

Project Narrative

Mary Johnson and Mary Wictor – Development Regulation Text Amendment

- Docket Request #2(1B): Modification of the Transfer of Development Rights (TDR) Program.
- For 2020 per Resolution R2019-857 passed November 19, 2019, Section 1. Docket Decision

– Detailed statement of what is proposed to be changed and why

Modify the TDR program so that it can be utilized right away. In addition, make it meaningful for all viable areas that need relief and protection from increased and/or continuing new and re-development pressures.

Historic areas have existing lots, such as the Inglewood and Tamarack Plats, and need TDRs because they lie in key sensitive environmental areas, lack infrastructure, while development and growth still continue. Existing lots/parcels often have at least one and sometimes multiple critical areas and constraints, making development difficult, costly, and potentially unsafe. TDRs are currently allowed from some erosion areas but are needed a bit more widely, particularly in areas dealing with landslides and other geo-hazards, plus possibly around lakes. Thus, review with slightly expanding in-City sending site designations is warranted.

Supporting Background Information

“Staff comment: The program can be utilized now but is being impacted by project eligibility. The TDRs Interlocal Agreement (ILA) needs to be reviewed and revised by both the Sammamish City Council and King County.” [Recorded as i2011-107-kc_tdr_ila]

https://www.sammamish.us/attachments/pagecontent/45613/I2011-107%20-%20KC_TDR_ILA_Recorded_2011.pdf

City TDR website, plus recent TDR #'s data presented by Parks department staff at a public meeting:
<https://www.sammamish.us/government/departments/community-development/current-projects/transfer-of-development-rights/>

22 TDR credits from rural areas in Unincorporated King County have been purchased by mid-2019
20 TDRs are required to be used in the Town Center *“prior to allowing development rights transferred in any other manner and from any other sending site”*

[Quote from the 2011 ILA, D.2 pg6/25 prioritizes first the County TDRs]

As of July 2017, those 20 development rights have been purchased but have not yet been used.

TDRs are voluntary and cannot require nor obligate any owner but should be flexible—meant to be a market-driven incentive to conserve land/areas. However, there will be low or no demand until the TDRs program “tool” is modified so it can and will be used. Until this situation is rectified, TDRs are stalled; market price(s) will not be attractive.

Eligible sending sites inside the City can sell all or a portion of their development rights as TDR credits for use in the Town Center—recording a TDR conservation easement on the lot or parcel(s) or portions of them instead of developing. TDRs can also move density from D-Zone to A-Zones within Town Center. Eligible in-City TDRs designated areas include the Thompson and Inglewood subbasins, erosion hazards special district overlay, and wetland management areas special district overlay—areas such as environmentally sensitive areas / some critical areas, open space, and/or other lands with public benefits. [See City website, SMC code, & three maps below as illustrations.]

NOTE: Historic 1889 Inglewood Plat is **not** in the mapped Inglewood subbasin but lies just west and below it. Steep slopes, no disturbance, erosion or landslide hazard areas (for example, 1964 Tamarack) could and should be considered and added as eligible for in-City TDRs. These are key sensitive environmentally critical areas, important as corridors for wildlife/habitat/trees, but over-developed per existing infrastructure (water, septic/sewer, roads), especially Inglewood Plat being developed at higher density than its R-4 zoning. As “historic” plats before 1977, Inglewood and Tamarack have neither parks nor open space as the **1969 Subdivision Act** first enacted comprehensive subdivision regulations in Washington State.

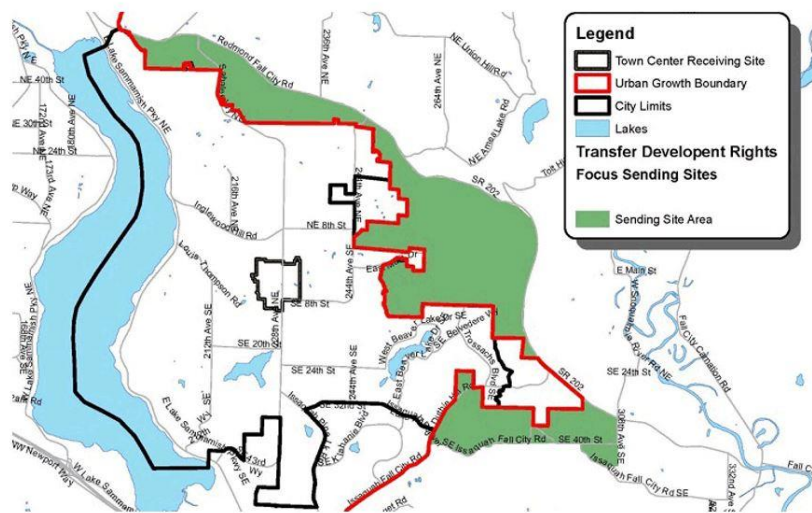
– Describe the anticipated impacts, including geographic area(s) affected and issues presented

Until modification of TDRs, this tool is stalled and ineffective outside, in-City and within Town Center. The area that would be most impacted by ILA revision to make TDRs useful is in the Thompson subbasin and Inglewood subbasin and special overlay areas in Sammamish, such as in those defined as erosion and EHNSWB or near wetlands, but could and should be expanded for landslides or other geo-hazards (seismic, steep slopes) or around lakes. See sending site areas outside from King County, in-City and D- to A-Zones:

The geographic areas affected are best illustrated by copy/pasted City's maps per 13-Feb-2017 TDR slides.

King County / City of Sammamish Interlocal

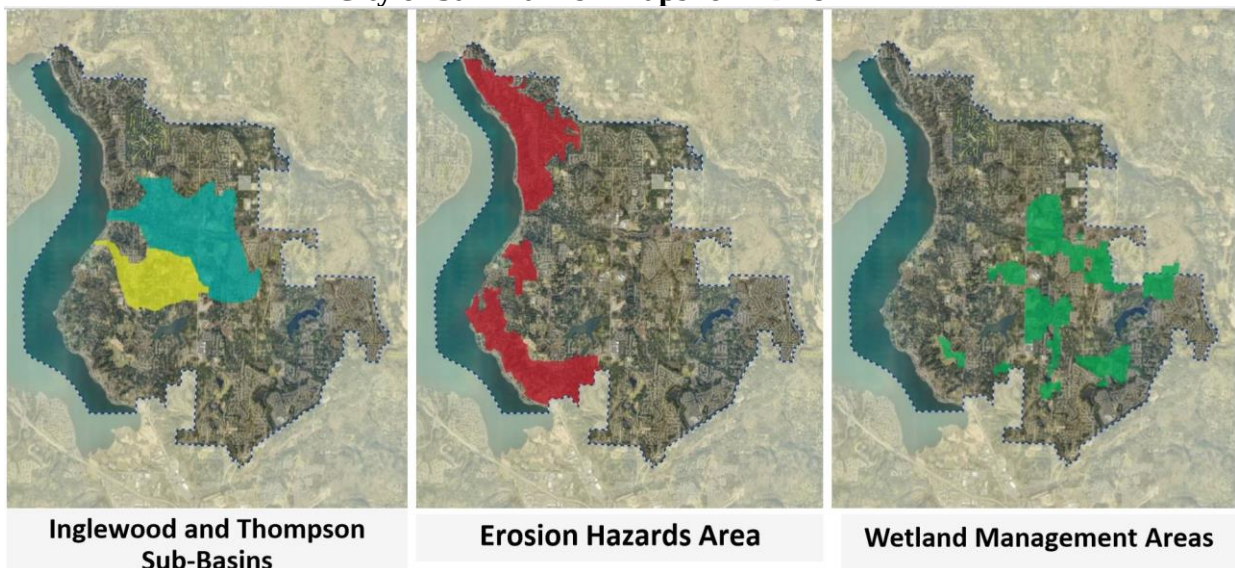
Emerald Necklace



ILA Sending Site Area

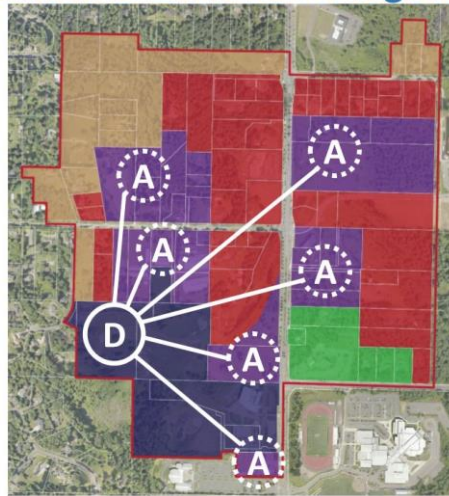
<https://www.sammamish.us/attachments/pagecontent/45620/ILA%20Area%20Map.pdf>

City of Sammamish Maps for TDRs



<https://www.sammamish.us/attachments/pagecontent/45623/In-City%20Map.pdf>

Town Center D-Zone TDR Program Map



<https://www.sammamish.us/attachments/pagecontent/45626/D-Zone%20Map.pdf>

The impacts anticipated from meaningful modifications to make the TDR program functional include:

- More than the 20 TDR credits required by King County were met and have been purchased by developers (but are currently stalled) until used in Town Center
- Up to 75 TDR credits authorized from unincorporated King County adjacent to the City's **Emerald Necklace / Marketplace for unincorporated TDR credits to preserve rural lands deemed important to the City while providing funds that are invested into City amenities for the public benefit and use.**
 - Until the TDR program is modified, it is a virtually ineffective tool to help manage growth in the City. Potential use of in-City TDRs exists but stalled, because County TDR use has 1st priority.
 - To make TDRs attractive, ILA revision is needed so this tool can function well and offer incentive for private landowners to consider, so that conservation happens through marketplace transactions.
- Properly modified, TDRs can come from outside the City in County-designated areas.
- In-City TDRs will permanently preserve privately owned land per market, without City/public costs.
- TDRs provide voluntary conservation, may increase recreation and connectivity, and add open space. They also help protect sensitive Environmentally Critical Areas and buffers, and preserve the City's natural features and resources, wildlife corridors, and tree canopy, while helping reduce climate change impacts!
- Development/growth will be focused into urban areas, away from rural and critical areas, as per the GMA.
- Town Center development can incorporate TDRs where growth can best be supported by an urban center.
- Development in the Town Center will be better clustered and more compact, reducing costs and impacts (for example, the D-zone by TDR credits moves development to other Town Center A-zones, core areas with high density).

Better growth management, lower infrastructure costs/maintenance, and overall more benefits via TDRs:

Public benefits include increased open space, better connectivity and recreation, and the preservation of trees, forests, and vegetation for wildlife habitat and natural processes, while helping to reduce costs and alleviate tax increases. The “unique sense of place” that Sammamish is known for will also be preserved, which will help sustain or improve the character of neighborhoods, both old and new while protecting land.

– Explain why existing Comprehensive Plan guidance should not continue in effect or why the existing criteria no longer apply

The Text Amendment Proposal would affect only development regulations, not the Comprehensive Plan, and the existing criteria would still apply.

Comprehensive Plan Goals and Policies already exist and indicate TDRs especially for protection of natural features in the City. Refer also to “Criterion Compliance Narrative” for this Text Amendment Proposal for pertinent existing Comprehensive Plan Goals and Policies, plus formally researched measures on how doing TDRs can reduce climate impacts.

– Describe how the proposed amendment complies with the Growth Management Act’s goals and specific requirements

This Text Amendment Proposal supports the following three GMA goals [useful reference staff provided: <http://mrsc.org/Home/Explore-Topics/Planning/General-Planning-and-Growth-Management/Comprehensive-Planning-Growth-Management.aspx>]:

- **Concentrated urban growth** – using the TDRs in the Town Center area, reducing development pressure in outlying areas of the city and focusing it where services are most readily available.
- **Environmental protection** – helping to protect the existing urban forest canopy and habitat corridors
- **Property rights** – just compensation for private property that is in critical and other difficult-to-build areas.

Background Information / TDRs

Per the ILA 2011 between King County and City of Sammamish recorded as **20110725001179**, 25 pages:

- The WA State “GMA RCW 36.70A directs development into urban areas . . .”
- “The GMA encourages the conservation of . . . and the retention of open space to conserve . . . wildlife habitat and enhance recreational opportunities . . .”
- Per ILA, “the City adopted and ratified the Countywide Planning Policies (CPP) for King County”
- These policies “direct jurisdictions . . . to implement programs and regulations to protect and maintain the rural character of rural, farm and forest lands, and to direct growth to cities and urban centers, and”
- Rural and resource lands contain “important countywide public benefits such as forestry, agriculture, wildlife habitat, and scenic resources and recreational opportunities, and . . . the City has identified [these] as preservation priorities.”

“Sammamish Ordinance O2008-232 adopted the Town Center [subarea] Plan which encourages the incorporation of a Transfer of Development Rights [TDRs] system to use market forces to better protect ecological resources and open space with public benefits . . .”

*Intuitively, not being able to use TDRs does **not** provide protections intended/needed—so, modify TDRs!*

Growth Management Act (GMA) Planning Goals directly from Revised Code of Washington (RCW):

- **RCW 36.70A.090 Comprehensive plans—Innovative techniques.** A comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments, and the transfer of development rights.
- **RCW 36.70A.020 Planning goals.** . . . The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:
 - (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
 - (6) Property rights. Private property shall not be taken for public use without just compensation having been made.
 - (11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
 - (12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
- **RCW 36.70A.040 Who must plan—Summary of requirements—Resolution for partial planning—Development regulations must implement comprehensive plans.**
 - (4)(d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

In summary, modifying TDRs relates to the GMA/RCW, Sammamish ordinances and Comprehensive Plan.

– Explain how the proposed amendment complies with regional and/or county goals and policies

By not developing parcels in critical areas and other difficult-to-build sites, the existing tree canopy of mature Douglas firs, big-leaf maples, and other native trees will be able to continue carbon sequestration, thereby indirectly supporting the King County goal of maintaining a healthy environment and reducing countywide greenhouse gas emission by 50 percent by 2030.

Please also refer to “Criterion Compliance Narrative” for this Text Amendment for modification of TDRs.

– Describe how the proposed amendment complies with the Sammamish Vision Statement <https://www.codepublishing.com/WA/Sammamish/?SammamishCP/SammamishCP.html>

2003 Sammamish Vision Statement integrated into 2015 Comprehensive Plan, Volume II: Background, Introduction, chapter 6 Vision Statements [Community Profile | January 2014] online page 29 of 40:

“The vision of Sammamish is a community of families. A blend of small-town atmosphere with a suburban character, the City also enjoys a unique core of urban lifestyles and conveniences. It is characterized by quality neighborhoods, vibrant natural features, and outstanding recreational opportunities. A variety of

community gathering places provide numerous civic, cultural, and educational opportunities. Residents are actively involved in the decisions that shape the community and ensure a special sense of place.”

This Text Amendment Proposal for modifying TDRs supports these 2003 Vision concepts by focusing development at the Town Center and maintaining the “special sense of place” in historic neighborhoods as well as a new Town Center offering a “unique core of urban lifestyles and conveniences.” A modified operational TDR program will help Town Center be more compact, offering a better central “community gathering place.” Additionally, “natural features of Sammamish include parks, wetlands, and steep slopes” [online page 21 of 40, 2014 Profile] which can be protected by TDRs for these already-designated or expanded areas for in-City sending sites.

2015 Vision Statement in Table of Contents online page 3 of 12; and/or Volume I: Goals and Policies, Introduction, online page 10 of 22 within the most recently adopted Oct. 23, 2015 Comprehensive Plan:

“Sammamish is a vibrant bedroom community blessed with a well-preserved natural environment, a family-friendly, kid-safe culture, and unrivaled connectedness. From its expanding tree canopy, to its peaceful neighborhoods, to its multi-modal transportation resources, Sammamish captures the best of the past even as it embraces a burgeoning digital future and meets housing affordability through balanced, sustainable housing. It is a state-of-the-art community—engaged, responsive and generous in its support for the full range of human endeavor.”

Modifying TDRs complies with the 2015 current Sammamish Vision by offering market-driven incentives for preserving the natural environment that exists on private land. Connectedness can be increased for human recreation and wildlife, which helps to better preserve and sustain the existing tree canopy and forest connections.

– Explain how functional plans and capital improvement programs support the change

The 2015 Comprehensive Plan amended September 18, 2018 has the definition:

FUNCTIONAL PLANS: “Functional plans” are detailed plans for facilities and services and action plans for other governmental activities such as parks, surface water, streets, etc. Functional plans should be consistent with the Comprehensive Plan. **Not Applicable** to TDRs/development regulations or changes.

CAPITAL IMPROVEMENT PROGRAMS/Plans/Projects (CIPs) will not be needed.

Not Applicable to TDRs/development regulations or changes, modifications, expansions, or revisions.

– Describe public review of the recommended change, necessary implementation and alternatives

PUBLIC REVIEW: Two public hearings have already been held as part of Step #1 Docket Requests for approved items. This formal application as a Text Amendment Proposal as Step #2 will lead to additional public hearings that will need to occur during legislative review for TDRs. See SMC 24A.10.020(2)(c-d) that updated Chapter 24 to 24A approved 6/1/2019 as Ordinance O2019-483; this Sammamish Municipal Code (SMC) was and is in effect for the August 5, 2019 submission deadline for any 2020 Docket.

NECESSARY IMPLEMENTATION: Will require the Sammamish City Council to work cooperatively with King County to modify the 2011 Interlocal Agreement for Transfer of Development Rights (TDRs). While the TDR program exists and has been codified in Sammamish Municipal Code (SMC), development regulations may be impacted by changes needed to ensure the TDR program works, and is flexible, and

attractive as a market-based tool for conservation of private lands from adjacent County-designated areas and viable in-City locations. Problems do exist from development pressure in historic areas that do not have adequate infrastructure to support even existing housing; growth has and is exceeding current zoning, too.

Summary & Alternatives

This Text Amendment Proposal is for the Sammamish City Council and King County to review and revise their Interlocal Agreement so that parcels in the Thompson and Inglewood subbasins areas and any other viable areas deemed appropriate will be eligible to be potential Transfer of Development Rights (TDRs) sending sites. Numerous parcels are in environmentally critical areas that encompass overlays such as steep slopes, erosion hazards near sensitive water bodies, drainage to landslide hazard areas, erosion hazards, and no disturbance. These constraints make these parcels difficult to build on, high-risk, and costly. Offering the opportunity for private land conservation through in-City TDRs is an important and needed alternative.

The current Interlocal Agreement prioritizes TDRs from rural unincorporated King County to the Town Center Plan subarea. Revising the agreement can aid the City in making in-City TDRs attractive and marketable now. Parcels in the Inglewood Hill area can or could be eligible parcels helping protect critical areas and overlays from increased or continuing development pressure, also to helping preserve the existing canopy of healthy, mature trees and existing habitat corridors. Trees and vegetation help slope stability.

ALTERNATIVES and other additional approaches

In addition to TDRs, the City of Sammamish can do direct land acquisition, outright Purchase of Development Rights, and inform owners of the Public Benefit Rating System that can reduce taxes if land is held in the same state/use for at least 10 years. But modified TDRs are the least expensive approach and offer the most and widest benefits for all parties including the County, City, owners, and public.