

09/01/16

S1 – Striking Amendment

ea

Sponsor: Dembowski

Proposed No.: 2016-0155

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2016-0155, VERSION**

2 **1**

3 On page 2, beginning on line 35, strike everything through page 96, line 1774, and insert:

4 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 **SECTION 1. Findings:** For the purposes of effective land use planning and  
6 regulation, the King County council makes the following legislative findings:

7 A. King County adopted the King County Comprehensive Plan 2012 to meet the  
8 requirements of the Washington State Growth Management Act ("the GMA");

9 B. The 2012 King County Comprehensive Plan, adopted by King County  
10 Ordinance 17485, satisfied the GMA requirement for the county to update its  
11 comprehensive plan by June 30, 2015;

12 C. In 2013 and 2014, King County adopted narrow amendments to the King  
13 County Comprehensive Plan 2012;

14 D. The King County Code authorizes a review of the Comprehensive Plan and  
15 allows substantive amendments to the Comprehensive Plan once every four years. The  
16 King County Comprehensive Plan 2016 amendments are the fifth major review of the  
17 Comprehensive Plan;

18 E. The GMA requires that King County adopt development regulations to be  
19 consistent with and implement the Comprehensive Plan;

20 F. The changes to zoning contained in this ordinance are needed to maintain  
21 conformity with the King County Comprehensive Plan, as required by the GMA. As  
22 such, they bear a substantial relationship to, and are necessary for, the public health,  
23 safety and general welfare of King County and its residents; and

24 G. King County engages in a comprehensive review of its Comprehensive Plan  
25 and development regulations every four years. This ordinance constitutes the conclusion  
26 of the county's review process. The 2016 King County Comprehensive Plan and King  
27 County's development are intended to satisfy the requirements of the GMA.

28 SECTION 2. A. King County completed its fifth comprehensive four-cycle  
29 review of the Comprehensive Plan in 2016. As a result of the review, King County  
30 amended the King Comprehensive Plan 2012 through passage of the King County  
31 Comprehensive Plan 2016.

32 B. The amendments to the King County Comprehensive Plan 2012 contained in  
33 Attachments A, B, C, D, E, F, G, H, I, J and K to this ordinance are hereby adopted as  
34 amendments to the King County Comprehensive Plan 2012.

35 C. Attachments A and B to this ordinance amend policies, text and maps of the  
36 Comprehensive Plan and amend the Comprehensive Plan Land Use Zoning. The land  
37 use and zoning amendments contained in Attachments A and B to this ordinance are  
38 hereby adopted as the official land use and zoning controls for those portions of  
39 unincorporated King County defined in Attachments A and B to this ordinance.

D. Attachment C to this ordinance contains Technical Appendix A (Capital Facilities).

E. Attachment D to this ordinance contains Technical Appendix B (Housing).

F. Attachment E to this ordinance contains Technical Appendix C (Transportation).

G. Attachment F to this ordinance contains Technical Appendix C.1 (Transportation Needs Report).

H. Attachment G to this ordinance contains Technical Appendix C.2 (Regional Trails Needs Report).

I. Attachment H to this ordinance contains Technical Appendix D (Growth Targets and Urban Growth Area).

J. Attachment I to this ordinance contains Technical Appendix R (Summary of Public Outreach for Development of the 2016 KCCP Update).

K. Attachment J to this ordinance contains the Skyway-West Hill Action Plan.

L. Attachment K to this ordinance amends the Vashon Town Plan and the King County zoning map for those portions of unincorporated King County defined in Attachment K to this ordinance.

SECTION 3. Ordinance 8421, Section 2, and K.C.C. 14.56.010 are each hereby repealed.

SECTION 4. Ordinance 8421, Section 3, as amended, and K.C.C. 14.56.020 are each hereby amended to read as follows:

There is established a (~~non-motorized vehicle~~) nonmotorized transportation program (~~to meet the following goals and objectives:~~

~~A. To identify and document the needs of non-motorized transportation in King County, including bicyclists, equestrians, pedestrians, and special populations;~~  
~~B. To determine ways that the existing county transportation network, including transit, can be made more responsive to the needs of non-motorized users)).~~ The program shall consist of the nonmotorized policies in the King County Comprehensive Plan and the respective functional plans of the responsible county agencies, nonmotorized project needs contained in agency capital improvement programs and operational activities that:  
A. Identify and document the nonmotorized transportation needs in the county for bicyclists, pedestrians, equestrians and special populations such as school children or people with limited mobility and wheelchair users;  
B. Determine ways that nonmotorized transportation can be integrated into the current and future county transportation network and services, including transit;  
~~C. ((To i))~~Inform and educate the public on issues relating to ((non-motorized)) nonmotorized transportation, including compliance with traffic laws; and  
~~D. ((To institute the consideration of non-motorized transportation in all related county-funded))~~ Consider nonmotorized transportation safety and other needs in all related county programs, and ((to)) encourage the same consideration on an interlocal and regional basis((;  
~~E. To improve non-motorized transport users and motorists compliance with traffic laws; and~~  
~~F. To guide development of a county functional plan for non-motorized transportation, to implement the adopted policies established in the county~~

~~comprehensive plan, the county transportation plan, and current programs within county government)).~~

SECTION 5. Ordinance 8421, Section 4, as amended, and K.C.C. 14.56.030 are each hereby amended to read as follows:

The department of transportation shall ~~((carry out the following duties and responsibilities))~~:

A. Implement the ~~((non-motorized vehicle))~~ nonmotorized transportation program in coordination with other county departments;

B. Provide support to any ad hoc ~~((non-motorized))~~ nonmotorized transportation advisory committee; and

C. Work with ~~((governmental agencies))~~ other jurisdictions and nongovernmental organizations to identify, develop and promote programs that encourage the use of ~~((non-motorized))~~ nonmotorized modes of transportation.

SECTION 6. Ordinance 11653, Section 6, as amended, and K.C.C. 20.12.017 are each hereby amended to read as follows:

The following provisions complete the zoning conversion from K.C.C. Title 21 to Title 21A pursuant to K.C.C. 21A.01.070:

A. Ordinance 11653 adopts area zoning to implement the 1994 King County Comprehensive Plan pursuant to the Washington State Growth Management Act RCW 36.760A. Ordinance 11653 also converts existing zoning in unincorporated King County to the new zoning classifications in the 1993 Zoning Code, codified in Title 21A, pursuant to the area zoning conversion guidelines in K.C.C. 21A.01.070. The following are adopted as attachments to Ordinance 11653:

108           Appendix A: 1994 Zoning Atlas, dated November 1994, as amended December 19,  
109   1994.

110           Appendix B: Amendments to Bear Creek Community Plan P-Suffix Conditions.

111           Appendix C: Amendments to Federal Way Community Plan P-Suffix Conditions.

112           Appendix D: Amendments to Northshore Community Plan P-Suffix Conditions.

113           Appendix E: Amendments to Highline Community Plan P-Suffix Conditions.

114           Appendix F: Amendments to Soos Creek Community Plan P-Suffix Conditions.

115           Appendix G: Amendments to Vashon Community Plan P-Suffix Conditions.

116           Appendix H: Amendments to East Sammamish Community Plan P-Suffix  
117   Conditions.

118           Appendix I: Amendments to Snoqualmie Valley Community Plan P-Suffix  
119   Conditions.

120           Appendix J: Amendments to Newcastle Community Plan P-Suffix Conditions.

121           Appendix K: Amendments to Tahoma/Raven Heights Community Plan P-Suffix  
122   Conditions.

123           Appendix L: Amendments to Enumclaw Community Plan P-Suffix Conditions.

124           Appendix M: Amendments to West Hill Community Plan P-Suffix Conditions.

125           Appendix N: Amendments to Resource Lands Community Plan P-Suffix  
126   Conditions.

127           Appendix O: 1994 Parcel List, as amended December 19, 1994.

128           Appendix P: Amendments considered by the council January 9, 1995.

129           B. Area zoning adopted by Ordinance 11653, including potential zoning, is  
130   contained in Appendices A and O. Amendments to area-wide P-suffix conditions adopted

as part of community plan area zoning are contained in Appendices B through N. Existing P-suffix conditions whether adopted through reclassifications or community plan area zoning are retained by Ordinance 11653 except as amended in Appendices B through N.

C. The department is hereby directed to correct the official zoning map in accordance with Appendices A through P of Ordinance 11653.

D. The 1995 area zoning amendments attached to Ordinance 12061 in Appendix A are adopted as the official zoning control for those portions of unincorporated King County defined therein.

E. Amendments to the 1994 King County Comprehensive Plan area zoning, Ordinance 11653 Appendices A through P, as contained in Attachment A to Ordinance 12170 are hereby adopted to comply with the Decision and Order of the Central Puget Sound Growth Management Hearings Board in Vashon-Maury Island, et. al. v. King County, Case No. 95-3-0008.

F. The Vashon Town Plan Area Zoning, (~~attached to Ordinance 17842 as~~) Attachment ~~((D))~~ K to this ordinance, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

G. The 1996 area zoning amendments attached to Ordinance 12531 in Appendix A are adopted as the official zoning control for those portions of unincorporated King County defined therein. Existing p-suffix conditions whether adopted through reclassifications or area zoning are retained by Ordinance 12531.

H. The Black Diamond Urban Growth Area Zoning Map attached to Ordinance 12533 as Appendix B is adopted as the official zoning control for those portions of

unincorporated King County defined therein. Existing p-suffix conditions whether adopted through reclassifications or area zoning are retained by Ordinance 12533.

I. The King County Zoning Atlas is amended to include the area shown in Appendix B as UR - Urban Reserve, one DU per 5 acres. Existing p-suffix conditions whether adopted through reclassifications or area zoning are retained by Ordinance 12535. The language from Ordinance 12535, Section 1.D., shall be placed on the King County Zoning Atlas page #32 with a reference marker on the area affected by Ordinance 12535.

J. The Northshore Community Plan Area Zoning is amended to add the Suffix "-DPA, Demonstration Project Area", to the properties identified on Map A attached to Ordinance 12627.

K. The special district overlays, as designated on the map attached to Ordinance 12809 in Appendix A, are hereby adopted pursuant to K.C.C. 21A.38.020 and 21A.38.040.

L. the White Center Community Plan Area Zoning, as revised in the Attachments to Ordinance 11568, is the official zoning for those portions of White Center in unincorporated King county defined herein.

M. Ordinance 12824 completes the zoning conversion process begun in Ordinance 11653, as set forth in K.C.C. 21A.01.070, by retaining, repealing, replacing or amending previously adopted p-suffix conditions or property-specific development standards pursuant to K.C.C. 21A.38.020 and K.C.C. 21A.38.030 as follows:

1. Resolutions 31072, 32219, 33877, 33999, 34493, 34639, 35137, and 37156 adopting individual zone reclassifications are hereby repealed and p-suffix conditions are replaced by the property specific development standards as set forth in Appendix A to Ordinance 12824.

2. All ordinances adopting individual zone reclassifications effective prior to February 2, 1995, including but not limited to Ordinances 43, 118, 148, 255, 633, 1483, 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765, 2781, 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313, 3360, 3424, 3494, 3496, 3501, 3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051, 4053, 4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867, 4812, 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171, 5184, 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854, 5984, 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832, 6885, 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653, 7677, 7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375, 8427, 8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865, 8866, 9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194, 10287, 10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271, and 11651, are hereby repealed and p-suffix conditions are replaced by the property specific development standards as set forth in Appendix A to Ordinance 12824.

3. All ordinances establishing individual reclassifications effective after February 2, 1995, are hereby amended, as set forth in Appendix C to Ordinance 12824, to retain, repeal or amend the property specific development standards (p-suffix conditions) contained therein.

4. All ordinances adopting area zoning pursuant to Resolution 25789 or converted by Ordinance 11653 are repealed as set forth in subsection((s)) M.4.a. through n. of this section. All p-suffix conditions contained therein are repealed or replaced by adopting the

property specific development standards as set forth in Appendix A to Ordinance 12824, the special district overlays as designated in Appendix B to Ordinance 12824 or the special requirements as designated in Appendix A to Ordinance 12822.

a. The Highline Area Zoning attached to Ordinance 3530, as amended, is hereby repealed.

b. The Shoreline Community Plan Area Zoning, attached to Ordinance 5080 as Appendix B, as amended, is hereby repealed.

c. The Newcastle Community Plan Area Zoning, attached to Ordinance 6422 as Appendix B, as amended is hereby repealed.

d. The Tahoma/Raven Heights Community Plan Area Zoning, attached to Ordinance 6986 as Appendix B, as amended, is hereby repealed.

e. The Revised Federal Way area zoning, adopted by Ordinance 7746, as amended, is hereby repealed.

f. The Revised Vashon Community Plan Area Zoning, attached to Ordinance 7837 as Appendix B, as amended, is hereby repealed.

g. The Bear Creek Community Plan Area Zoning, attached to Ordinance 8846 as Appendix B, as amended, is hereby repealed.

h. The Resource Lands Area Zoning, adopted by Ordinance 8848, as amended, is hereby repealed.

i. The Snoqualmie Valley Community Plan Area Zoning, as adopted by Ordinance 9118, is hereby repealed.

j. The Enumclaw Community Plan Area Zoning attached to Ordinance 9499, as amended, is hereby repealed.

k. The Soos Creek Community Plan Update Area Zoning, adopted by Ordinance 10197, Appendix B, as amended, is hereby repealed.

l. The Northshore Area Zoning adopted by Ordinance 10703 as Appendices B and E, as amended, is hereby repealed.

m. The East Sammamish Community Plan Update Area Zoning, as revised in Appendix B attached to Ordinance 10847, as amended, is hereby repealed.

n. The West Hill Community Plan Area Zoning adopted in Ordinance 11116, as amended, is hereby repealed.

5. All ordinances adopting area zoning pursuant to Title 21A and not converted by Ordinance 11653, including community or comprehensive plan area zoning and all subsequent amendments thereto, are amended as set forth in subsection M.5.a. through f. All property specific development standards (p-suffix conditions) are retained, repealed, amended or replaced by the property specific development standards as set forth in Appendix A to Ordinance 12824, the special district overlays as designated in Appendix B to Ordinance 12824 or the special requirements as designated in Appendix A to Ordinance 12822.

a. The White Center Community Plan Area Zoning, contained in the Attachments to Ordinance 11568, as subsequently amended, is hereby further amended as set forth in Appendix D to Ordinance 12824.

b. All property specific development standards established in Ordinance 11653, as amended, are hereby amended as set forth in Appendix E to Ordinance 12824.

c. All property specific development standards established in Attachment A to Ordinance 11747, as amended, are hereby amended as set forth in Appendix F to Ordinance 12824.

d. All property specific development standards established in Ordinance 12061, as amended, are hereby amended as set forth in Appendix G to Ordinance 12824.

e. All property specific development standards established in Ordinance 12065, as amended, are hereby amended as set forth in K.C.C. 20.12.170.

f. All property specific development standards established in Attachment A to Ordinance 12170, as amended, are hereby amended as set forth in Appendix H to Ordinance 12824.

SECTION 7. Ordinance 13147, Section 19, amended, and K.C.C. 20.18.030 are hereby amended to read as follows:

A. The King County Comprehensive Plan shall be amended in accordance with this chapter, which, in compliance with RCW 36.70A.130(2), establishes a public participation program whereby amendments are considered by the council no more frequently than once a year as part of the amendment cycle established in this chapter, except that the council may consider amendments more frequently to address:

1. Emergencies;
2. An appeal of the plan filed with the Central Puget Sound Growth Management Hearings Board or with the court;
3. The initial adoption of a subarea plan, which may amend the urban growth area boundary only to redesignate land within a joint planning area;

265 4. An amendment of the capital facilities element of the Comprehensive Plan  
266 that occurs in conjunction with the adoption of the county budget under K.C.C.  
267 4A.100.010; or

268 5. The adoption or amendment of a shoreline master program under chapter  
269 90.58 RCW.

270 B. Every year the Comprehensive Plan may be amended to address technical  
271 updates and corrections, and to consider amendments that do not require substantive  
272 changes to policy language, changes to the priority areas map, or changes to the urban  
273 growth area boundary, except as permitted in subsection B.5, 10. and 12. of this section.  
274 This review may be referred to as the annual cycle. The Comprehensive Plan, including  
275 subarea plans, may be amended in the annual cycle only to consider the following:

- 276 1. Technical amendments to policy, text, maps or shoreline designations;
- 277 2. The annual capital improvement plan;
- 278 3. The transportation needs report;
- 279 4. School capital facility plans;
- 280 5. A mining site conversion demonstration project. The authority for  
281 consideration of such a demonstration project shall expire with adoption of the 2019  
282 annual comprehensive plan update or December 31, 2019, whichever is later. To be  
283 considered during an annual update cycle, no later than December 31 of the year  
284 proceeding the update, the project proponent shall submit to the county council its  
285 proposal for alternative development standards and processes to be tested an evaluated  
286 through the demonstration project. The demonstration project shall evaluate and  
287 address:

288           a. potential options for the use of a reclaimed mine site, including the  
289 feasibility of residential use and/or long-term forestry on the demonstration project site;  
290           b. the impacts to carbon sequestration as a result of reforestation, and for  
291 residential use, the impacts to carbon sequestration when implementing modified  
292 standards for lot clustering or transfer of development rights;  
293           c. the need for a site design that compatibly integrates any proposed residential  
294 development on the demonstration project site with uses occurring on the adjacent rural  
295 or forest production district lands, especially if the proposed residential development  
296 utilizes modified standards for lot clustering and/or transfer of development rights;  
297           d. the levels and standards for reclamation of mining sites that are appropriate  
298 to their use either for long-term forestry and/or for residential development; and  
299           e. the need to ensure that the demonstration project provides an overall public  
300 benefit by providing permanent protection, as designated park or open space, of lands in  
301 the vicinity of the demonstration project site that form the headwaters of critical, high-  
302 valued habitat areas; or that remove the development potential from nonconforming legal  
303 parcels in the forest production district; or that provide linkages with other forest  
304 production district lands;  
305           6. Changes required by existing Comprehensive Plan policies;  
306           7. Changes to the technical appendices and any amendments required thereby;  
307           8. Comprehensive updates of subarea plans initiated by motion;  
308           9. Changes required by amendments to the countywide planning policies or  
309 state law;

10. Redesignation proposals under the four-to-one program as provided for in this chapter;

11. Amendments necessary for the conservation of threatened and endangered species; ~~((and))~~

12. Site-specific ~~((comprehensive))~~ land use map amendments that do not require substantive change to comprehensive plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors;

13. Amendments resulting from subarea studies required by comprehensive plan policy that do not require substantive change to comprehensive plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors; and

14. Changes required to implement a study regarding the provision of wastewater services to a Rural Town. The amendments shall be limited to policy amendments and adjustment to the boundaries of the Rural Town as needed to implement the preferred option identified in the study.

C. Every fourth year beginning in 2000, the county shall complete a comprehensive review of the Comprehensive Plan in order to update it as appropriate and to ensure continued compliance with the GMA. This review may provide for a cumulative analysis of the twenty-year plan based upon official population growth forecasts, benchmarks and other relevant data in order to consider substantive changes to policy language and changes to the urban growth area ~~((UGA))~~. This comprehensive review shall begin one year in advance of the transmittal and may be referred to as the four-year cycle. The urban growth area boundaries shall be reviewed in the context of the four-year cycle and in accordance with countywide planning policy ~~((FW))~~C-1 and

RCW 36.70A.130. If the county determines that the purposes of the Comprehensive Plan are not being achieved as evidenced by official population growth forecasts, benchmarks, trends and other relevant data, substantive changes to the Comprehensive Plan may also be considered on even calendar years. This determination shall be authorized by motion. The motion shall specify the scope of the even-year amendment, and identify that the resources necessary to accomplish the work are available. An analysis of the motion's fiscal impact shall be provided to the council before to adoption. The executive shall determine if additional funds are necessary to complete the even-year amendment, and may transmit an ordinance requesting the appropriation of supplemental funds.

D. The executive shall seek public comment on the comprehensive plan and any proposed comprehensive plan amendments in accordance with the procedures in K.C.C. 20.18.160 before making a recommendation, in addition to conducting the public review and comment procedures required by SEPA. The public shall be afforded at least one official opportunity to record public comment before to the transmittal of a recommendation by the executive to the council. County-sponsored councils and commissions may submit written position statements that shall be considered by the executive before transmittal and by the council before adoption, if they are received in a timely manner. The executive's recommendations for changes to policies, text and maps shall include the elements listed in Comprehensive Plan policy RP-307 and analysis of their financial costs and public benefits, any of which may be included in environmental review documents. Proposed amendments to the Comprehensive Plan shall be accompanied by any development regulations or amendments to development regulations, including area zoning, necessary to implement the proposed amendments.

356           SECTION 8. K.C.C. 20.54.010 is each hereby decodified.

357           SECTION 9. Ordinance 3064, Section 2, and K.C.C. 20.54.020 are each hereby  
358 repealed.

359           SECTION 10. Ordinance 3064, Section 3, as amended, and K.C.C. 20.54.030 are  
360 each hereby repealed.

361           SECTION 11. Ordinance 3064, Section 4, as amended, and K.C.C. 20.54.040 are  
362 each hereby repealed.

363           SECTION 12. Ordinance 3064, Section 5, and K.C.C. 20.54.050 are each hereby  
364 repealed.

365           SECTION 13. Ordinance 3064, Section 6, as amended, and K.C.C. 20.54.060 are  
366 each hereby repealed.

367           SECTION 14. Ordinance 3064, Section 7, as amended, and K.C.C. 20.54.070 are  
368 each hereby repealed.

369           SECTION 15. Ordinance 3064, Section 8, as amended, and K.C.C. 20.54.080 are  
370 each hereby repealed.

371           SECTION 16. Ordinance 3064, Section 9, as amended, and K.C.C. 20.54.090 are  
372 each hereby repealed.

373           SECTION 17. Ordinance 3064, Section 10, as amended, and K.C.C. 20.54.100  
374 are each hereby repealed.

375           SECTION 18. Ordinance 3064, Section 11, as amended, and K.C.C. 20.54.110  
376 are each hereby repealed.

377           SECTION 19. Ordinance 3064, Section 12, and K.C.C. 20.54.120 are each  
378 hereby repealed.

379           SECTION 20. Ordinance 3064, Section 13, and K.C.C. 20.54.130 are each  
380 hereby repealed.

381           SECTION 21. Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020  
382 are hereby amended to read as follows:

383           A. For the purpose of this chapter, "sending site" means the entire tax lot or lots  
384 qualified under subsection B. of this section. Sending sites may only be located within  
385 rural or resource lands or urban separator areas with R-1 zoning, as designated by the  
386 King County Comprehensive Plan, and shall meet the minimum lot area for construction  
387 requirements in K.C.C. 21A.12.100 for the zone in which the sending site is located.  
388 Except as provided in K.C.C. 21A.37.110.C., or for lands zoned RA that are managed by  
389 the Washington state Department of Natural Resources as state grant or state forest lands,  
390 land in public ownership may not be sending sites. If the sending site consists of more  
391 than one tax lot, the lots must be contiguous and the area of the combined lots must meet  
392 the minimum lot area for construction requirements in K.C.C. 21A.12.100 for the zone in  
393 which the sending site is located. For purposes of this section, lots divided by a street are  
394 considered contiguous if the lots would share a common lot line if the street was  
395 removed; this provision may be waived by the interagency committee if the total acreage  
396 of a rural or resource sending site application exceeds one hundred acres. A sending site  
397 shall be maintained in a condition that is consistent with the criteria in this section under  
398 which the sending was qualified.

399           B. Qualification of a sending site shall demonstrate that the site contains a public  
400 benefit such that preservation of that benefit by transferring residential development

rights to another site is in the public interest. A sending site must meet at least one of the following criteria:

1. Designation in the King County Comprehensive Plan or a functional plan as an agricultural production district or zoned A;

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

3. Designation in the King County Comprehensive Plan as rural residential, zoned RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space, farm and agricultural land, or timber land;

4. Designation in the King County Comprehensive Plan, or a functional plan as a proposed rural or resource area regional trail or rural or resource area open space site, through either:

a. designation of a specific site; or

b. identification of proposed rural or resource area regional trails or rural or resource area open space sites which meet adopted standards and criteria, and for rural or resource area open space sites, meet the definition of open space land, as defined in RCW 84.34.020;

5. Identification as habitat for federal listed endangered or threatened species in a written determination by the King County department of natural resources and parks, Washington state Department of Fish and Wildlife, United States Fish and Wildlife Services or a federally recognized tribe that the sending site is appropriate for preservation or acquisition; or

423           6. Designation in the King County Comprehensive Plan as urban separator and  
424       zoned R-1.

425           C. For the purposes of the TDR program, acquisition means obtaining fee simple  
426       rights in real property, or a less than a fee simple right in a form that preserves in  
427       perpetuity the public benefit supporting the designation or qualification of the property as  
428       a sending site.

429           D. If a sending site has any outstanding code violations, the person responsible  
430       for code compliance should resolve these violations, including any required abatement,  
431       restoration, or payment of civil penalties, before a TDR sending site may be qualified by  
432       the interagency review committee created under K.C.C. 21A.37.070. However, the  
433       interagency may qualify and certify a TDR sending site with outstanding code violations  
434       if the person responsible for code compliance has made a good faith effort to resolve the  
435       violations and the proposal is in the public interest.

436           E. For lots on which the entire lot or a portion of the lot has been cleared or  
437       graded in accordance with a Class II, III or IV special forest practice as defined in chapter  
438       76.09 RCW within the six years prior to application as a TDR sending site, the applicant  
439       must provide an affidavit of compliance with the reforestation requirements of the Forest  
440       Practices Act, and any additional reforestation conditions of their forest practice permit.  
441       Lots on which the entire lot or a portion of the lot has been cleared or graded without any  
442       required forest practices or county authorization, shall be not qualified or certified as a  
443       TDR sending site for six years unless the six-year moratorium on development  
444       applications has been lifted or waived or the landowner has a reforestation plan approved  
445       by the state Department of Natural Resources and King County.

446           SECTION 22. Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030,  
447 are each hereby amended to read as follows:

448           A. Receiving sites shall be:

449                 1. King County unincorporated urban sites, except as limited in subsections C  
450 and D. of this section, zoned R-4 through R-48, NB, CB, RB or O, or any combination  
451 thereof. The sites may also be within potential annexation areas established under the  
452 countywide planning policies; or

453                 2. Cities where new growth is or will be encouraged under the Growth  
454 Management Act and the countywide planning policies and where facilities and services  
455 exist or where public investments in facilities and services will be made, or

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

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

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

464                     c. must not adversely impact regionally or locally significant resource areas or  
465 critical areas;

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

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

469 f. must not be located on Vashon Island or Maury Island.

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

475 C. An unincorporated King County receiving site may accept development rights  
476 from one or more sending sites, as follows:

477 1. For short subdivisions, up to the maximum density permitted under K.C.C.  
478 21A.12.030 and 21A.12.040; and

479 2. For formal subdivisions, only as authorized in a subarea study that includes a  
480 comprehensive analysis of the impacts of receiving development rights.

481 D. Property located within the outer boundaries of the Noise Remedy Areas as  
482 identified by the Seattle-Tacoma International Airport may not accept development  
483 rights.

484 E. Property located within the shoreline jurisdiction or located on Vashon Island  
485 or Maury Island may not accept development rights.

486 SECTION 23. Ordinance 13733, Section 10, as amended, and K.C.C.  
487 21A.37.110 are hereby amended to read as follows:

488 A. The TDR bank may purchase development rights from qualified sending sites  
489 at prices not to exceed fair market value and to sell development rights at prices not less  
490 than fair market value. The TDR bank may accept donations of development rights from  
491 qualified TDR sending sites.

492 B. The TDR bank may purchase a conservation easement only if the property  
493 subject to the conservation easement is qualified as a sending site as evidenced by a TDR  
494 qualification report, the conservation easement restricts development of the sending site  
495 in the manner required by K.C.C. 21A.37.060 and the development rights generated by  
496 encumbering the sending site with the conservation easement are issued to the TDR bank  
497 at no additional cost.

498 C. ~~((If a conservation easement is acquired through a county park, open space,~~  
499 ~~trail, agricultural, forestry or other natural resource acquisition program for a property~~  
500 ~~that is qualified as a TDR sending site as evidenced by a TDR qualification report, any~~  
501 ~~development rights generated by encumbering the sending site with the conservation~~  
502 ~~easement may be issued to the TDR bank so long as there is no additional cost for the~~  
503 ~~development rights.)) Any development rights, generated by encumbering property with~~  
504 a conservation easement, may be issued to the TDR bank if:

505 1.a. The conservation easement is acquired through a county park, open space,  
506 trail, agricultural, forestry or other natural resource acquisition program for a property  
507 that is qualified as a TDR sending site as evidenced by a TDR qualification report; or  
508 b. the property is acquired by the county with the intent of conveying the  
509 property encumbered by a reserved conservation easement. The number of development  
510 rights generated by this reserved conservation easement shall be determined by the TDR  
511 qualification report; and

512 2. Under either subsection C.1.a. or b. of this section, there will be no additional  
513 cost to the county for acquiring the development rights.

514 D. The TDR bank may use funds to facilitate development rights transfers.  
515 These expenditures may include, but are not limited to, establishing and maintaining  
516 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals  
517 and reimbursing the costs incurred by the department of natural resources and parks,  
518 water and land resources division, or its successor, for administering the TDR bank fund  
519 and executing development rights purchases and sales.

520 E. The TDR bank fund may be used to cover the cost of providing staff support  
521 for identifying and qualifying sending and receiving sites, and the costs of providing staff  
522 support for the TDR interagency review committee.

523 F. Upon approval of the TDR executive board, proceeds from the sale of TDR  
524 bank development rights shall be available for acquisition of additional development  
525 rights and as amenity funds to facilitate interlocal TDR agreements with cities in King  
526 County and for projects in receiving areas located in urban unincorporated King County.  
527 Amenity funds provided to a city from the sale of TDR bank development rights to that  
528 city are limited to one-third of the proceeds from the sale.

529 SECTION 24. Ordinance 13733, Section 14, as amended, and K.C.C.  
530 21A.37.150 are each hereby amended to read as follows:

531 A. Expenditures by the county for amenities to facilitate development rights sales  
532 in cities shall be authorized by the TDR executive board during review of proposed  
533 interlocal agreements, and should be roughly proportionate to the value and number of  
534 development rights anticipated to be accepted in an incorporated receiving site pursuant  
535 to the controlling interlocal agreement, (~~or in the unincorporated urban area,~~) in  
536 accordance with K.C.C. 21A.37.040. Expenditures by the county to fund projects in

537 receiving areas located in urban unincorporated King County shall be authorized by the  
538 TDR executive board and should be roughly proportionate to the value and number of  
539 development rights accepted in the unincorporated urban area.

540 B. The county shall not expend funds on TDR amenities in a city before  
541 execution of an interlocal agreement, except that:

542 1. The executive board may authorize up to twelve thousand dollars be spent by  
543 the county on TDR amenities before a development rights transfer for use at a receiving  
544 site or for the execution of an interlocal agreement if the TDR executive board  
545 recommends that the funds be spent based on a finding that the expenditure will expedite  
546 a proposed transfer of development rights or facilitate acceptance of a proposed transfer  
547 of development rights by the community around a proposed or established receiving site  
548 area;

549 2. King County may distribute the funds directly to a city if a scope of work,  
550 schedule and budget governing the use of the funds is mutually agreed to in writing by  
551 King County and the affected city. Such an agreement need not be in the form of an  
552 interlocal agreement; and

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

558 C. TDR amenities may include the acquisition, design or construction of public  
559 art, cultural and community facilities, parks, open space, trails, roads, parking,

landscaping, sidewalks, other streetscape improvements, transit-related improvements or other improvements or programs that facilitate increased densities on or near receiving sites.

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

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

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

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

H. All amenity funding provided by King County to cities or to urban unincorporated receiving areas to facilitate the transfer of development rights shall be consistent with federal, state and local laws.

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

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

K. To facilitate timely implementation of capital improvements or programs at the lowest possible cost, King County may make amenity payments as authorized in an interlocal agreement to a city before completion of the required improvements or implementation programs, as applicable. If all or part of the required improvements or implementation programs in an interlocal agreement to be paid for from King County funds are not completed by a city within five years from the date of the transfer of amenity funds, then, unless the funds have been used for substitute amenities by agreement of the city and King County, those funds, plus interest, shall be returned to King County and deposited into the originating amenity fund for reallocation to other TDR projects.

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

SECTION 25. Ordinance 7889, Section 4, as amended, and K.C.C. 26.08.010 are each hereby repealed.

SECTION 26. Severability. If any provision of this ordinance its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision other persons or circumstances is not affected."

Delete Attachment A, King County Comprehensive Plan - 2016 Update, and insert Attachment A, King County Comprehensive Plan - 2016 Update, dated September 1, 2016, engross the changes in the striking amendment and from any adopted amendments to the striking amendment, and delete the line numbers.

Delete Attachment B, Appendix - Land Use and Zoning Amendments, and insert Attachment B, Appendix - Land Use and Zoning Amendments, dated September 1, 2016, and engross the changes in the striking amendment and from any adopted amendments to the striking amendment.

Delete Attachment C, Technical Appendix A – Capital Facilities, and insert Attachment C, Technical Appendix A – Capital Facilities, dated September 1, 2016, engross the changes in the striking amendment and from any adopted amendments to the striking amendment, and delete the line numbers.

627

628 Delete Attachment D, Technical Appendix B - Housing, and insert Attachment D,  
629 Technical Appendix B - Housing, dated September 1, 2016, engross the changes in the  
630 striking amendment and from any adopted amendments to the striking amendment, and  
631 delete the line numbers.

632

633 Delete Attachment E, Technical Appendix C - Transportation, and insert Attachment E,  
634 Technical Appendix C - Transportation, dated September 1, 2016, engross the changes in  
635 the striking amendment and from any adopted amendments to the striking amendment,  
636 and delete the line numbers.

637

638 Delete Attachment F, Technical Appendix C1 – 2016 Transportation Needs Report, and  
639 insert Attachment F, Technical Appendix C1 – 2016 Transportation Needs Report, dated  
640 September 1, 2016, engross the changes in the striking amendment and from any adopted  
641 amendments to the striking amendment, and delete the line numbers.

642

643 Delete Attachment G, Technical Appendix C2 – Regional Trail Needs Report, and insert  
644 Attachment G, Technical Appendix C2 – Regional Trail Needs Report, dated September  
645 1, 2016, engross the changes in the striking amendment and from any adopted  
646 amendments to the striking amendment, and delete the line numbers.

647

648 Delete Attachment H, Technical Appendix D – Growth Targets and the Urban Growth  
649 Area, and insert Attachment H, Technical Appendix D – Growth Targets and the Urban

650 Growth Area, dated September 1, 2016, engross the changes in the striking amendment  
651 and from any adopted amendments to the striking amendment, and delete the line  
652 numbers.

653

654 Delete Attachment I, Technical Appendix R – Public Outreach for the Development of  
655 the 2016 Comprehensive Plan, and insert Technical Appendix R – Public Outreach for  
656 the Development of the 2016 Comprehensive Plan, dated September 1, 2016, engross the  
657 changes in the striking amendment and from any adopted amendments to the striking  
658 amendment, and delete the line numbers.

659

660 Insert Attachment K, Addendum to Vashon Town Plan.

661

662 **EFFECT: This striking amendment:**

- 663 • **Amends the Vashon Town Plan to make a zoning change on one parcel,**
- 664 • **Restores allowance of a mining site conversion demonstration project,**
- 665 • **Removes proposed changes related to agricultural uses,**
- 666 • **Adds code provisions related to transfer of development rights, and**
- 667 • **Replaces attachments with updated versions.**

668 See track changes version of S1, as well as amendment summary matrices, for more  
669 detail.