REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: June 11, 1999

TO: Building Services Division Staff

Lynn Baugh
Nathan Brown
Pam Dhanapal
Ken Dinsmore
Chris Ricketts

Land Use Services Division Staff

Mark Carey
Lisa Pringle
Greg Borba
Lanny Henoch
Gordon Thomson

Greg Kipp, Director
Kevin Wright, Prosecuting Attorney's Office

FM: Sophia Byrd, Code Development Coordinator

Present: Connie Blumen (DNR-WLRD), Sophia Byrd, Pam Dhanapal, Lanny Henoch, Priscilla Kaufmann, Karen Scharer, Gordon Thomson, Harold Vandergriff

Issue:

1. **Under K.C.C. 21A.12.230, can two different owners of two parcels located across the street from each other apply and be considered for conditional use permits at the same time (or in the same time frame)? What if the second applicant applied for a rezone; would we delay processing either of the sites until the other was resolved? (Gordon Thomson)**

Discussion:
We cannot preclude a second applicant from submitting an application; however, it is most likely that only one may be approved unless both applicants propose contiguous development totaling no more than 15,000 sq. ft. as provided by K.C.C. 21A.12.230A. Approval of the first request for 15,000 sq. ft. of commercial development would justify denial of subsequent applications proposed within one mile of the first development.

Conclusion:
Under K.C.C. 21A.12.230, commercial establishments permitted by this provision are required to be contiguous to each other (up to 15,000 sq. ft.). The code requires that they either be located on the same property or on an adjoining (contiguous) property. Properties separated by a street would not meet the criteria of contiguous.

The Committee observed that should the second applicant instead choose to apply for a rezone, he would be required to also obtain a Comprehensive Plan amendment requiring a lengthy review process. We would likely finish reviewing the first CUP application prior to the Comprehensive Plan amendment being considered by the County Council.

Issue:

2. Two items relating to the Transfer of Development Credits (TDC) Program:

A. The TDC Program states that "the number of residential development credits that a rural area sending site is eligible to send to an urban area receiving site shall be determined by applying twice the base density of the zone in which the rural area sending site is located..." (K.C.C. 21A.55.150.B). A property owner has 20 acres and it is zoned RA10. The site qualifies because it is located in the Rural Forest district; they must encumber a minimum of 15 acres and cannot have more than one dwelling per 20 acres (K.C.C. 21A.55.150.I.3). **If a conservation easement is placed over 15 of the 20 acres and the remaining five acres is used for a residential building site, how many credits may be transferred to an urban receiving site?**

B. The Floodplain Density SDO, SO-230 (21A.38.240) states: "B. The following development standards shall be applied to all development proposals on RA-5 zoned parcels located within a floodplain density special district overlay:
1. Density is limited to one home per 10 acres for any property that is located within a sensitive area; and
2. All development shall be clustered outside of the identified sensitive areas, unless the entire parcel is a mapped sensitive area."
The TDC program uses the phrase "base zoned density" when discussing the rules for transferring density. **Does property with RA-5 zoning that is subject to the Floodplain Density SDO, SO-230 have a "base zoned density" of one dwelling unit per five acres or one dwelling unit per 10 acres?**
(Priscilla Kaufmann)

Discussion:

A. Only one credit is available for transfer to an urban receiving site. The second potential credit is "used" by the five acre residential building site. NOTE: The one credit

available for transfer is doubled to two at the receiving site, as provided by K.C.C. 21A.55.150.B. (If two credits were available for transfer, they would double to four at the receiving site.)

B. The Committee believed either approach was supported by strong arguments but for the purposes of implementing the TDC Program, it is reasonable to allow only one dwelling unit per 10 acres because that is the density for properties developing under the SDO.

While the TDC Program does provide additional density credits (double what could develop on site) for rural to urban transfers, this is specifically provided for in K.C.C. 21A.55.150.
Unless such extra incentives are specifically provided, the TDC Program does not allow transfer of more density than could be achieved on site.

Conclusion:

Transferring Credits from a Rural Forest District Sending Site

- TDC transfer rules (K.C.C. 21A.55.150.B) state that the number of credits a rural sending site has available for transfer is determined by applying base zoned density to the sending site after subtracting submerged lands, other conservation easements and land area used for calculating residential density within the sending site **if the receiving site is within urban unincorporated King County**.

  If the receiving site is within rural unincorporated King County, the number of credits available for transfer is determined by applying twice base zoned density after the above listed excepted areas are subtracted.

  If the receiving site is within incorporated King County (a city), the number of credits available for transfer is determined by applying base zoned density after the above listed excepted areas are subtracted, and a conversion ratio set by the city shall be applied to that number.

- All of the transfer rules above include a provision stating that any fraction of development credits which result from the calculations shall not be included in the final determination of total development credits available for transfer.

- K.C.C. 21A.55.150.L states that the determination of the number of credits a sending site has available for transfer is valid for transfer purposes only.

SDOs and TDC

- TDC transfer rules (K.C.C. 21A.55.150) state that a sending site's unbuildable sensitive areas (defined for TDC purposes as class 1 and 2 wetlands, streams, slopes 40% and steeper, and their buffers) are discounted when determining the number of credits available for transfer **only if the sending site is within urban unincorporated King County**.

- Because K.C.C. 21A.55.150.L states that the determination of the number of credits a sending site has available for transfer is valid for transfer purposes only, the number of transferable credits was not intended to reflect the actual (or even potential) number of credits that could be built on-site.

SB:sm