDR
575 certificate letter of intent, agreeing to issue a ~~((TDC))~~ TDR certificate in exchange for the
576 proposed sending site conservation easement. The sending site owner may then market
577 the ~~((TDC))~~ TDR sending site development ~~((credits))~~ rights to potential purchasers. If a
578 TDR sending site that has been reviewed and approved by the interagency review
579 committee changes ownership, the TDR certificate letter of intent may be transferred to
580 the new owner if requested in writing to the department of natural resources by the
581 person or persons that owned the property when the TDR certificate letter of intent was

582 issued, provided that the documents evidencing the transfer of ownership are also
583 provided to the department of natural resources;

584 2. In applying for receiving site approval, the applicant shall provide the
585 department of development and environmental services with one of the following:

586 a. a TDR certificate letter of intent issued in the name of the applicant,
587 b. a TDR certificate letter of intent issued in the name of another person or
588 persons and a copy of a signed option to purchase those TDR sending site development
589 rights,

590 c. a TDR certificate issued in the name of the applicant, or
591 d. a TDR certificate issued in the name of another person or persons and a
592 copy of a signed option to purchase ((FDC)) those TDR sending site development
593 ((credits)) rights;

594 3. Following building permit ((or preliminary plat)) approval, but before
595 building permit issuance by the department of development and environmental services
596 or following preliminary plat approval or preliminary short plat approval, but before final
597 plat or short plat recording of a receiving site development proposal which includes the
598 ((transferred)) use of TDR development ((credits)) rights, the receiving ((area)) site
599 applicant shall ((then purchase and)) deliver the ((FDC)) TDR certificate issued in the
600 applicant's name for the number of TDR development rights being used and the TDR
601 extinguishment document to the county((-);

602 ~~((3.))~~ 4. When the receiving site development proposal requires a public hearing
603 under this title or Title 19A or its successor, that public hearing shall also serve as the
604 hearing on the ((FDC)) TDR proposal. ((and t))The reviewing authority shall make a

605 consolidated decision on the proposed development and use of ~~((transferred))~~ TDR
606 development ~~((credits))~~ rights and consider any appeals of the TDR proposal under the
607 same appeal procedures set forth for the development proposal; and

608 ~~((4.))~~ 5. When the ~~((primary))~~ development proposal does not require a public
609 hearing under this title or Title 19A, the TD~~((C))~~R proposal shall be considered along
610 with the development proposal, and any appeals of the TDR proposal shall be considered
611 under the same appeal procedures set forth for the development proposal ~~((be evaluated~~
612 ~~by the same decision criteria as that for conditional use permits outlined in K.C.C.~~
613 ~~chapter 21A.44 and to the procedures set forth for director review in K.C.C. chapter~~
614 ~~21A.42 and K.C.C. chapter 20.20))~~.

615 6. Development rights from a sending site shall be considered transferred to a
616 receiving site when a final decision is made on the TDR receiving area development
617 proposal, the sending site is permanently protected by a completed and recorded land
618 dedication or conservation easement, notification has been provided to the King County
619 assessor's office and a TDR extinguishment document has been provided to the
620 department and the King County department of natural resources, or their successor
621 agencies.

622 B. ~~((TDC))~~ TDR ~~((proposals))~~ development rights where the proposed receiving
623 site would be within an incorporated King County municipal jurisdiction shall be
624 reviewed and transferred using that jurisdiction's development application review
625 process.

626 SECTION 11. Ordinance 13274, Section 9, and K.C.C. 21A.55.180 are each
627 hereby amended to read as follows:

628 **Transfer of development (~~credit (TDC) pilot~~) rights (TDR) program –**
629 **notice.** Public notice consistent with the provisions of K.C.C. 20.20.060 for Type Four
630 land use decisions shall be provided for parcels identified as TDR receiving sites (~~for a~~
631 ~~demonstration project~~)).

632 SECTION 12. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.55.200
633 are each hereby amended to read as follows:

634 (~~Transfer of development credit (TDC) pilot program – t~~)Transfer of
635 **development (~~credit (TDC)~~) rights (TDR) bank – purpose.** The purpose of the
636 (~~TDC~~) TDR bank is to assist in the implementation of the transfer of development
637 (~~credit pilot~~) rights (TDR) program by purchasing and selling development (~~credits~~)
638 rights. The (~~TDC~~) TDR bank may purchase development (~~credits~~) rights only from
639 sending sites located in the rural area or in an agricultural or forest production district as
640 designated in the King County Comprehensive Plan. Development (~~credits~~) rights
641 purchased from the (~~TDC~~) TDR bank may only be used for receiving sites in cities or in
642 the urban unincorporated area as designated in the King County Comprehensive Plan.

643 SECTION 13. Ordinance 13733, Section 10, and K.C.C. 21A.55.210 are each
644 hereby amended to read as follows:

645 **Transfer of development (~~credit (TDC) pilot program – TDC~~) rights (TDR)**
646 **bank expenditure and purchase authorization.**

647 A. The (~~TDC~~) TDR bank may purchase development (~~credits~~) rights from
648 qualified sending sites at prices not to exceed fair market value and to sell development
649 rights at prices not less than fair market value. The (~~TDC~~) TDR bank may accept
650 donations of development (~~credits~~) rights from qualified (~~TDC~~) TDR sending sites.

651 B. The ~~((FDC))~~ TDR bank may use funds to facilitate development ~~((credit))~~
652 rights transfers. These expenditures may include, but are not limited to, establishing and
653 maintaining internet web pages, marketing ~~((FDC))~~ TDR receiving sites, procuring title
654 reports and appraisals and reimbursing the costs incurred by the department of natural
655 resources, resource lands and open space section, or its successor, for administering the
656 ~~((FDC))~~ TDR bank fund and executing development ~~((credit))~~ rights purchases and sales.

657 C. The ~~((FDC))~~ TDR bank fund shall not be used to cover the cost of identifying
658 and qualifying sending and receiving sites, or the costs of providing staff support for the
659 ~~((FDC))~~ TDR interagency review committee or the office of regional policy and
660 planning.

661 SECTION 14. Ordinance 13733, Section 11, and K.C.C. 21A.55.220 are each
662 hereby amended to read as follows:

663 **Transfer of development ~~((credit (FDC) pilot))~~ rights (TDR) program –**
664 **administration of ~~((FDC))~~ TDR bank.**

665 A. The department of natural resources, resource lands and open space section, or
666 its successor, shall administer the ~~((FDC))~~ TDR bank fund and execute purchases and
667 sales of development ~~((credits))~~ rights in a timely manner consistent with policy set by
668 the ~~((FDC))~~ TDR executive board. These responsibilities include, but are not limited to:

- 669 1. Managing the ~~((FDC))~~ TDR bank fund;
- 670 2. Authorizing and monitoring expenditures;
- 671 3. Keeping records of the dates, amounts and locations of development ~~((credit))~~
672 rights purchases and sales;

673 4. Executing development (~~(credit)~~) rights purchases, sales and conservation
674 easements; and

675 5. Providing periodic summary reports of (~~(TDC)~~) TDR bank activity for
676 (~~(TDC)~~) TDR executive board consideration.

677 B. The department of natural resources, resource lands and open space section, or
678 its successor, in executing purchase and sale agreements for acquisition of development
679 (~~(credits)~~) rights shall ensure sufficient values are being obtained and that all transactions,
680 conservation easements or fee simple acquisitions are consistent with public land
681 acquisition guidelines.

682 SECTION 15. Ordinance 13733, Section 12, and K.C.C. 21A.55.230 are each
683 hereby amended to read as follows:

684 **Transfer of development (~~(credit (TDC) pilot)~~) rights (TDR) program – sale**
685 **of (~~(TDC-credits)~~) TDR rights by (~~(TDC)~~) TDR bank.**

686 A. The sale of development (~~(credits)~~) rights by the (~~(TDC)~~) TDR bank shall be
687 at a price that equals or exceeds the fair market value of the (~~(credits)~~) development
688 rights. The fair market value of the (~~(credits)~~) development rights shall be established by
689 the department of natural resources and shall be based on the amount the county paid for
690 the development (~~(credits)~~) rights and the prevailing market conditions.

691 B. When selling development (~~(credits)~~) rights, the (~~(TDC)~~) TDR bank may
692 select prospective purchasers based on the price offered for the (~~(credits)~~) development
693 rights, the number of (~~(credits)~~) development rights offered to be purchased, and the
694 potential for the sale to achieve the purposes of the (~~(TDC)~~) TDR program.

695 C. The ((TDC)) TDR bank may sell development ((credits)) rights only in whole
696 or half increments to incorporated receiving sites through an interlocal agreement. The
697 ((TDC)) TDR bank may sell development ((credits)) rights only in whole increments to
698 unincorporated King County receiving sites.

699 D. All offers to purchase development ((credits)) rights from the ((TDC)) TDR
700 bank shall be in writing, shall include a certification that the ((credits)) development
701 rights, if used, shall be used only inside an identified city or within the urban
702 unincorporated area, include a minimum ten-percent down payment with purchase
703 option, shall include the number of ((credits)) development rights to be purchased,
704 proposed purchase price and the required date or dates for completion of the sale, not
705 later than one hundred twenty calendar days after the date of receipt by King County of
706 the purchase offer.

707 E. Payment for purchase of development ((credits)) rights from the ((TDC)) TDR
708 bank shall be in full at the time the development ((credits)) rights are transferred unless
709 otherwise authorized by the department of natural resources.

710 SECTION 16. Ordinance 13733, Section 13, and K.C.C. 21A.55.240 are each
711 hereby amended to read as follows:

712 **Transfer of development ((credit (TDC) pilot)) rights (TDR) program –**
713 **requirements for transfers by the ((TDC)) TDR bank for use in incorporated**
714 **receiving areas.**

715 A. For ((credits)) development rights sold by the ((TDC)) TDR bank to be used
716 in incorporated receiving site areas, the county and the affected city or cities must first

717 have executed an interlocal agreement and the city or cities must have enacted
718 appropriate legislation to implement the program for the receiving area.

719 B. At a minimum, each interlocal agreement shall describe the legislation that the
720 receiving jurisdiction adopted or will adopt to allow the use of development ~~((credits))~~
721 rights, shall identify the receiving area, shall require the execution of a TDR
722 extinguishment document in conformance with K.C.C. 21A.55.170, as recodified by this
723 ordinance, and should address the conversion ratio to be used in the receiving site area. If
724 the city is to receive any amenity funds, the interlocal agreement shall set forth the
725 amount of funding and the amenities to be provided in accordance with ~~((Ordinance~~
726 ~~13733, section 8 I.))~~ K.C.C. 21A.55.250I, as recodified by this ordinance. Such an
727 interlocal agreement may also indicate that a priority should be given by the county to
728 acquiring development ~~((credits))~~ rights from sending sites in specified geographic areas.
729 If a city has a particular interest in the preservation of land in a rural or resource area or
730 in the specific conditions on which it will be preserved, then the interlocal agreement
731 may provide for periodic inspection or special terms in the conservation easement to be
732 recorded against the sending site as a pre acquisition condition to purchases of
733 development ~~((credits))~~ rights within specified areas by the ~~((TDC))~~ TDR bank.

734 C. A ~~((TDC))~~ TDR conversion ratio for development ~~((credits))~~ rights purchased
735 from a sending site and transferred to an incorporated receiving site area may express the
736 amount of additional development ~~((credit))~~ rights in terms of any combination of units,
737 floor area, height ~~((and))~~ or other applicable development standards that may be modified
738 by the city to provide incentives for the purchase of development ~~((credits))~~ rights.

739 SECTION 17. Ordinance 13733, Section 14, and K.C.C. 21A.55.250 are each
740 hereby amended to read as follows:

741 **Transfer of development ~~((credit (TDC) pilot))~~ rights (TDR) program –**
742 **restrictions on expenditure of ~~((TDC))~~ TDR bank funds on ~~((TDC))~~ TDR amenities**
743 **~~((–restrictions))~~.**

744 A. Expenditures by the county for amenities to facilitate development ~~((credit))~~
745 rights sales shall be authorized by the ~~((TDC))~~ TDR executive board during review of
746 proposed interlocal agreements, and should be roughly proportionate to the value and
747 number of development ~~((credits))~~ rights anticipated to be accepted in an incorporated
748 receiving site ~~((incorporated receiving site jurisdiction))~~ pursuant to the controlling
749 interlocal agreement, or in the unincorporated urban area, in accordance with K.C.C.
750 21A.55.150, as recodified by this ordinance.

751 B. The county shall not expend funds on ~~((TDC))~~ TDR amenities in a city before
752 execution of an interlocal agreement~~((, whichever first occurs))~~, except that:

753 1. The executive may authorize up to twelve thousand dollars be spent by the
754 county on ~~((TDC))~~ TDR amenities before a development ~~((credit))~~ rights transfer for use
755 at a receiving site or for the execution of an interlocal agreement if the ~~((TDC))~~ TDR
756 executive board recommends that the funds be spent based on a finding that the
757 expenditure will expedite a proposed transfer of development ~~((credits))~~ rights or
758 facilitate acceptance of a proposed transfer of development ~~((credits))~~ rights by the
759 community around a proposed or established receiving site area;

760 2. King County may distribute the funds directly to a city if a scope of work,
761 schedule and budget governing the use of the funds is mutually agreed to in writing by

762 King County and the affected city. Such an agreement need not be in the form of an
763 interlocal agreement; and

764 3. The funds may be used for project design renderings, engineering or other
765 professional services performed by persons or entities selected from the King County
766 approved architecture and engineering roster maintained by the department of finance or
767 an affected city's approved architecture and engineering roster, or selected by an affected
768 city through its procurements processes consistent with state law and city ordinances.

769 C. (~~TDC~~) TDR amenities may include the acquisition, design or construction of
770 public art, cultural and community facilities, parks, open space, trails, roads, parking,
771 landscaping, sidewalks, other streetscape improvements, transit-related improvements or
772 other improvements or programs that facilitate increased densities on or near receiving
773 sites.

774 D. When King County funds amenities in whole or in part, the funding shall not
775 commit the county to funding any additional amenities or improvements to existing or
776 uncompleted amenities.

777 E. King County funding of amenities shall not exceed appropriations adopted by
778 the council or funding authorized in interlocal agreements, whichever is less.

779 F. Public transportation amenities shall enhance the transportation system. These
780 amenities may include capital improvements such as passenger and layover facilities, if
781 the improvements are within a designated receiving area or within one thousand five
782 hundred feet of a receiving site. These amenities may also include programs such as the
783 provision of security at passenger and layover facilities and programs that reduce the use
784 of single occupant vehicles, including car sharing and bus pass programs.

785 G. Road fund amenities shall enhance the transportation system. These amenities
786 may include capital improvements, such as streets, traffic signals, sidewalks, street
787 landscaping, bicycle lanes and pedestrian overpasses, if the improvements are within a
788 designated receiving site area or within one thousand five hundred feet of a receiving site.
789 These amenities may also include programs that enhance the transportation system.

790 H. All amenity funding provided by King County to cities to facilitate the
791 transfer of development ((credits)) rights shall be consistent with federal, state and local
792 laws.

793 I. The timing and amounts of funds for amenities paid by King County to each
794 participating city shall be determined in an adopted interlocal agreement. The interlocal
795 agreement shall set forth the amount of funding to be provided by the county, an
796 anticipated scope of work, work schedule and budget governing the use of the amenity
797 funds. Except for the amount of funding to be provided by the county, these terms may
798 be modified by written agreement between King County and the city. Such an agreement
799 need not be in the form of an interlocal agreement. Such an agreement must be
800 authorized by the ((TDC)) TDR executive board. If amenity funds are paid to a city to
801 operate a program, the interlocal agreement shall set the period during which the program
802 is to be funded by King County.

803 J. A city that receives amenity funds from the county is responsible for using the
804 funds for the purposes and according to the terms of the governing interlocal agreement.

805 K. To facilitate timely implementation of capital improvements or programs at
806 the lowest possible cost, King County may make amenity payments as authorized in an
807 interlocal agreement to a city before completion of the required improvements or

808 implementation programs, as applicable. If all or part of the required improvements or
809 implementation programs in an interlocal agreement to be paid for from King County
810 funds are not completed by a city within five years from the date of the transfer of
811 amenity funds, then, unless the funds have been used for substitute amenities by
812 agreement of the city and King County, those funds, plus interest, shall be returned to
813 King County and deposited into the originating amenity fund for reallocation to other
814 ~~((FDC))~~ TDR projects.

815 L. King County is not responsible for maintenance, operating and replacement
816 costs associated with amenity capital improvements inside cities, unless expressly agreed
817 to in an interlocal agreement.

818 SECTION 18. Ordinance 13733, Section 15, and K.C.C. 21A.55.260 are each
819 hereby amended to read as follows:

820 **Transfer of development ~~((credit (FDC) pilot))~~ rights (TDR) program –**
821 **~~((FDC))~~ establishment and duties of the TDR executive board~~((— establishment—~~
822 **~~membership—duties))~~.****

823 A. The ~~((FDC))~~ TDR executive board is hereby established. The ~~((FDC))~~ TDR
824 executive board shall be composed of the director of the budget office, the director of the
825 department of natural resources, the director of the department of transportation~~((, the~~
826 ~~director of the department of parks and recreation))~~, the director of finance and the
827 director of the office of regional policy and planning, or their designees. A representative
828 from the King County council staff, designated by the council chair, may participate as an
829 ex officio, nonvoting member of the ~~((FDC))~~ TDR executive board. The ~~((FDC))~~ TDR

830 executive board shall be chaired by the director of the office of regional policy and
831 planning or that director's designee.

832 B. The issues that may be addressed by the executive board include, but are not
833 limited to, using site evaluation criteria established by administrative rules, ranking and
834 selecting sending sites to be purchased by the ~~((TDC))~~ TDR bank, recommending
835 interlocal agreements and the provision of ~~((TDC))~~ TDR amenities, if any, to be
836 forwarded to the executive, identifying future funding for amenities in the annual budget
837 process, enter into other written agreements necessary to facilitate density transfers by the
838 ~~((TDC))~~ TDR bank and otherwise oversee the operation of the ~~((TDC))~~ TDR bank to
839 measure the effectiveness in achieving the policy goals of the ~~((TDC-pilot))~~ TDR
840 program ~~((established in Ordinance 13274))~~.

841 C. The office of regional policy and planning shall provide lead staff support to
842 the ~~((TDC))~~ TDR executive board. Staff duties include, but are not limited to:

843 1. Making recommendations to the ~~((TDC))~~ TDR executive board on ~~((TDC))~~
844 TDR program and ~~((TDC))~~ TDR bank issues on which the ~~((TDC))~~ TDR executive board
845 must take action;

846 2. Facilitating development ~~((credit))~~ rights transfers through marketing and
847 outreach to the public, community organizations, developers and cities;

848 3. Identifying potential receiving sites;

849 4. Developing proposed interlocal agreements with cities;

850 5. Assisting in the implementation of ~~((TDC))~~ TDR executive board policy in
851 cooperation with other departments;

- 852 6. Ranking certified sending sites for consideration by the ((TDC)) TDR
853 executive board;
- 854 7. Negotiating with cities to establish city receiving areas with the provision of
855 amenities;
- 856 8. Preparing agendas for ((TDC)) TDR executive board meetings;
- 857 9. Recording ((TDC)) TDR executive board meeting summaries;
- 858 10. Preparing administrative rules in accordance with K.C.C. chapter 2.98 to
859 implement this chapter; and
- 860 11. Preparing annual reports on the progress of the ((TDC)) TDR program to the
861 council with assistance from other departments.

862 SECTION 19. Ordinance 13733, Section 16, and K.C.C. 21A.55.270 are each
863 hereby amended to read as follows:

864 **Transfer of development ((credit (TDC) pilot)) rights (TDR) program –**
865 **exemption from surplus provisions.** The transfer of development ((credits)) rights from
866 the ((TDC)) TDR bank may be completed consistent with King County's needs and in
867 accordance with the criteria of this chapter. The transfers are exempt from the real and
868 personal property provisions of K.C.C. chapter 4.56.

869 NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter
870 21A.06 a new section to read as follows:

871 **TDR extinguishment document.** TDR extinguishment document: a document
872 prepared by King County and signed and recorded by the owner of transfer of
873 development rights (TDR) that documents the transfer of development rights from one
874 property to another and permanently prohibits any future use of these rights.

875 SECTION 21. Ordinance 12076, Section 9, as amended, and K.C.C. 4.08.015 are
876 each hereby amended to read as follows:

877 **First tier funds and designated fund managers.** A. First tier funds and fund
878 managers are as follows:

Fund No.	Fund Title	Fund Manager
103	County Road	Dept. of Transportation
104	Solid Waste Landfill Post Closure Maintenance	Dept. of Natural Resources
109	Recorder's O & M	Dept. of Information & Administrative Services
111	Enhanced-911 Emergency Tel System	Dept. of Information & Administrative Services
112	Mental Health	Dept. of Community & Human Services
115	Road Improvement Guaranty	Dept. of Transportation
119	Emergency Medical Services	Dept. of Public Health
121	Surface Water Management	Dept. of Natural Resources
122	Automated Fingerprint Identification System	Dept. of Public Safety
125	Bridge Replacement	Dept. of Transportation
128	Local Hazardous Waste	Dept. of Public Health
129	Youth Sports Facilities Grant	Dept. of Parks & Cultural Resources
131	Noxious weed control fund	Dept. of Natural Resources
134	Development and Environmental	Dept. of Development & Environmental

	Services	Svcs
164	Two-Tenths Sales Tax Revenue Receiving	Dept. of Transportation
165	Public Transit Self Insurance	Dept. of Transportation
305	Police Field Fac Const 1987	Dept. of Public Safety
309	Neighborhood Parks & Open Space	Dept. of Construction & Facility Management
312	HMC Long Range CIP	Dept. of Construction & Facility Management
313	Health Department Clinic Projects Const	Dept. of Construction & Facility Management
315	Conservation Futures Levy	Dept. of Natural Resources
316	Parks, Rec. & Open Space	Dept. of Construction & Facility Management
318	Surface & Storm Water Mgmt Const	Dept. of Natural Resources
319	Youth Svcs Detention Facility Const	Dept. of Construction & Facility Management
320	One Percent for Art	Dept. of Parks & Cultural Resources
322	Housing Opportunity Acquisition	Dept. of Community & Human Services
326	1990 Series B Youth Detention Facility	Dept. of Construction & Facility Management
327	Equipment and Building Acquisition	Dept. of Finance
329	SWM CIP Construction 1992-1997	Dept. of Natural Resources

330	River and Flood Control Const 1961	Dept. of Natural Resources
331	Long-term leases	Dept. of Construction & Facility Management
333	Health Centers Construction	Dept. of Construction & Facility Management
334	Capital Acqn and County Fac Renovation	Budget Organization in Executive Office
335	Youth Services Facilities Construction	Dept. of Construction & Facility Management
336	Arterial Highway Development	Dept. of Transportation
338	Airport Construction	Dept. of Construction & Facility Management
339	Working Forest 1995 B	Dept. of Natural Resources
340	Parks CIP	Dept. of Natural Resources
340-3	Urban Reforestation & Habitat Restoration	Dept. of Natural Resources
341	Arts and Historic Preservation Capital	Dept. of Parks & Cultural Resources
342	Major Maintenance Reserve	Dept. of Construction & Facility Management
343	Core GIS Capital Project	Dept of Information & Administrative Services
346	Regional Justice Center Construction	Dept. of Construction & Facility Management

347	Emergency Communications System	Dept. of Information & Administrative Services
349	Parks Facilities Rehabilitation	Dept. of Construction & Facility Management
350	Open Space Acquisition	Dept. of Natural Resources
368-0	Real Estate Excise Tax Capital Summary Fund	Dept. of Finance
381	Solid Waste Cap Equip Recovery	Dept. of Natural Resources
383	Solid Waste Environmental Reserve	Dept. of Natural Resources
384	Farmland and Open Space Acquisition	Dept. of Natural Resources
385	Renton Maintenance Fac Const	Dept. of Transportation
386	County Road Construction	Dept. of Transportation
387	HMC Construction	Dept. of Construction & Facility Management
388	Jail Renovation & Construction	Dept. of Construction & Facility Management
390	Solid Waste Construction	Dept. of Natural Resources
391	Solid Waste Landfill Reserve	Dept. of Natural Resources
394	Kingdome CIP	Stadium
395	Building Repair & Replace	Dept. of Construction & Facility Management
396	HMC Building Repair and Replacement	Dept. of Construction & Facility Management

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404	Solid Waste Operating	Dept. of Natural Resources
429	Airport Operating	Dept. of Construction & Facility Management
448	Stadium Management	Stadium
461	Water Quality	Dept. of Natural Resources
464	Public Transportation	Dept. of Transportation
542	Safety & Workers' Compensation	Office of Human Resources Management
543	Transit nonrevenue vehicle rental and revolving fund	Dept. of Transportation
544	Wastewater equipment rental and revolving fund	Dept. of Transportation
550	Employee Benefits Program	Office of Human Resources Management
551	Facilities Management	Dept. of Construction & Facility Management
552	Insurance	Dept. of Information & Administrative Services
557	Public Works Equipment Rental	Dept. of Transportation
558	Motor Pool Equipment Rental	Dept. of Transportation
559	Purchasing Stores	Dept. of Finance
560	Printing/Graphic Arts Services	Dept. of Information & Administrative Services
622	Judicial Administration Trust and Agency	Judicial Administration

624	School District Impact Fee	Budget Organization in Executive Office
674	Refunded Ltd GO Bond Rdmp.	Dept. of Finance
675	Refunded Unltd GO Bond	Dept. of Finance
676	H&CD Escrow	Dept. of Finance
693	Deferred Compensation	Office of Human Resources Management
696	Mitigation Payment System	Dept. of Transportation
843	DMS Limited GO Bonds	Dept. of Finance
890	ULID Assessment - 1981	Dept. of Transportation
3643	Transit cross-border lease financing fund	Dept. of Finance
—	Transfer of development ((credit (TDC))) rights (TDR) bank fund	Dept. of Natural Resources
—	Clark Contract administration fund	Budget Office
—	Office of information resource management operating fund	Dept. of Information & Administrative Services
—	Information and telecommunications capital improvement fund	Dept. of Information & Administrative Services

879 B. The following shall also be first tier funds:

880 1. All funds now or hereafter established by ordinance for capital construction
 881 through specific road improvement districts, utility local improvement districts or local
 882 improvement districts. The director of the department of transportation shall be the fund

883 manager for transportation-related funds. The director of the department of natural
884 resources shall be the fund manager for utility-related funds.

885 2. All county funds that receive original proceeds of borrowings made pursuant
886 to Chapter 216, Washington Laws of 1982, as now existing or hereafter amended, to the
887 extent of the amounts then outstanding for such borrowings for that fund. For purposes
888 of this subsection, the director of the county department or office primarily responsible
889 for expenditures from that fund shall be the fund manager.

890 3. Any other fund as the council may hereinafter prescribe by ordinance to be
891 invested for its own benefit. County funds shall be treated as provided in K.C.C.
892 4.10.110 unless a designation is made by the council.

893 SECTION 22. Ordinance 13733, Section 9, and K.C.C. 4.08.327 are each hereby
894 amended to read as follows:

895 **Transfer of development ((credit (TDC) pilot)) rights (TDR) program –**
896 **((TDC)) TDR bank fund authorization.** The ((TDC)) TDR bank fund is hereby
897 established and shall be classified as a first tier fund with all investment proceeds credited
898 to the fund. The fund shall be managed by the resource lands section in the department
899 of natural resources or its successor. Appropriation authority of one million five hundred
900 thousand dollars established in fund 3522, project 352320 in Ordinance 13340 shall be
901 transferred by the executive to the ((TDC)) TDR bank fund, in a new project.

902 SECTION 23. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020
903 are each hereby amended to read as follows:

904 **Classifications of land use decision processes.** A. Land use permit decisions are
905 classified into four types, based on the amount of discretion associated with each decision.

906 Procedures for the four different types are distinguished according to who makes the
907 decision, whether public notice is required, whether a public hearing is required before a
908 decision is made and whether administrative appeals are provided. The types of land use
909 decisions are listed in Exhibit A of this section. -

910 1. Type 1 decisions are made by the director, or his or her designee, ("director")
911 of the department of development and environmental services ("department"). Type 1
912 decisions are nonappealable administrative decisions that require the exercise of little or no
913 administrative discretion, except for Type 1 decisions for which the department has issued
914 SEPA threshold determination. Type 1 decisions for which the department has issued a
915 SEPA threshold determination are appealable at the time of issuance of the SEPA threshold
916 determination to the hearing examiner as a Type 2 decision, but the appeal is limited to the
917 SEPA threshold determination and issues relating to zoning code (K.C.C. Title 21A)
918 compliance excluding compliance with permitted use provisions. However, the decision
919 on the Type 1 permit, exclusive of SEPA threshold determinations issued by the
920 department and issues relating to zoning code (K.C.C. Title 21A) compliance excluding
921 compliance with permitted use provisions, is not appealable to the hearing examiner; rather,
922 it is appealable to superior court. For the purposes of appealing a Type 1 decision to
923 superior court, the Type 1 decision shall not be considered final until any permitted appeal
924 to the hearing examiner is decided. Public notice is not required for Type 1 decisions,
925 except for Type 1 decisions for which the department has issued a SEPA threshold
926 determination, which are treated like Type 2 decisions for the purposes of public notice.

927 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary
928 decisions that are subject to administrative appeal.

929 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner
 930 following an open record hearing. Type 3 decisions may be appealed to the county council,
 931 based on the record established by the hearing examiner.

932 4. Type 4 decisions are quasi-judicial decisions made by the council based on the
 933 record established by the hearing examiner.

934 B. Except as provided in K.C.C. 20.44.120A.6 and 25.32.080 or unless otherwise
 935 agreed to by the applicant, all Type 2,3 and 4 decisions included in consolidated permit
 936 applications that would require more than one type of land use decision process may be
 937 processed and decided together, including any administrative appeals, using the highest-
 938 numbered land use decision type applicable to the project application.

939 C. Certain development proposals are subject to additional procedural requirements
 940 beyond the standard procedures established in this chapter.

941 D. Land use permits that are categorically exempt from review under SEPA do not
 942 require a threshold determination (determination of nonsignificance ("DNS") or
 943 determination of significance ("DS")). For all other projects, the SEPA review procedures
 944 in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

945 Exhibit A

946 **LAND USE DECISION TYPES**

TYPE 1	(Decision by director, no administrative appeal)	Building; clearing and grading; boundary line adjustment; right of way; road variance except those rendered in conjunction with a short plat decision**; variance from K.C.C. chapter 9.04; shoreline exemption; approval of a conversion harvest plan; a binding site plan for a
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		condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites or a site development permit for the entire site.
TYPE 2	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; road variance decisions rendered in conjunction with a short plat decision; zoning variance; conditional use permit; temporary use; shoreline substantial development permit; Type 1 decision for which the department has issued a SEPA threshold determination****; procedural and substantive SEPA decision; site development permit; ((approval of residential density incentives or transfer of development credits;)) reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070B; preliminary determinations under K.C.C. 20.20.030B; sensitive areas exceptions and decisions to require studies or to approve, condition or deny a development proposal based K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances.
TYPE 3	(Recommendation by director, hearing and decision by hearing examiner,	Preliminary plat, plat alterations; preliminary plat revisions.

	appealable to county council on the record)	
TYPE 4***	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.

947 * When applications for shoreline permits are combined with other permits
 948 requiring Type 3 or 4 land use decisions under K.C.C. 25.32.080, the examiner, not
 949 the director, makes the decision. All shoreline permits, including shoreline
 950 variances and conditional uses, are appealable to the state Shorelines Hearings
 951 Board and not to the hearing examiner.

952 ** The road variance process is administered by the county road engineer of the King
 953 County department of transportation under the King County road standards.

954 *** Approvals that are consistent with the Comprehensive Plan may be considered by
 955 the council at any time. Zone reclassifications that are not consistent with the
 956 Comprehensive Plan require a site-specific land use map amendment and the
 957 council's hearing and consideration shall be scheduled with the amendment to the
 958 Comprehensive Plan under K.C.C. 20.18.040 and 20.18.060.

959 **** Only the SEPA threshold determination and issues relating to zoning code
960 compliance, excluding compliance with permitted use provisions, may be appealed,
961 upon issuance of the threshold determination; other issues, including those relating
962 to building code compliance, are not appealable.

963 SECTION 24. Ordinance 4461, Section 2, as amended, and K.C.C. 20.24.080 are
964 each hereby amended to read as follows:

965 **Final decisions by the examiner.** A. The examiner shall receive and examine
966 available information, conduct open record public hearings and prepare records and
967 reports thereof, and issue final decisions, including findings and conclusions, based on
968 the issues and evidence in the record, which shall be appealable to superior court as
969 provided by K.C.C. 20.24.240, or to other designated authority in the following cases:

- 970 1. Appeals from the decisions of the administrator for short subdivisions,
971 including those variance decisions of the road engineer made pursuant to K.C.C.
972 14.42.060 with regard to road circulation in the subject short divisions;
- 973 2. Appeals of all Type 2 land use decisions with the exception of appeals of
974 shoreline permits including shoreline variances and conditional uses which are appealable
975 to the state shoreline hearings board;
- 976 3. Appeals from citations, notices and orders and stop work orders issued
977 pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the King County
978 board of health;(;))
- 979 4. Appeals from decisions regarding the abatement of a nonconformance;

980 5. Appeals from decisions of the director of the department of natural resources
981 on requests for rate adjustments to surface and storm water management rates and
982 charges;

983 6. Appeals from department of public safety seizures and intended forfeitures,
984 when properly designated by the chief law enforcement officer of that department as
985 provided in RCW 69.50.505;

986 7. Appeals from notices and certifications of junk vehicles to be removed as a
987 public nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

988 8. Appeals from the department's final decisions regarding transportation
989 concurrency, mitigation payment system and intersection standards provisions of K.C.C.
990 Title 14;

991 9. Appeals from decisions of the ~~((F))~~interagency ~~((R))~~review ~~((C))~~committee
992 created under K.C.C. 21A.55.160, as recodified by this ordinance, regarding sending site
993 applications for certification pursuant to K.C.C. chapter ~~((21A.55, Transfer of Residential~~
994 Development Credits)) 21A.--- (K.C.C. 21A.55.100, 21A.55.130, 21A.55.140,
995 21A.55.150, 21A.55.160, 21A.55.170, 21A.55.180, 21A.55.200, 21A.55.210,
996 21A.55.220, 21A.55.230, 21A.55.240, 21A.55.250, 21A.55.260 and 21A.55.270, each as
997 amended by this ordinance).

998 10. Other applications or appeals which the council may prescribe by ordinance.

999 B. The examiner's decision may be to grant or deny the application or appeal, or
1000 the examiner may grant the application or appeal with such conditions, modifications and
1001 restrictions as the examiner finds necessary to make the application or appeal compatible
1002 with the environment and carry out applicable state laws and regulations, including

1003 chapter 43.21C RCW, and the regulations, policies, objectives and goals of the
1004 comprehensive plan, the community plans, subarea or neighborhood plans, the zoning
1005 code, the subdivision code and other official laws, policies and objectives of King
1006 County. In case of any conflict between the King County Comprehensive Plan and a
1007 community, subarea or neighborhood plan, the King County Comprehensive Plan shall
1008 govern.

1009 SECTION 25. Ordinance 10870, Section 95, and K.C.C. 21A.06.275 are each
1010 hereby amended to read as follows:

1011 ~~((Density credit))~~ Development rights, transfer ((("TDC"))) of ("TDR").
1012 ~~((Density credit))~~ Development rights, transfer ((("TDC"))) of ("TDR"): the ability to
1013 transfer potentially buildable dwelling units from an eligible sending site to an eligible
1014 receiving site as provided in this code.

1015 SECTION 26. Ordinance 13733, Section 1, and K.C.C. 21A.06.943 are each
1016 hereby amended to read as follows:

1017 **Public transportation amenities.** Public transportation amenities: ~~((F))~~transfer of
1018 ~~((D))~~development ~~((Credits (TDC)))~~ rights (TDR) amenities financed by public
1019 transportation funds that shall provide transportation improvement or programs.

1020 SECTION 27. Ordinance 13733, Section 2, and K.C.C. 21A.06.1011A are each
1021 hereby amended to read as follows:

1022 **Road amenities.** Road amenities: ~~((F))~~transfer of development ~~((credits (TDC)))~~
1023 rights (TDR) amenities financed by road CIP or operating funds that shall provide
1024 transportation improvements or programs.

1025 SECTION 28. Ordinance 13733, Section 3, and K.C.C. 21A.06.1273 are each
1026 hereby amended to read as follows:

1027 ~~((TDC))~~ **TDR.** ~~((TDC))~~ TDR; transfer of development ~~((credit))~~ rights.

1028 SECTION 29. Ordinance 13733, Section 4, and K.C.C. 21A.06.1273A are each
1029 hereby amended to read as follows:

1030 ~~((TDC))~~ **TDR amenities.** ~~((TDC))~~ TDR amenities: improvements or programs
1031 that are implemented to facilitate increased densities on or near receiving sites inside cities
1032 or in the urban unincorporated area.

1033 SECTION 30. Ordinance 13733, Section 5, and K.C.C. 21A.06.1273B are each
1034 hereby amended to read as follows:

1035 ~~((TDC))~~ **TDR bank fund.** ~~((TDC))~~ TDR bank fund: the fund established under
1036 K.C.C. 4.08.327.

1037 SECTION 31. Ordinance 13733, Section 6, and K.C.C. 21A.06.1273C are each
1038 hereby amended to read as follows:

1039 ~~((TDC))~~ **TDR conversion ratio.** ~~((TDC))~~ TDR conversion ratio: the ratio by
1040 which development ~~((credits))~~ rights purchased from a sending site are converted into
1041 additional development capacity for use on a receiving site.

1042 SECTION 32. Ordinance 13733, Section 7, and K.C.C. 21A.06.1273D are each
1043 hereby amended to read as follows:

1044 ~~((TDC))~~ **TDR executive board.** ~~((TDC))~~ TDR executive board: the board
1045 established under ~~((K.C.C. 21A.55.230))~~ chapter 21A.--- (created under section 2 of this
1046 ordinance).

1047 SECTION 33. Ordinance 10870, Section 340, as amended, and K.C.C.

1048 21A.12.030 are each hereby amended to read as follows:

1049 A. Densities and dimensions – residential zones.

1050

RESIDENTIAL														
STANDARDS	Z O N E S	RURAL				URBAN RE- SERVE	URBAN RESIDENTIAL							
		RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre (15)		0.2 du/ac	0.2 du/ac	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: Dwelling Unit/Acre (1)		0.4 du/ac (20)	0.4 du/ac (20)					6 du/ac (22)	9 du/ac	12 du/ac	18 du/ac	27 du/ac	36 du/ac	72 du/ac
Minimum Density: (2)								85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)		1.875 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)		135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Street Setback (3)		30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)
Minimum Interior		5 ft	10ft	10 ft	10 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft

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Setback (3) (16)	(9)	(9)	(9)	(9)	(7)	(7)				(10)	(10)	(10)	(10)
Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft	35 ft	35 ft	35 ft	60 ft	60 ft	60 ft	60 ft
								45 ft (14)	45 ft (14)		80 ft (14)	80 ft (14)	80 ft (14)
Maximum Impervious Surface: Percentage (5)	25% (11) (19)	20% (11) (19)	15% (11) (19)	12.5% (11) (19)	30% (11)	30% (11)	55%	70%	75%	85%	85%	85%	90%

1051

B. Development conditions.

1052

1. This maximum density may be achieved only through the application of

1053

residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of

1054

~~((density credits))~~ development rights in accordance with K.C.C. chapter ~~((21A.36 or~~

1055

~~21A.55))~~ 21A.--- (created under section 2 of this ordinance), or any combination of

1056

density incentive or density transfer. Maximum density may only be exceeded in

1057

accordance with K.C.C. 21A.34.040F.1.g.

1058

2. Also see K.C.C. 21A.12.060.

1059

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

1060

townhouse developments.

1061

4. Height limits may be increased if portions of the structure that exceed the

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base height limit provide one additional foot of street and interior setback for each foot

1063

above the base height limit, but the maximum height may not exceed seventy-five feet.

1064

Netting or fencing and support structures for the netting or fencing used to contain golf

1065

balls in the operation of golf courses or golf driving ranges are exempt from the

1066

additional interior setback requirements but the maximum height shall not exceed

1067

seventy-five feet.

1068

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

- 1069 a. regional uses shall be established at the time of permit review;
- 1070 b. nonresidential uses in residential zones shall comply with K.C.C.
- 1071 21A.12.120 and 21A.12.220;
- 1072 c. individual lots in the R-4 through R-6 zones that are less than nine thousand
- 1073 seventy-six square feet in area shall be subject to the applicable provisions of the nearest
- 1074 comparable R-6 or R-8 zone; and
- 1075 d. a lot may be increased beyond the total amount permitted in this chapter
- 1076 subject to approval of a conditional use permit.
- 1077 6. Mobile home parks shall be allowed a base density of six dwelling units per
- 1078 acre.
- 1079 7. The standards of the R-4 zone shall apply if a lot is less than fifteen thousand
- 1080 square feet in area.
- 1081 8. At least twenty linear feet of driveway shall be provided between any garage,
- 1082 carport or other fenced parking area and the street property line. The linear distance shall
- 1083 be measured along the center line of the driveway from the access point to such garage,
- 1084 carport or fenced area to the street property line.
- 1085 9.a. Residences shall have a setback of at least one hundred feet from any
- 1086 property line adjoining A, M or F zones or existing extractive operations. However,
- 1087 residences on lots less than one hundred fifty feet in width adjoining A, M or F zone or
- 1088 existing extractive operations shall have a setback from the rear property line equal to
- 1089 fifty percent of the lot width and a setback from the side property equal to twenty-five
- 1090 percent of the lot width.

1091 b. Except for residences along a property line adjoining A, M or F zones or
1092 existing extractive operations, lots between one acre and two and one-half acres in size
1093 shall conform to the requirements of the R-1 zone and lots under one acre shall conform
1094 to the requirements of the R-4 zone.

1095 10.a. For developments consisting of three or more single-detached dwellings
1096 located on a single parcel, the setback shall be ten feet along any property line abutting
1097 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in
1098 K.C.C. 21A.14.190, which shall have a setback of five feet.

1099 b. ~~((£))~~For townhouse and apartment development, the setback shall be twenty
1100 feet along any property line abutting R-1 through R-8, RA and UR zones, except for
1101 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback
1102 of five feet, unless the townhouse or apartment development is adjacent to property upon
1103 which an existing townhouse or apartment development is located.

1104 11. Lots smaller than one-half acre in area shall comply with standards of the
1105 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or
1106 larger, the maximum impervious surface area allowed shall be at least ten thousand
1107 square feet. On any lot over one acre in area, an additional five percent of the lot area
1108 may be used for buildings related to agricultural or forestry practices. For lots smaller
1109 than two acres but larger than one-half acre, an additional ten percent of the lot area may
1110 be used for structures that are determined to be medically necessary, if the applicant
1111 submits with the permit application a notarized affidavit, conforming with K.C.C.
1112 21A.32.170A.2.

1113 12. For purposes of calculating minimum density, the applicant may request that
1114 the minimum density factor be modified based upon the weighted average slope of the
1115 net buildable area of the site in accordance with K.C.C. 21A.12.087.

1116 13. These lot size minimums are for purposes of lot averaging, and do not apply
1117 to lot clustering proposals.

1118 14. The base height to be used only for projects as follows:

1119 a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a
1120 fifteen percent finished grade; and

1121 b. in R-18, R-24 and R-48 zones using residential density incentives and
1122 transfer of density credits in accordance with this title.

1123 15. Density applies only to dwelling units and not to sleeping units.

1124 16. Vehicle access points from garages, carports or fenced parking areas shall
1125 be set back from the property line on which a joint use driveway is located to provide a
1126 straight line length of at least twenty-six feet as measured from the center line of the
1127 garage, carport or fenced parking area, from the access point to the opposite side of the
1128 joint use driveway.

1129 17.a. ~~((A))~~all subdivisions and short subdivisions in the R-1 zone shall be
1130 required to be clustered if the property is located within or contains:

1131 (1) a floodplain,

1132 (2) a critical aquifer recharge area,

1133 (3) a Regionally or Locally Significant Resource Area,

1134 (4) existing or planned public parks or trails, or connections to such facilities,

1135 (5) a Class I or II stream or wetland, or

1136 (6) a steep slope, or

1137 (7) a "greenbelt/urban separator" or "wildlife corridor" area designated by the
1138 Comprehensive Plan or a community plan.

1139 b. The development shall be clustered away from sensitive areas or the axis of
1140 designated corridors such as urban separators or the wildlife habitat network to the extent
1141 possible and the open space shall be placed in a separate tract that includes at least fifty
1142 percent of the site. Open space tracts shall be permanent and shall be dedicated to a
1143 homeowner's association or other suitable organization, as determined by the director,
1144 and meet the requirements in K.C.C. 21A.14.040. On-site sensitive area and buffers,
1145 wildlife habitat networks, required habitat and buffers for protected species and
1146 designated urban separators shall be placed within the open space tract to the extent
1147 possible. Passive recreation (with no development of recreational facilities) and natural-
1148 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

1149 18. See K.C.C. 21A.12.085.

1150 19. All subdivisions and short subdivisions in R-1 and RA zones within the
1151 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North
1152 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and
1153 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East
1154 Sammamish Community Planning Area that drains to Patterson Creek shall have a
1155 maximum impervious surface area of eight percent of the gross acreage of the plat.
1156 Distribution of the allowable impervious area among the platted lots shall be recorded on
1157 the face of the plat. Impervious surface of roads need not be counted towards the

1158 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
 1159 more restrictive shall be required.

1160 20. This density may only be achieved on RA 2.5 and RA 5 zoned parcels
 1161 receiving density from rural forest focus areas through the transfer of density credit pilot
 1162 program outlined in K.C.C. chapter 21A.55.

1163 21. Base density may be exceeded, if the property is located in a designated
 1164 rural city urban growth area and each proposed lot contains an occupied legal residence
 1165 that predates 1959.

1166 22. The maximum density is four dwelling units per acre for properties zoned
 1167 R-4 when located in the Rural Town of Fall City.

1168 23. The minimum density requirement does not apply to properties located
 1169 within the Rural Town of Fall City.

1170 SECTION 34. Ordinance 10870, Section 341, as amended, and K.C.C.

1171 21A.12.040 are each hereby amended to read as follows:

1172 **A. Densities and dimensions - Resource and commercial/industrial zones.**

1173

Z O N E S	RESOURCE			COMMERCIAL/INDUSTRIAL				
	AGRICULTURE	F O R	M I N	NEIGH- BOR HOOD	COMMUNITY BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIA L

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			E S T	E R A L	BUSINESS				
STANDARDS	A-10	A-35	F	M	NB	CB	RB	O	I
Base Density:	0.1	.0286	.0125		8 du/ac	18 du/ac	36 du/ac	36 du/ac	
Dwelling Unit/Acre	du/ac	du/ac	du/ac		(2)	(2)	(2)	(2)	
Maximum Density:					12 du/ac	24 du/ac	48 du/ac	48 du/ac	
Dwelling Unit/Acre					(3)	(3)	(3)	(3)	
Minimum Lot Area	10 acres	35 acres	80 acres	10 acres					
Maximum Lot Depth/ Width Ratio	4 to 1	4 to 1							
Minimum Street Setback	30 ft (4)	30 ft (4)	50 ft (4)	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft
Minimum Interior Setback	10 ft (4)	10 ft (4)	100 ft (4)	(12)	20 ft (7) (14)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7) 50 ft (8)
Base Height (10)	35 ft	35 ft	35 ft	35 ft	35 ft 45 ft (6)	35 ft 60 ft (6)	35 ft 65 ft (6)	45 ft 60 ft (6)	45 ft
Maximum Floor/Lot Ratio: Square Feet					1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Maximum	15%	10%	10%		85%	85%	90%	75%	90%

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Impervious	35%	35%	35%						
Surface:	(11)	(11)	(11)						
Percentage									
(13)									

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B. Development conditions.

1. Reserved.

2. These densities are allowed only through the application of mixed-use development standards and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.

3. These densities may only be achieved through the application of residential density incentives or transfer of ~~((density credits))~~ development rights in mixed-use developments and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area. See K.C.C. chapters 21A.34 and ~~((21A.36))~~ 21A.--- (created under section 2 of this ordinance).

4.a. ~~((F))~~ in the F zone, scaling stations may be located thirty-five feet from property lines. Residences shall have a setback of at least thirty feet from all property lines.

b. ~~((F))~~ for lots between one acre and two and one half acres in size, the setback requirements of the R-1 zone shall apply. For lots under one acre, the setback requirements of the R-4 zone shall apply.

c. ~~((F))~~ for developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be ten feet along any property line abutting R-1 through R-8, RA and UR zones.

1193 5. Gas station pump islands shall be placed no closer than twenty-five feet to
1194 street front lines.

1195 6. This base height allowed only for mixed-use developments and for stand-
1196 alone townhouse development in the NB zone on property designated commercial outside
1197 of center in the urban area.

1198 7. Required on property lines adjoining residential zones.

1199 8. Required on property lines adjoining residential zones for industrial uses
1200 established by conditional use permits.

1201 9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C.
1202 chapter 21A.14.

1203 10. Height limits may be increased if portions of the structure building that
1204 exceed the base height limit provide one additional foot of street and interior setback for
1205 each foot above the base height limit, provided the maximum height may exceed seventy-
1206 five feet only in mixed use developments. Netting or fencing and support structures for
1207 the netting or fencing used to contain golf balls in the operation of golf courses or golf
1208 driving ranges are exempt from the additional interior setback requirement provided that
1209 the maximum height shall not exceed seventy-five feet.

1210 11. Applicable only to lots containing less than one acre of lot area.
1211 Development on lots containing less than fifteen thousand square feet of lot area shall be
1212 governed by impervious surface standards of the nearest comparable R-4 through R-8
1213 zone.

1214 12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.

1215 13. The impervious surface area for any lot may be increased beyond the total
1216 amount permitted in this chapter subject to approval of a conditional use permit.

1217 14. Required on property lines adjoining residential zones unless a stand-alone
1218 townhouse development on property designated commercial outside of center in the
1219 urban area is proposed to be located adjacent to property upon which an existing
1220 townhouse development is located.

1221 SECTION 35. Ordinance 10870, Section 344, as amended, and K.C.C.
1222 21A.12.070 are each hereby amended to read as follows:

1223 **Calculations – allowable dwelling units, lots or floor area.** Permitted number
1224 of units, or lots or floor area shall be determined as follows:

1225 A. The allowed number of dwelling units or lots (base density) shall be computed
1226 by multiplying the site area specified in K.C.C. 21A.12.080 by the applicable residential
1227 base density number;

1228 B. The maximum density (unit or lot) limits shall be computed by adding the
1229 bonus or transfer units authorized by K.C.C. chapters 21A.34(~~(, 21A.36 or 21A.55)~~) and
1230 21A.--- (created under section 2 of this ordinance) to the base units computed under
1231 subsection A of this section;

1232 C. The allowed floor area, which excludes structured or underground parking
1233 areas and areas housing mechanical equipment, shall be computed by applying the floor-
1234 to-lot area ratio to the project site area specified in K.C.C. 21A.12.080;

1235 D. If calculations result in a fraction, the fraction shall be rounded to the nearest
1236 whole number as follows, except as provided in subsection E of this section:

1237 1. Fractions of 0.50 or above shall be rounded up; and

1238 2. Fractions below 0.50 shall be rounded down; and

1239 E. For subdivisions and short subdivisions in the RA and A zones, rounding up of
1240 the number of development units or lots is not allowed.

1241 SECTION 36. Ordinance 10870, Section 563, as amended, and K.C.C.
1242 21A.34.040 are each hereby amended to read as follows:

1243 **Public benefits and density incentives.** A. The public benefits eligible to earn
1244 increased densities, and the maximum incentive to be earned by each benefit, are in
1245 subsection F of this section. The density incentive is expressed as additional bonus
1246 dwelling unit, or fractions of dwelling units, earned per amount of public benefit provided.

1247 B. Bonus dwelling units may be earned through any combination of the listed
1248 public benefits.

1249 C. The guidelines for affordable housing bonuses including the establishment of
1250 rental levels, housing prices and asset limitations, will be updated and adopted annually by
1251 the council in the consolidated housing and community development plan.

1252 D. Bonus dwelling units may also be earned and transferred to the project site
1253 through the transfer of ~~((density credit ("TDC") process in K.C.C. chapter 21A.36 or~~
1254 ~~21A.55)) development rights (TDR) program established in K.C.C. chapter 21A.---~~
1255 (created under section 2 of this ordinance), by providing any of the open space, park site or
1256 historic preservation public benefits set forth in subsections F.2₂ or F.3₂ of this section on
1257 sites other than that of the RDI development.

1258 E. Residential development in R-4 through R-48 zones with property specific
1259 development standards requiring any public benefit enumerated in this chapter, shall be
1260 eligible to earn bonus dwelling units in accordance with subsection F of this section if the

1261 public benefits provided exceed the basic development standards of this title. If a
1262 development is located in a special overlay district, bonus units may be earned if the
1263 development provides public benefits exceeding corresponding standards of the special
1264 district.

1265 F. The following are the public benefits eligible to earn density incentives through
1266 RDI review:

1267

BENEFIT	DENSITY INCENTIVE
1. AFFORDABLE HOUSING	
a. Benefit units consisting of rental housing permanently priced to serve non-senior citizen low-income households (i.e. no greater than 30 percent of gross income for households at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.	1.5 bonus units per benefit unit, up to a maximum of 30 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 30 low-income units.
b. Benefit units consisting of rental housing designed and permanently priced to serve low-income senior citizens (i.e. no greater than 30 percent of gross income for 1 or 2-person households, 1 member of which	1.5 bonus units per benefit unit, up to a maximum of 60 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 60 low-income units.

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is 62 years of age or older, with incomes at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.

c. Benefit units consisting of senior citizen assisted housing units 600 square feet or less. 1 bonus unit per benefit unit

d. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). 0.75 bonus unit per benefit unit.
Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with no restriction placed on resale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

e. Benefit units consisting of moderate income housing reserved for income and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). 1 bonus unit per benefit unit.
Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with a 15 year restriction binding prices and eligibility on resale to qualified

moderate income purchasers. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

f. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A covenant on the site that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to King County shall be recorded at final approval.

g. Projects in which 100 percent of the units are reserved for moderate income - and asset-qualified buyers (total household income at or below 80 percent of the King County median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 15 years from date of first sale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

1.5 bonus units per benefit unit.

200 percent of the base density of the underlying zone. Limited to parcels 5 acres or less in size and located in the R-4 through R-8 zones. Housing types in the R-4 or R-6 zones shall be limited to structures containing four or less units, except for townhouses. Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section.

h. Benefit units consisting of mobile home park space or pad reserved for the relocation of an insignia or non-insignia mobile home, that has been or will be displaced due to closure of a mobile home park located in incorporated or unincorporated King County.

1.0 bonus unit per benefit unit.

2. OPEN SPACE, TRAILS AND PARKS

a. Dedication of park site or trail right-of-way meeting King County location and size standards for neighborhood, community or regional park, or trail, and accepted by the parks division.

0.5 bonus unit per acre of park area or quarter-mile of trail exceeding the minimum requirement of K.C.C. 21A.14 for on-site recreation space or trail corridors, computed on the number of dwelling units permitted by the site's base density.

b. Improvement of dedicated park site to King County standards for developed parks.

0.75 bonus unit per acre of park improvement. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.

c. Improvement of dedicated trail segment to King County standards.

1.8 bonus units per quarter-mile of trail constructed to county standard for pedestrian trails; or

2.5 bonus units per quarter-mile of constructed to county standard for multipurpose trails (pedestrian/ bicycle/equestrian).

Shorter segments shall be awarded bonus units on a pro-rate basis. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.

d. Dedication of open space, meeting King County acquisition standards to the county or a qualified public or private organization such as a nature conservancy.

0.5 bonus unit per acre of open space.

3. HISTORIC PRESERVATION

a. Dedication of a site containing an historic landmark in accordance with K.C.C. 20.62, to King County or a qualifying nonprofit organization capable of restoring and/or maintaining the premises to standards set by the King County Landmarks Commission.

0.5 bonus unit per acre of historic site.

b. Restoration of a site or structure designated as an historic landmark in accordance with K.C.C. 20.62 to a specific architectural or site plan approved by the King County Landmarks Commission.

0.5 bonus unit per acre of site or one thousand square feet of floor area of building restored.

4. ENERGY CONSERVATION

a. Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by electricity that save at least 20 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. No more than 50 percent of the required savings may result from the installation of heat pumps. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).

0.15 bonus unit per benefit unit that achieves the required savings.

b. Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by natural gas, or other non-electric heat source, that save at least 25 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).

0.10 bonus unit per benefit unit that achieves the required savings.

c. Developments located within 1/4 mile of transit routes served on at least a half-hourly basis during the peak hours and hourly during the daytime non-peak hours.

10 percent increase above the base density of the zone.

5. PUBLIC ART

a. Devoting 1% of the project budget to public art on site. 5 percent increase above the base density of the zone.

b. Contributing 1% of the ~~((perjeet))~~ project budget to the King County public art fund for development of art projects. The contribution shall be used for projects located within a one mile radius of the development project. 5 percent increase above the base density of the zone.

1268 NOTE: If proposed energy conservation bonus units of ~~((K.C.C. 21A.34.040))~~ this
1269 section are reviewed in conjunction with a subdivision or a short subdivision, the applicant
1270 shall provide data and calculations for a typical house of the type to be built in the
1271 development that demonstrates to the department's satisfaction how the required savings
1272 will be achieved. A condition of approval shall be recorded with the plat and shown on the
1273 title of each lot specifying the required energy savings that must be achieved in the
1274 construction of the dwelling unit. The plat notation shall also specify that the savings shall
1275 be based on the energy code in effect at the time of preliminary plat application.

1276 SECTION 37. Ordinance 10870, Section 564, and K.C.C. 21A.34.050 are each
1277 hereby amended to read as follows:

1278 **Rules for calculating total permitted dwelling units.** A. The formula for
1279 calculating the total number of dwelling units permitted through RDI review is as follows:

1280 DUs allowed by + Bonus DUs + DUs allowed by = TOTAL RDI

1281 RDI site base sending site DUs

1282 Density density (if any)

1283 B. The total dwelling units permitted through RDI review shall be calculated using
1284 the following steps:

1285 1. Calculate the number of dwellings permitted by the base density of the site in
1286 accordance with K.C.C. chapter 21A.12;

1287 2. Calculate the total number of bonus dwelling units earned by providing the
1288 public benefits listed in K.C.C. 21A.34.040;

1289 3. Add the number of bonus dwelling units earned to the number of dwelling units
1290 permitted by the base density;

1291 4. Add the number of dwelling units permitted by the base density of the site
1292 sending ((FDCs)) TDRs, if any;

1293 5. Round fractional dwelling units to the nearest whole number; .49 or less
1294 dwelling units are rounded down; and

1295 6. On sites with more than one zone or zone density, the maximum density shall
1296 be calculated for the site area of each zone. Bonus units may be reallocated within the
1297 zones in the same manner set forth for base units in K.C.C. 21A.12.180.

1298 SECTION 38. Ordinance 10870, Section 565, and K.C.C. 21A.34.060 are each
1299 hereby amended to read as follows:

1300 **Review process.** A. All RDI proposals shall be reviewed concurrently with a
1301 primary proposal to consider the proposed site plan and methods used to earn extra density
1302 as follows:

1303 1. For the purpose of this section, a primary proposal is defined as a proposed
1304 subdivision, conditional use permit or commercial building permit.

1305 2. When the primary proposal requires a public hearing under this code or Title
1306 19A, the public hearing on the primary proposal shall serve as the hearing on the RDI
1307 proposal.~~((, and t))~~The reviewing authority shall make a consolidated decision on the
1308 proposed development and use of RDI and consider any appeals of the RDI proposal under
1309 the same appeal procedures set forth for the development proposal;

1310 3. When the ~~((primary))~~ development proposal does not require a public hearing
1311 under this ~~((code))~~ title or K.C.C. Title 19A, the RDI proposal shall ~~((be subject to the~~
1312 ~~decision criteria for conditional use permits outlined in K.C.C. 21A.42 and to the~~
1313 ~~procedures set forth for director/adjustor review in this title))~~ be considered along with the
1314 development proposal, and any appeals of the RDI proposal shall be considered under the
1315 same appeal procedures set forth for the development proposal; and

1316 4. The notice for the RDI proposal also shall include the development's proposed
1317 density and a general description of the public benefits offered to earn extra density.

1318 B. RDI applications which propose to earn bonus units by dedicating real property
1319 or public facilities shall include a letter from the applicable county receiving agency
1320 certifying that the proposed dedication qualifies for the density incentive and will be
1321 accepted by the agency or other qualifying organization.

1322 SECTION 39. Ordinance 13332, Section 32, and K.C.C. 27.10.170 are each
1323 hereby amended to read as follows:

1324 **Zoning application review.** Zoning application reviews shall require a deposit and
1325 an hourly fee based on the department's current hourly rate, except as otherwise specified

1326 herein. Transfer of ~~((D))~~development ~~((Credit))~~ rights (TDR) Sending Site Certification
1327 Applications to qualify a proposed sending site and determine the number of credits
1328 available for transfer per application ~~((pursuant to the provisions of))~~ in accordance with
1329 K.C.C. chapter ~~((21A.55))~~ 21A.--- (created under section 2 of this ordinance) shall be
1330 based on the current hourly fee to a maximum of ~~((500.00))~~ five hundred fifty dollars.

1331 SECTION 40. Ordinance 10870, Section 568, and K.C.C. 21A.36.010, Ordinance
1332 10870, Section 569, and K.C.C. 21A.36.020, Ordinance 10870, Section 570, as amended,
1333 and K.C.C. 21A.36.030, Ordinance 10870, Section 571, as amended, and K.C.C.
1334 21A.36.040, Ordinance 10870, Section 572, and K.C.C. 21A.36.050, Ordinance 10870,
1335 Section 573, and K.C.C. 21A.36.060, Ordinance 13274, Section 2, and K.C.C.
1336 21A.55.110 and Ordinance 13274, Section 3, and K.C.C. 21A.55.120 are each hereby
1337 repealed.

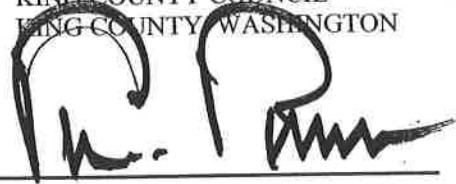
1338 SECTION 41. Severability. If any provision of this ordinance or its application

1339 to any person or circumstance is held invalid, the remainder of the ordinance or the
1340 application of the provision to other persons or circumstances is not affected.
1341

Ordinance 14190 was introduced on 7/2/01 and passed as amended by the Metropolitan King County Council on 8/27/01, by the following vote:

Yes: 10 - Mr. von Reichbauer, Ms. Miller, Mr. Phillips, Mr. Pelz, Mr. McKenna, Ms. Sullivan, Mr. Nickels, Mr. Gossett, Mr. Thomas and Mr. Irons
No: 1 - Mr. Pullen
Excused: 2 - Ms. Fimia and Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON




Pete von Reichbauer, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 7 day of September, 2001



Ron Sims, County Executive

Attachments None