



King County

Department of Development
and Environmental Services

900 Oakesdale Avenue Southwest
Renton, WA 98055-1219

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: December 8, 2004

TO: Building Services Division Staff	Land Use Services Division Staff
Mike Dykeman, Manager	Joe Miles, Manager
Chris Ricketts	Lisa Dinsmore
Jim Chan	Beth Deraitus
Kenneth Dinsmore	Randy Sandin
Pam Dhanapal	Steve Bottheim

Stephanie Warden, Director
Harry Reinert, Special Projects Manager
Paul Reitenbach, Senior Policy Analyst
Tim Barnes, Prosecuting Attorney's Office

FM: Harry Reinert, Co-Chair

Present: Beth Deraitus, Jim Chan, Kenneth Dinsmore, Pam Dhanapal, Randy Sandin, Lisa Pringle, Nancy Jo Perdue, and Harry Reinert,

1. How are impervious surface limitations calculated when transfer of development right credits are used to increase density?

Background

A subdivision used transfer of development right credits to increase density as allowed under K.C.C. 21A.12.070. The zoning is R 4. The question is what impervious surface limits apply to each lot within the plat. They are in the process of finalizing the plat and have potential buyers who are concerned that they cannot put their product on the lots because of the % of impervious surface area allowed.

Discussion

K.C.C. 21A.12.070B authorizes an increase in the maximum density through the transfer of development rights program established under K.C.C. chapter 21A.37. K.C.C. 21A.12.030 set forth the densities and dimensions applicable in residential

zones. In R-4 zones, the maximum density is six units per acre, essentially R-6 zoning. This maximum density may only be achieved through residential density incentives under K.C.C. chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37. K.C.C. 21A.12.030B.1.

K.C.C. 21A.12.030 also establishes the maximum impervious surface percentage. In R-4 zones, this is 55% and in R-6 zones it is 70%.

K.C.C. 21A.37.030 sets forth the standards for transfer of development rights receiving sites. These standards limit which sites may receive development rights. The standards also provide that the receiving site is subject to the zoning code provisions for the base zone, "except TDR receiving site developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the TDR receiving site development." K.C.C. 21A.37.030B. In this case, the proposed receiving site development is most comparable to the R-6 zone. Thus, the appropriate impervious surface limit would be 70%.

Decision

Under K.C.C. 21A.37.030B, the applicable impervious surface limits on a transfer of development rights receiving site are those of the zone with a base density most closely comparable to the base density of the proposed development. In the present case, the most comparable base density is R-6. Under K.C.C. 21A.12.030A, the impervious surface limit in R-6 zones is 70%.

2. Does the set-aside of 6 acres of native vegetation satisfy the clearing restrictions of NS-P23 or does the clearing apply to 'each individual lot'?

Background

A proposed subdivision is subject to the Holmes Point Disturbance P-Suffix conditions (NS-P23). The conditions in NS-P23 reference clearing limited to each individual lot. The plat proposes to set aside native vegetation in a critical areas tract (landslide and erosion hazard area). The plat is approximately 9 acres, of which the set aside (recorded tract) will comprise 6 acres of native vegetation.

The applicant wants to place some of the significant trees that are required to be retained in the critical areas tract that will be created.

Discussion

NS-P23 sets a number of property-specific disturbance standards that apply in the Holmes Point area. Up to fifty percent of lots may be used for garden, lawn, or landscaping, subject to some conditions. Included in the conditions is a requirement that all significant trees be retained. NS-P23B.6.a.

It is acceptable to replace significant trees that need to be removed in an individual lot with trees that are planted in the critical area tract. Any trees that are to be retained in individual lots need to be identified on the face of the plat.

Decision

Under NS-P23, significant trees that are required to be retained on individual lots may be transferred to a critical areas tract being created under the subdivision. Any significant trees that are being retained on individual lots must be shown on the face of the plat.

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