

C. Transfer of Development Rights Program

The Growth Management Act encourages the use of innovative techniques for land use management. King County has a long tradition of using such ~~((innovative))~~ techniques, including programs promoting transfers of development rights, to achieve its land management goals. ~~((such as those stated above.))~~

To that end, King County promotes the transfer of development rights from land valuable to the public ("sending sites"), ~~((especially rural and resource areas,))~~ to land better able to accommodate growth ("receiving sites"). The Transfer of Development Rights (TDR) Program is a voluntary program that allows sending site landowners to ~~((voluntarily))~~ achieve an economic return on their property while maintaining it in forestry, farming, habitat, ~~((or))~~ parks, ~~((and))~~ or open space in perpetuity. It also increases housing opportunities in ~~((the))~~ Urban Area receiving sites where urban services and infrastructure can accommodate additional growth.

Sending site landowners choose to sever the right to develop their land from the land itself and sell their development rights to receiving site landowners who are permitted to build at greater densities than allowed under current zoning with the purchase of development rights. When transferable development rights are allocated to sending site property owners, the land is protected from future development in perpetuity through a conservation easement. In so doing, the TDR program: (1) benefits small rural property owners by providing them financial compensation to not develop their land, (2) directs rural development growth into urban areas, and (3) preserves land through private market transactions.

- R-212 **As an innovative means to permanently preserve private lands with countywide public benefit, to encourage higher densities in urban ~~((appropriate))~~ areas and reduce residential development capacity in Rural and Resource areas ~~((Forest Focus Areas))~~, King County shall continue ~~((efforts))~~ to operate ~~((implement))~~ an effective ~~((and focused))~~ ~~((t))~~ Transfer of ~~((D))~~ Development ~~((R))~~ Rights program.**
- R-213 **The ~~((top))~~ priority of the voluntary Transfer of Development Rights Program is to reduce development potential in the Rural and Resource Areas by encouraging the transfer of development rights from private rural lands into the Urban Growth Area. ~~((Transfers may also be made to rural sites that have RA 2.5 zoning.))~~**
- R-214 **King County supports and shall work actively to facilitate the transfer of rural and resource development rights to:**
- a. **Preserve the rural environment, encourage retention of resource-based uses and reduce service demands in the Rural Area;**
 - b. **Provide permanent protection to significant natural resources; ~~((and))~~**
 - c. **Increase the regional open space system;**
 - d. **Maintain low density development in the Rural area; and**
 - e. **Provide mitigation for the impacts of urban development on global warming by reducing emissions from transportation and sequestering carbon through retention of forest cover in Rural and Resource Areas.**
- R-215 **To promote transfers of development rights, King County shall:**
- a. **Facilitate ~~((the))~~ transfers from private property owners with sending sites to property owners with receiving sites;**
 - b. **Operate the King County Transfer of Development Rights (TDR) Bank to buy and sell development rights~~((;))~~;**

- c. ~~((w))~~ Work with cities to develop interlocal agreements that encourage transfers of development rights into cities; and ~~((within adopted appropriations))~~
- d. Seek public amenity funding to enhance the livability of incorporated area receiving site neighborhoods accepting increased densities ((shall also be part of the program. King County should actively solicit large landowners, within incorporated areas, to purchase development rights from the TDR bank.))

1. Sending and Receiving Sites

R-216 Eligible sending sites shall be lands designated on the King County Comprehensive Plan land use map as Rural Area (RA), Agriculture (A), Forestry (F), and R-1 Urban Separator, and ((Private properties qualified as sending sites)) shall provide permanent land protection to create a public benefit. ((a permanently protected area of sufficient size to provide a public benefit. Priority ((candidate)) sending sites are:

- a. Lands in Rural Forest Focus Areas;
- b. Lands in close proximity to the Urban Growth Area boundary;
- c. Lands contributing to the protection of endangered and threatened species; and
- d. Lands that are suitable for inclusion in and provide important links to the regional open space system((; or ((b)) ((Rural Forest Focus Areas)) ((e)) ((Agricultural and Forest Production District lands.))

R-217 For transfer of development rights purposes only, qualified sending sites are allocated development rights as follows:

- a. Sending sites with Rural Area or Agricultural zoning shall be allocated one TDR for every five acres of gross land area;
- b. Sending sites with Forest zoning shall be allocated one TDR for every eighty acres of gross land area;
- c. Sending sites with Urban Separator R-1 zoning shall be allocated four TDRs for every one acre of gross land area; and
- d. If a sending site has an existing dwelling or retains one or more development rights for future use, the gross acreage shall be reduced in accordance with the site's zoning base density for the purposes of TDR allocation.
- e. King County shall provide bonus Transferable Development Rights to sending sites in the Rural Area as follows:
 - 1. The sending site is a vacant RA zoned property and is no larger than one-half the size requirement of the base density for the zone; and
 - 2. The sending site is a RA zoned property and is located on a shoreline of the state and has a shoreline designation of conservancy or natural.

R-218 ~~((Development Rights Calculations))~~
~~((Development rights transferred from Rural Forest Focus Areas to the Urban Area shall be calculated on a basis of 1 credit for each 5 acres of site area.))~~
Prior to the County's allocation of transferable development rights to a sending site landowner, the landowner shall record and place on title of the sending site parcel a conservation easement documenting the development restrictions. If a development right(s) ((portion of a sending site)) is being retained for future development, the subsequent development must be

clustered, and the tract preserved with a permanent conservation easement shall be larger than the developed portion. In the case of lands within the Rural Forest Focus Areas, no more than one dwelling unit per 20 acres shall be retained, and the tract preserved with a conservation easement shall be at least 15 acres in size.

~~((R-219)) ((Following the transfer of development rights from a sending site, a conservation easement documenting the transfers shall be recorded and notice placed on the title of the sending site parcel.))~~

R-219((247)) Transfers of development rights may be made to receiving sites as follows:

- a.~~((b))~~ Unincorporated urban areas. ((and incorporated cities)) ((may receive transfers of development rights.)) Preferences should be given to ~~((for))~~ locations within designated urban centers, ~~((-or))~~ and to areas adjacent to transit stations and park-and-ride lots.
- b.~~((c))~~ Transfers into incorporated areas shall be detailed in an interlocal agreement between the city receiving the development rights and the county.
- c.~~((a))~~ Rural areas zoned RA-2.5, that are not on Vashon Island, may receive transfers of development rights only from the Rural Forest Focus Areas.
- d. Land added to the Urban Growth Area by means of the Four-to-One program shall receive transfers for no less than 50% of the allowed density.

R-220 Unincorporated urban lands that are proposed for increased density by means of a quasi-judicial rezone shall require TDRs for 100% of additional residential units that result from the increase in zoned capacity. TDRs shall be required for a portion of the additional market-rate units when the proposal will provide affordable housing, infill development in older urban areas, and when other public purposes or policy goals will be achieved.

2. Rural and Resource Land Preservation Program

Rural and resource lands face increasing development pressure, yet the County must simultaneously plan for, and allow, future development growth. This tension makes it incumbent on the County to strengthen its TDR efforts. For this reason, King County seeks to increase the number of development right transfers and adopt an expanded Rural and Resource Land Preservation program to reduce and redirect rural development potential into the urban areas.

R-221 The goals of the Rural and Resource Land Preservation Program are to: (1) reduce the development potential in rural and resource lands by 25%; (2) increase activity in the TDR market; (3) bolster demand for TDRs; (4) offer rural property owners access to incentive programs; (5) protect low-density rural areas from encroaching urban development; and (6) reduce carbon emissions by decreasing vehicle miles traveled from the rural area and by sequestering carbon in the rural area.

R-222 The Rural and Resource Land Preservation Transfer of Development Rights Program includes Demonstration Projects that involve an expansion of the Urban Growth Area as follows:

a. The area to be added to the UGA shall be no more than 100 acres per project, and shall be immediately adjacent to the original urban growth

boundary as established in the 1994 King County Comprehensive Plan or adjacent to the boundary of a Rural City.

- b. All additional density, and square footage for any non-residential use, in an urban expansion area shall require the purchase of transferable development rights from sending sites within an established Rural Preservation District. The Rural Preservation District shall be outside the expansion area and shall remain Rural;
- c. The Rural Preservation District will, to the maximum extent practical, provide a buffer of permanently preserved open space and rural density between a UGA expansion area and adjacent Rural areas;
- d. At minimum, four acres of land shall be preserved for every one acre of UGA expansion. The preservation shall come from either the transfer of development rights or the dedication of open space within the Rural Preservation District or a combination of both;
- e. The Rural Preservation District shall be sized with a sufficient amount of sending site acreage to provide an expansion area with the necessary amount of potential transferable development rights and satisfy R-222d; and
- f. As a consideration in the formulation of future TDR policy, King County will evaluate the effects of land preservation on property values as a result of UGA expansions that require the transfer of development rights or dedication of open space from surrounding areas.

R-223

The Rural and Resource Land Preservation Transfer of Development Rights Program shall include, but is not limited to, the following:

- a. In addition to the density that is allowed on a receiving site in the urban growth area from the purchase of Transferable Development Rights, the County shall evaluate the climate change related impacts of the proposed development. In so doing the County shall consider the climate change effects related to reducing transportation related emissions, sequestering of carbon on the sending site, and any other climate change effects that result from the transfer of development rights from the sending site;
- b. In the Rural Area, a development proposal for a subdivision or short subdivision may purchase Transferable Development Rights from other Rural Area properties in order to satisfy transportation concurrency requirements. The transfer shall not result in an increase in allowable density on the receiving site;
- c. King County shall provide an added density bonus, beyond the maximum density allowed in K.C. code 21A.12.030, when Transferable Development Rights are used on select urban-center receiving sites that provide enhanced walkability design and incorporate transit oriented development elements;
- d. King County may allow accessory dwelling units in the Rural Area that are greater than one thousand square feet, but less than 1,500 square feet, if the property owner purchases one Transferable Development Right from the Rural Area;

R-224((220)) King County should increase funding for urban area amenities and the TDR bank and seek private and other public funding to strengthen the TDR program and facilitate the transfer of development rights from the Rural Area in order to preserve the rural environment, encourage retention of rural resource-based uses and avoid urban service demands in the Rural Area. King County should pursue public or private partnerships and bond or levy

proposals for additional TDR bank funding to target threatened private rural or resource lands. Rights purchased through such a program could be sold into any appropriate urban location.