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09/01/16

S1 – Striking Amendment

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Sponsor: DembowskiProposed 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.

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

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

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

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

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

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

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

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

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

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58 repealed.

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

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

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

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

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

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

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

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

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

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

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

102 A. Ordinance 11653 adopts area zoning to implement the 1994 King County
 103 Comprehensive Plan pursuant to the Washington State Growth Management Act RCW
 104 36.760A. Ordinance 11653 also converts existing zoning in unincorporated King County
 105 to the new zoning classifications in the 1993 Zoning Code, codified in Title 21A, pursuant
 106 to the area zoning conversion guidelines in K.C.C. 21A.01.070. The following are adopted
 107 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

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

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

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

139 E. Amendments to the 1994 King County Comprehensive Plan area zoning,
140 Ordinance 11653 Appendices A through P, as contained in Attachment A to Ordinance
141 12170 are hereby adopted to comply with the Decision and Order of the Central Puget
142 Sound Growth Management Hearings Board in Vashon-Maury Island, et. al. v. King
143 County, Case No. 95-3-0008.

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

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

151 H. The Black Diamond Urban Growth Area Zoning Map attached to Ordinance
152 12533 as Appendix B is adopted as the official zoning control for those portions of

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

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

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

163 K. The special district overlays, as designated on the map attached to Ordinance
164 12809 in Appendix A, are hereby adopted pursuant to K.C.C. 21A.38.020 and 21A.38.040.

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

168 M. Ordinance 12824 completes the zoning conversion process begun in Ordinance
169 11653, as set forth in K.C.C. 21A.01.070, by retaining, repealing, replacing or amending
170 previously adopted p-suffix conditions or property-specific development standards
171 pursuant to K.C.C. 21A.38.020 and K.C.C. 21A.38.030 as follows:

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

176 2. All ordinances adopting individual zone reclassifications effective prior to
177 February 2, 1995, including but not limited to Ordinances 43, 118, 148, 255, 633, 1483,
178 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765, 2781,
179 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313, 3360, 3424, 3494, 3496, 3501,
180 3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051, 4053,
181 4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867, 4812,
182 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171, 5184,
183 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854, 5984,
184 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832, 6885,
185 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653, 7677,
186 7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375, 8427,
187 8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865, 8866,
188 9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194, 10287,
189 10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271, and 11651, are hereby
190 repealed and p-suffix conditions are replaced by the property specific development
191 standards as set forth in Appendix A to Ordinance 12824.

192 3. All ordinances establishing individual reclassifications effective after February
193 2, 1995, are hereby amended, as set forth in Appendix C to Ordinance 12824, to retain,
194 repeal or amend the property specific development standards (p-suffix conditions)
195 contained therein.

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

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

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

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

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

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

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

212 f. The Revised Vashon Community Plan Area Zoning, attached to Ordinance
213 7837 as Appendix B, as amended, is hereby repealed.

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

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

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

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

222 k. The Soos Creek Community Plan Update Area Zoning, adopted by Ordinance
223 10197, Appendix B, as amended, is hereby repealed.

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

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

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

230 5. All ordinances adopting area zoning pursuant to Title 21A and not converted
231 by Ordinance 11653, including community or comprehensive plan area zoning and all
232 subsequent amendments thereto, are amended as set forth in subsection M.5.a. through f.
233 All property specific development standards (p-suffix conditions) are retained, repealed,
234 amended or replaced by the property specific development standards as set forth in
235 Appendix A to Ordinance 12824, the special district overlays as designated in Appendix B
236 to Ordinance 12824 or the special requirements as designated in Appendix A to Ordinance
237 12822.

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

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

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

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

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

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

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

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

260 1. Emergencies;

261 2. An appeal of the plan filed with the Central Puget Sound Growth
262 Management Hearings Board or with the court;

263 3. The initial adoption of a subarea plan, which may amend the urban growth
264 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;

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

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

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

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

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

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

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

342 D. The executive shall seek public comment on the comprehensive plan and any
343 proposed comprehensive plan amendments in accordance with the procedures in K.C.C.
344 20.18.160 before making a recommendation, in addition to conducting the public review
345 and comment procedures required by SEPA. The public shall be afforded at least one
346 official opportunity to record public comment before to the transmittal of a
347 recommendation by the executive to the council. County-sponsored councils and
348 commissions may submit written position statements that shall be considered by the
349 executive before transmittal and by the council before adoption, if they are received in a
350 timely manner. The executive's recommendations for changes to policies, text and maps
351 shall include the elements listed in Comprehensive Plan policy RP-307 and analysis of
352 their financial costs and public benefits, any of which may be included in environmental
353 review documents. Proposed amendments to the Comprehensive Plan shall be
354 accompanied by any development regulations or amendments to development
355 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

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

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

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

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

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

413 a. designation of a specific site; or

414 b. identification of proposed rural or resource area regional trails or rural or
415 resource area open space sites which meet adopted standards and criteria, and for rural or
416 resource area open space sites, meet the definition of open space land, as defined in RCW
417 84.34.020;

418 5. Identification as habitat for federal listed endangered or threatened species in
419 a written determination by the King County department of natural resources and parks,
420 Washington state Department of Fish and Wildlife, United States Fish and Wildlife
421 Services or a federally recognized tribe that the sending site is appropriate for
422 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,

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

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

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

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

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

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

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

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

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

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

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

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

612

613 Delete Attachment A, King County Comprehensive Plan - 2016 Update, and insert
614 Attachment A, King County Comprehensive Plan - 2016 Update, dated September 1,
615 2016, engross the changes in the striking amendment and from any adopted amendments
616 to the striking amendment, and delete the line numbers.

617

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

622

623 Delete Attachment C, Technical Appendix A – Capital Facilities, and insert Attachment
624 C, Technical Appendix A – Capital Facilities, dated September 1, 2016, engross the
625 changes in the striking amendment and from any adopted amendments to the striking
626 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.**