

## Chapter 6

---

Potential Code Amendments



# Potential Code Amendments

## City of Woodinville Sustainable Development Study

Prepared for:

City of Woodinville  
17301 133rd Avenue NE  
Woodinville, WA 98072  
Contact: Ray Sturtz  
425-489-2754

Prepared by:



**Jones & Stokes**

11820 Northup Way, Suite E300  
Bellevue, WA 98005  
425/822-1077

August 2007  
Revised October 2007



# Table of Contents

---

<b>1. Introduction .....</b>	<b>1</b>
<b>2. Possible Specific Zoning and Development Code Amendments .....</b>	<b>1</b>
2.1. Amendment to Zoning District Purpose Statements.....	1
2.2. Specific Aspects of Transfer of Development Rights Program.....	2
2.3. Residential-4 Transition (R-4T) Zone .....	2
<b>3. Possible Recommendations to be Implemented in 2008 Docket .....</b>	<b>3</b>

## Appendices

---

- Appendix 6A Residential Zone Purpose Statements  
Draft Residential Zone Purpose Statement Code Amendments
- Appendix 6B Transfer of Development Rights (TDR) Program  
Draft Transfer of Development Rights Code Amendments
- Appendix 6C Draft Residential-4 Transition (R-4T) Zone Code Amendments

## Acronyms

---

- LID Low Impact Development
- TDR Transfer of Development Rights



# 1. Introduction

The City of Woodinville’s Sustainable Development Study Phase 2a, included several subjects that were intended to become, or result in regulatory amendments to the City’s zoning and development regulations. Specific areas where zoning and development regulations could be amended more immediately could include residential zone purpose statements, Transfer of Development Rights (TDR) regulation amendments, and implementation of a transition zone for areas near the recommended R-1 area and/or on mapped landslide areas. Broader subjects, such as low impact development (LID), would require more comprehensive zoning and development regulation amendments based upon conclusions and recommendations within this report and are recommended for next year’s docket. This attachment to the Sustainable Development Study outlines the various regulatory amendments that could result from Phase 2a of this study.

## 2. Possible Specific Zoning and Development Code Amendments

Three subjects were identified in the Sustainable Development Phase 2a study that could be included as specific zoning and development code amendments resulting from this study in 2007:

### 2.1. Amendment to Zoning District Purpose Statements

Per the findings in the Residential Zone Purpose statement memorandum (see Appendix 6A), staff believes that specific zoning code amendments could be made to the purpose statement and location criteria for the R-1 and R-4 zones that distinguish the two and make them align more closely between the two code sections. This type of code amendment may include tying the application of an R-1 zone to more precise criteria such as the presence of environmental critical areas, covenants, conditions, and restrictions, or other appropriate factors that would determine whether or not a rezone was appropriate. Proposed code amendments would not preclude a rezone, but would probably make it more difficult to rezone than the current code. Detailed draft code amendments are found in Appendix 6A. Proposed amendments in Appendix 6A include proposed revisions requested by the CAP with one exception. The CAP requested that the term “apartment” be changed to “apartment/condominium.” However, based upon discussions with city staff, the revision to mention the term “condominium” would expose the city to greater liability with regards to zoning for ownership over rental units. City staff input was that the term “apartment” in the Residential zone purpose statements accounts for apartment-style housing of both an ownership and rental type.

## 2.2. Specific Aspects of Transfer of Development Rights Program

Some aspects of a Transfer of Development Rights Program update (see Appendix 6B) could be included as specific code amendments recommended as a result of this study in 2007. These include:

- more specifically identifying sending and receiving areas and/or editing the existing lists of sending and receiving areas;
- changing the code to make development rights sent from lower density areas (R-1 and/or R-4T) more valuable in higher density areas (R-4 or greater); and
- specifically outlining the potential increase in density/development capacity in a tabular form, as shown in the TDR memorandum.

Details of draft code amendments can be found in Appendix 6B.

## 2.3. Residential-4 Transition (R-4T) Zone

At their August 2, 2007 meeting, the Sustainable Development CAP and staff discussed the potential of designing and implementing a transition zone that provides greater development compatibility between the area remaining in R-1 zoning and R-4 and more intensely zoned areas. This transition zone would also be appropriate in areas with mapped landslide hazard areas where special recognition in addition to the City's critical areas regulations would be appropriate. Draft code amendments were developed which do the following:

- Provide a purpose statement for the R-4T zone in Woodinville Municipal Code 21.04.080(1)(a).
- Provide location criteria for the R-4T zone in Woodinville Municipal Code 21.04.080(2). The proposed code amendment offers two options for location criteria:
  - One option allows the R-4T zone in areas adjacent to the R-1 zone (within 300 feet) and/or in areas with mapped landslide hazards;
  - The second option allows the R-4T zone in the area between the R-1 zone and more intense zones, including but not limited to the R-4, R-6, O, and I zones.
- The proposed amendment includes changes to the City's Densities and Dimensions table (WMC 21.12.030) with a full set of proposed development standards for the new R-4T zone and a proposed amendment to the Minimum Lot Width standard for the R-1 zone. The amendment to the R-1 Minimum Lot Width will provide a gradual transition from a minimum 70 foot width lot in R-1 to a minimum lot width of 30 feet in the existing R-4.

Additional development standards ensure that maximum density allowed in the R-4T zone is four dwelling units per acre; and that setbacks are determined by taking 80% of the average of existing adjacent development.

Details of the draft code amendment can be found in Appendix 6C.

### 3. Possible Recommendations to be Implemented in 2008 Docket

Other potential recommendations could include specific zoning code and development regulation updates to be implemented as part of Phase 2b of the Sustainable Development Study, or as part of the 2008 Annual Docket. These amendments would be more complicated and too time-consuming to achieve before the September 2007 deadline for Phase 2a. These amendments could be tailored to achieve specified objectives outlined within this report. These amendments could include, among other things:

- Code amendments that would implement LID standards (Appendix 6D of Environmental Report) within all or portions of the Study Area; and/or
- Code amendments that would amend the critical areas regulations to protect wildlife corridor habitats identified in the study (Appendix 6E of Environmental Report); and/or
- Critical area code amendments that include fault rupture zone protections similar to that described by Golder Associates (Appendix 6A.2 of Environmental Report).
- Critical area code amendments for hillside slopes regarding setbacks, studies and mapping described by Golder Associates (Appendix 6A.1 of Environmental Report).
- Critical Aquifer Recharge Area (CARA) map and regulation updates (Appendix 6A.1 of Environmental Report).
- Developing a bank or other administrative function for Transfer of Development Rights program (Appendix 6B of this report).
- Review and strengthening of affordable housing and accessory dwelling unit programs and regulations (Chapter 5 of this report).

Please see the noted appendix for more details on each potential code amendment subject area.



## Appendix 6A.1

---

Sustainable Development Study – Residential Zones



## Memorandum

<b>Date:</b>	June 21, 2007
<b>To:</b>	Ray Sturtz, Planning Manager
<b>From:</b>	Gil Cerise, Senior Planner
<b>cc:</b>	Lisa Grueter, Senior Planner
<b>Subject:</b>	Sustainable Development Study – Residential Zones

### Introduction & Purpose

Recently, Jones & Stokes was asked to evaluate the residential zone purpose statements contained in the Woodinville Municipal Code (WMC). As part of this task, Jones & Stokes was asked to research how other jurisdictions define their residential zones and use the results to develop recommendations for amendments to Woodinville’s residential zone purpose statements.

### City of Woodinville Residential Zone Purpose Statement

The description and definition of the City of Woodinville residential zones are found in the Purpose Statements listed under WMC 21.04.080. The zoning districts are differentiated based upon density of development. This section of code provides the following:

- a description of the various zoning designations;
- a statement about the types of uses or building types allowed in the zone; and
- some location criteria for where the various types of zones are mapped within the City.

The zone’s purpose statement is used to help interpret the appropriateness of uses being located within the zones. The location criteria are used to help determine whether or not a rezone is appropriate for an area being considered for a rezone. Other rezone criteria are listed in WMC 21.44.070. In addition, zoning purpose statements should be consistent with associated Comprehensive Plan land use designations.

## Comparison to Other Cities

Jones & Stokes staff reviewed the residential zone purpose statements of a variety of other cities in King County and one jurisdiction in Snohomish County (Mill Creek). The features of residential zone purpose statements are outlined on the attached matrix that lists the zoning designation; allowable densities; allowable uses; and purpose of the zone designation.

A review of the accompanying matrix (Attachment #1) shows that Woodinville's method of defining its residential zones is not much different from how other jurisdictions define their zoning designations. Most jurisdictions have some sort of low-density zoning designation within the zones covering single-family residential uses. The purpose statements of these zones vary somewhat. However they all include some reference to protection of critical areas, or are intended for areas with environmental critical area constraints. Other zones within the lower density designations are designed for principally single-family detached dwelling units with few other uses permitted. Higher density designations either allow a mixture of single-family detached dwellings and lower density multi-family options; or higher density multi-family dwellings. Based upon the jurisdictions reviewed, few jurisdictions define their zones by minimum lot area or other factors. Zoning designations that utilize residential density in their purpose statements tend to use the maximum density allowed in the zone (i.e., R-4 allows up to 4 dwelling units per acre). Some jurisdictions include density bonus provisions that allow a development to exceed the maximum density outlined in the purpose statement if features are provided in the development that provide the community benefit, such as affordable housing or on-site common open space.

## Options to Consider

The Citizen's Advisory Panel (CAP) may want to consider one of several options based upon the review of the various residential zoning purpose statements contained in the attached matrix:

- The CAP may want to recommend providing more detailed zoning purpose statements for each zone, rather than placing more than one zone in the same category. Each zoning designation purpose statement would still need to be consistent with its associated Comprehensive Plan Future Land Use designation;
- The CAP may want to recommend minor edits to existing zoning purpose statements to address specific issues raised; or
- The CAP may elect to retain the existing zoning purpose statements as they exist with no changes.

## Conclusions

Based upon the review of the other cities' zoning purpose statements, Jones & Stokes staff believe that some minor edits to the residential zone purpose statements would be helpful to clarify aspects of the zoning designation purpose and location criteria. Specifically, since the City's zoning location criteria for the R-4 to R-8 covers two types of residential zones (Low

Density Residential and Moderate Density Residential), the City may want to create separate location criteria for the R-4 zone (Low Density Residential) and for R-6 through R-8 (Moderate Density Residential). In addition, if the R-1 zone is retained as a result of the Sustainable Development Study, the City may want to revise the purpose statement and location criteria of that zone based on the outcome of the study.



ATTACHMENT 1: ZONING PURPOSE STATEMENT COMPARISON MATRIX

City	Residential Zones	Allowable Density	Allowable Uses	Purpose of Zone Designation
City of Woodinville	Low Density Zones – R-1 through R-4	1 and 4 dwelling units per acre	Single-family detached dwelling units  Other development types (duplexes and accessory units) allowed under special circumstances	The R-1 zone on or adjacent to lands with area-wide environmental constraints, or in well-established subdivisions of the same density, which are served at the time of development by public or private facilities and services adequate to support planned densities; The R-4 through R-8 zones on urban lands that are predominantly environmentally unconstrained and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services
	Moderate density zones - R-5 through R-8	6 and 8 dwelling units per acre	Predominantly single-family attached and detached dwellings  Apartments, duplexes, and townhomes allowed if they contribute to City's vision and conform to regulations	The R-4 through R-8 zones on urban lands that are predominantly environmentally unconstrained and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services
	Medium density zones (R-9 through R-18)	12 and 18 dwelling units per acre	Duplexes  Multi-family apartments  Townhomes	Development at densities supportive of transit and providing a transition to lower density areas; and  The R-12 through R-48 zones in appropriate areas of the City that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.
	High density zones (R-19 through	24 and 48 dwelling units per acre	Duplexes  Multi-story apartments	For the highest residential densities. Developments have access to transit, pedestrian and nearby commercial facilities, and provide a transition to high intensity commercial uses.  The R-12 through R-48 zones in appropriate areas of the City that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.
City of Bellevue	Single-Family Residential Estate Districts—R-1, R-1.8	1 and 1.8 dwellings per acre	May include agricultural uses and activities compatible with low residential density	Serves to protect steep slopes or unstable land from overdevelopment
	Single-Family Residential Districts—R-2.5, R-3.5, R-4, R-5, R-7.5 <sup>1</sup>	2.5, 3.5, 4, 5 and 7.5 dwellings per acre	Allows for residential uses and permit compatible, related activities.	Allows for residential areas of low to moderate densities and permits compatible, related activities
	Suburban Residential Districts—R-2.5, R-3.5, R-4, R-5 <sup>2</sup>	2.5, 3.5, 4 and 5 dwellings per acre	Allows for Residential uses and permit compatible, related activities.	Allows for residential areas of low to moderate densities and permits compatible, related activities

<sup>1</sup> Not effective within the jurisdiction of the East Bellevue Community Council

<sup>2</sup> Effective only within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.

ATTACHMENT 1: ZONING PURPOSE STATEMENT COMPARISON MATRIX

City	Residential Zones	Allowable Density	Allowable Uses	Purpose of Zone Designation
City of Bothell	Multifamily Residential Districts—R-10, R-15, R-20, R-30	10, 15, 20, and 30 dwellings per acre	Allows for attached residential dwellings of low and of moderate density	<ul style="list-style-type: none"> <li>• Zone is intended to be convenient to centers of employment and have primary access to arterial streets.</li> <li>• The R-10 and R-15 Districts are more restrictive and may be utilized as a buffer between Suburban Residential Districts and moderate density residential or commercial district</li> </ul>
	R-40,000	40,000 square foot minimum lot size	Single-family residential and compatible uses such as schools and churches.	This designation is appropriate for land encumbered by critical areas determined to be large in scope, complex in structure and function, and high in rank order value; land found to be a particularly important source of cool groundwater benefiting the health of anadromous fisheries in North Creek and its tributaries, and the Sammamish River; and/or land constrained in some other way so as to preclude the full range of public facilities and services necessary to support urban development.
	R-9,600, R-8,400, R-7,200, and R-5,400d	9,600, 8,400, 7,200, and 5,400 square foot minimum lot sizes. Lot size averaging may be allowed R-9,600 as set forth in BMC 12.14.030.	Single-family residential and compatible uses such as schools, churches and day care centers.	Generally, these designations are appropriate for most land in the planning area suitable for residential use with the exception of land located convenient to principal arterials and/or business and commercial activity centers, where higher densities may be warranted.
R-5,400a, R-4,000, R-2,800	one dwelling unit per 5,400, 4,000, and 2,800 square feet of net buildable area, attached or detached	Single-family and multi-family residential and compatible uses such as schools, churches and day care centers.	Generally, these designations are appropriate for land which is located convenient to arterials and to business and commercial activity centers	

<sup>3</sup> -Subdivisions shall achieve an average of no less than 9,600 square feet per lot, except as may be otherwise permitted under an approved planned unit development  
-Twenty percent of the lots in a subdivision may be smaller than 9,600 square feet, but no lot shall be smaller than 8,400 square feet, nor larger than 14,400 square feet.  
-No more than one primary dwelling unit shall be placed on a lot.

ATTACHMENT 1: ZONING PURPOSE STATEMENT COMPARISON MATRIX

City	Residential Zones	Allowable Density	Allowable Uses	Purpose of Zone Designation
<p><b>City of Issaquah</b></p>	<p>Low Density Residential Zones:            C-Res—Conservancy Residential            SF-E—Single Family Estates            SF-L—Single Family Low            SF-S—Single Family Suburban            SF-D—Single Family Duplex            SF-SL—Single Family Small Lot</p>	<p>C-Res—1 du/5 acres            SF-E—1.24 du/acre            SF-L—2.9 du/acre            SF-S—4.5 du/acre            SF-D—SF: 7.26 du/acre                    Duplex: 14.52 du/acre            SF-SL—7.26 du/acre</p>	<p>Single-family and multi-family residential</p>	<p>C-Res: Areas with critical areas are appropriate for low density residential, with the intent to protect environmentally critical areas from impacts associated with more intensive development.            SF-E: to provide for single family neighborhoods and hobby farms in a setting of larger lots, while protecting environmentally critical areas, including, but not limited to, wetlands, steep slopes, flood hazard areas, etc. Environmentally critical area constraints shall be addressed through larger lot zoning provisions of a high ratio of pervious/impervious surfaces.            SF-L: to provide for single family neighborhoods in an urban setting while buffering these neighborhoods from commercial services.            SF-S: to provide for single family neighborhoods which are in close proximity to low density multifamily neighborhoods and urban services. Appropriate areas for this district include those neighborhoods which are currently medium density single family or would be suitable because of the compatibility to surrounding densities and proximity to urban services.            SF-D: to provide for single family dwelling units, and senior housing, in established single family neighborhoods which are in close proximity to urban services.            SF-SL: to provide for single family neighborhoods which are in close proximity to low density multifamily neighborhoods and urban services.</p>
<p><b>City of Kirkland</b></p>	<p>Multifamily Residential Zones:            MF-M—Multifamily Medium            MUR—Mixed Use Residential            MF-H—Multifamily High</p> <p>Low-Density Residential Zones (RS):            Minimum lot size per dwelling unit:            RS 35—35,000 square feet            RS 12.5—12,500 square feet            RS 8.5—8,500 square feet            RS 7.2—7,200 square feet            RS 6.3—6,300 square feet            RS 5.0—5,000 square feet</p>	<p>MF-M—14.52 du/acre            MUR—14.52 du/acre            MF-H—29 du/acre</p> <p>One to nine dwelling units per acre for detached structures            One to seven dwelling units per acre for attached structures.            RS 35, 12.5, 8.5, 7.2, 6.3 and 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of each lot.</p>	<p>multi-family residential</p> <p>Detached single-family residential, churches, day care, schools, and parks</p>	<p>Provide a variety of residential dwellings close to commercial/retail services and within full range of urban services, including transportation alternatives and pedestrian access. The MF zones also provide a transition area where residential and commercial/retail uses with limited impacts can coexist.</p> <ul style="list-style-type: none"> <li>The community vision is that Kirkland's residential areas are diverse with a variety of housing choices including single-family detached, attached, stacked, cottage, carriage styles and accessory dwelling units. The City wants to locate the most dense residential areas close to shops and services and transportation Hubs with apartments and condominiums located close to or</li> </ul>

ATTACHMENT 1: ZONING PURPOSE STATEMENT COMPARISON MATRIX

City	Residential Zones	Allowable Density	Allowable Uses	Purpose of Zone Designation
<b>City of Mil Creek</b>	Medium-Density Residential Zones (RM) Minimum amount of lot area per dwelling unit: RM 5.0—minimum lot area per unit is 5,000 sq. ft. RM 3.6—minimum lot area per unit is 3,600 sq. ft.	<ul style="list-style-type: none"> <li>Ten to fourteen dwelling units per acre for detached structures<sup>4</sup></li> <li>Eight to fourteen dwelling units per acre for attached structures<sup>4</sup></li> </ul>	Detached, Attached, or Stacked Dwelling Units, churches, schools, day care, parks, and limited commercial <sup>5</sup>	
	High-Density Residential (RM): RM 2.4—minimum lot area per unit is 2,400 sq. ft. RM 1.8—minimum lot area per unit is 1,800 sq. ft.	Higher unit per acre counts may occur within each classification if developed under the City's PUD, innovative or affordable housing programs.	Detached, Attached, or Stacked Dwelling Units, churches, schools, day care, parks, and limited commercial	
	Low Density Residential—LDR	Minimum lot size 8,400 square feet Maximum of 4 units per acre	Single-family detached dwellings and townhouses or single-family attached dwellings in planned residential developments;	Support the established goal that the predominant residential land use type in the City continue to be low-density residential
	Medium Density Residential—MDR	No minimum lot size is required Maximum of 12 units per acre Minimum of 5 units per acre	Single-family detached; single-family attached; townhouses and condominiums	Provide alternative housing types and site designs to the typical single-family detached neighborhood development while supporting the City's goal to remain a predominately single-family community.
	High Density Residential—HDR	No minimum lot size is required Maximum of 24 dwelling units per acre Minimum of 13 dwelling units per acre	Multi-family dwellings and townhouses	Provide for affordable housing and allow effective transit planning
<b>City of Redmond</b>	Mixed-Use, High-Density Residential—MU/HDR	Maximum of 30 units per acre within developments that incorporate commercial and/or office uses on the ground floor <sup>6</sup> Minimum of 7 units per acre	Multi-family dwellings and single-family detached and attached dwellings	Extend the employment and retail services to the neighborhood level to reduce vehicle trips
	Semi-Rural zone—RA-5	1 unit per five acres <sup>7</sup>	Single-family residential and other uses that do not impact the residential character.	Maintain low semi-rural residential densities within the Urban Growth Area on lands not suited to intense urban uses and not already characterized by urban development.
	Large Lot Residential zone—R-1	1 unit per acre	Single-family residential and non-residential uses that are more practically suited for the large lot residential zone.	Provide for residential neighborhoods in areas not suitable for urban development because of sensitive area or public facility limitations or for lands planned for equestrian uses.

<sup>4</sup> Higher unit per acre counts may occur within each classification if developed under the City's PUD, innovative or affordable housing programs.

<sup>5</sup> Stacked dwelling units are not permitted in RM 5.0.

<sup>6</sup> 30 percent of the ground floor area must have retail or commercial uses.

<sup>7</sup> Greater density allowed with density bonuses

ATTACHMENT 1: ZONING PURPOSE STATEMENT COMPARISON MATRIX

City	Residential Zones	Allowable Density	Allowable Uses	Purpose of Zone Designation
	Low Density Residential zones—R-2, R-3	2 and 3 units per acre	Single-family residential and some non-residential uses allowed that complement the primarily residential nature of the zone	Provide for low density residential areas on lands not suitable for more intense urban development
	Low-Moderate Density Residential zones—R-4, R-5, R-6	4, 5, or 6 units per acre	Single-family residential and some non-residential uses allowed that complement the primarily residential nature of the zone	Promote a type of single-family housing (smaller dwelling units) that responds to changing household sizes and ages (e.g., small families, single person households, retirees)
	Moderate Density Residential zones—R-8, R-12, R-18	8 to 18 units per acre	Single-family residential, attached single-family, and multi-family and some non-residential uses allowed that complement the primarily residential nature of the zone	Provide for stable and attractive residential neighborhoods of small lot, single-family homes and attached single-family and multi-family residences
	High Density Residential zones—R-20, R-30	20 to 30 units per acre	Primarily residential with some non-residential uses allowed that complement the primarily residential nature of these zone	Create residential areas that are urban in character, contain a full range of public services and facilities, have high levels of transit service are present, or are likely to develop in the future, and have employment and commercial centers nearby.



## Appendix 6A.2

---

Sustainable Development Study – Draft Residential Zone Purpose Statement Code  
Amendments



## Memorandum

<b>Date:</b>	July 20, 2007, Revised August 2, 2007
<b>To:</b>	Ray Sturtz, Planning Manager
<b>From:</b>	Gil Cerise, Senior Planner
<b>cc:</b>	Lisa Grueter, Senior Planner
<b>Subject:</b>	Sustainable Development Study – Draft Residential Zone Purpose Statement Code Amendments

### Introduction & Purpose

The proposed draft code amendments to the City’s residential zone purpose statements are intended to help implement the recommendations of the City’s Sustainable Development Study. As part of this effort, the Sustainable Development Citizens Advisory Panel (CAP) reviewed low-density residential zone purpose statements in comparable jurisdictions within King and Snohomish counties with the intention of possibly preparing an update to the City of Woodinville’s residential zone purpose statements and location criteria contained in WMC 21.04.080.

### Results of Review of Residential Zone Purpose Statements

The Sustainable Development CAP focused their review on lower density residential zone purpose statements. Specific questions were asked about linkages between the residential zone purpose statements and environmentally constrained areas; extent of mapping of these lower density zones, and whether or not any of them have held up to a Growth Management Hearings Board challenge.

The results of this research showed that most jurisdictions do have lower density residential zone purpose statements that both provide for single-family housing, and include statements on protecting environmentally constrained areas from intense development pressure. Several of these residential zone purpose statements also include language on protecting recognized equestrian areas, and providing for hobby farms, among other things. However, the common element is providing some detailed statements on balancing housing supply with protecting the environment.

## Proposed Code Amendments

Staff has prepared some suggested zoning code amendments to the City of Woodinville's residential zone purpose statements as they relate to the R-1 and R-4 zones. These amendments would provide more specific direction on the purpose of the R-1 and R-4 zones; as well as providing some more detail on location criteria for each zone. The proposed amendment breaks up the purpose statement for the R-1 and R-4 zones, which are currently provided in a single paragraph.

The proposed code amendment accomplishes the following related to purpose statements in WMC 21.04.080(1):

- It provides a detailed purpose statement for the R-1 zone that is tied to providing large lot development in areas in order to protect environmentally critical areas.
- The R-1 purpose statement further states that development should maximize preservation of natural systems to the greatest extent possible as part of the City's stated goals for protecting its Northwest Woodland Character. This statement is added under the auspices that large lot development by itself is not necessarily good for the environment. Therefore, some purpose or direction should be provided for how that development should be constructed.
- A simple R-4 purpose statement, separate from the R-1 purpose statement mentioned above, is proposed that focuses on provision of single-family housing stock.

The proposed code amendment accomplishes the following related to location criteria statements in WMC 21.04.080(2):

- Additional location criteria are added for the R-1 zone that include areas with tree canopy of more than 60% (related to Northwest Woodland Character), and as a transition area for nearby rural areas in unincorporated King and Snohomish counties.
- Separates the R-4 location criteria from the R-6 and R-8 location criteria. In this segregation, the R-4 zone location criteria is similar to that of R-6 through R-8 with the exception that it should provide a buffer between lower density areas characterized by environmental constraints and higher density areas.

## Consistency with the City's Comprehensive Plan

The proposed amendment is intended to support Woodinville's vision statement which in part calls for preserving Woodinville's Northwest Woodland Character, its open space, and its clean environment.

The proposed amendments are supported by the following City Comprehensive Plan policies:

LU-1.1 Preserve the character of existing neighborhoods in Woodinville while accommodating the state's 20-year growth forecasts for Woodinville.

LU-1.2 Encourage future development in areas:

1. With the capacity to absorb development (i.e., areas with vacant or underdeveloped land and available utility, street, park, and school capacity, or where such facilities can be cost effectively provided), and
2. Where adverse environmental impacts can be minimized; and where such development will enhance the area's appearance or vitality.

LU-1.4 Coordinate with adjacent jurisdictions to ensure compatible land uses in areas along contiguous boundaries.

LU-3.1 Encourage development that complements the existing residential development patterns in Woodinville's neighborhoods.

LU-3.2 Preserve the existing natural environment of Woodinville's neighborhoods.

The proposed amendments provide more detailed language and direction to use lower density zoning designations as a means of preserving environmentally critical areas through careful use of development standards; as a means of protecting the City's mature forest canopy; and as a means of buffering less intense development patterns from more intense development patterns.

## Conclusions

The Sustainable Development CAP provided input on the attached potential code amendments. All suggested edits, except for one were incorporated into the attached draft. One suggestion was to replace the term "apartment" with "apartment/condominium." City staff has cautioned against that change since specific rental and ownerships terms being placed in purpose statements would open the City to challenge. Instead, the term "apartment" is used to denote an apartment-style dwelling, whether ownership or rental. Changes were made to the attached potential code amendments to clarify differences in the R-1 and R-4 designations, and to make the code more readable for the low-density zoning designations.

The Planning Commission is invited to review the proposed code amendments in the attachment and after discussion with the CAP on August 8th consider them as part of the August 15, 2007 public hearing.

## 21.04.080 Residential zone.

(1) The purpose of the Urban Residential zones (R) is to implement Comprehensive Plan goals and policies for housing quality, diversity and affordability, and to efficiently use residential land, public services and energy. These purposes are accomplished by:

(a) Providing, in the low-density zones (R-1 through R-4), for predominantly single-family detached dwelling units. Other development types, such as duplexes and accessory units, are allowed under special circumstances. ~~Developments with densities less than R-4 are allowed only if adequate services cannot be provided~~

(i) The purpose of the R-1 zone is to provide for low density development that has been located on the site and developed in a manner that protects environmentally critical areas on and near the site; and maximizes preservation of natural systems to the greatest extent possible as part of the City's stated goals for protecting its Northwest Woodland Character.

(ii) The purpose of the R-4 zone is to provide for predominantly single-family detached dwelling units on land with few if any environmental constraints. This zone provides for low-density single-family housing stock.;

(b) Providing, in the moderate density zones (R-5 through R-8), for a mix of predominantly single-family attached and detached dwelling units. Other development types, such as apartments, duplexes, and townhomes would be allowed so long as they contribute to Woodinville's small town atmosphere as articulated in the vision statement found in the City's Comprehensive Plan and conform to all applicable regulations;

(c) Providing, in the medium density zones (R-9 through R-18), for duplexes, multifamily apartments, and townhomes, at densities supportive of transit and providing a transition to lower density areas; and

(d) Providing, in the high-density zones (R-19 through R-48), for the highest residential densities, consisting of duplexes and multistory apartments. Developments have access to transit, pedestrian and nearby commercial facilities, and provide a transition to high intensity commercial uses.

(2) Use of this zone is appropriate in residential areas designated by the Comprehensive Plan as follows:

(a) The R-1 zone on or adjacent to lands:

(i) ~~with area-wide constrained by~~ environmentally ~~constraints~~ critical areas, or

(ii) in well-established subdivisions of the same density, ~~or~~

(iii) ~~which are served at the time of development by public or private facilities and services adequate to support planned densities~~ in areas of the City that retain a mature tree canopy of 60% or greater, or

(iv) in areas that provide a transition between the City and rural areas of unincorporated King and Snohomish counties.;

All development within the R-1 zone must be served at the time of development by public or private facilities and services adequate to support allowed densities within that zone.

(b) The R-4 zone on urban lands that are predominantly environmentally unconstrained, that provide a transition between lower density areas with environmental constraints and higher density areas, and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities;

(c) The R-6 through R-8 zones on urban lands that are predominantly environmentally unconstrained and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services; and

(c) The R-12 through R-48 zones in appropriate areas of the City that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. (Ord. 295 § 4, 2001; Ord. 242 § 1, 1999; Ord. 175 § 1, 1997)



## Appendix 6B.1

---

Transfer of Development Rights (TDR) Program



## Memorandum

<b>Date:</b>	July 6, 2007; Revised July 25, 2007
<b>To:</b>	Ray Sturtz, Planning Manager
<b>From:</b>	Gil Cerise, Senior Planner and Ted Gresh, Land Use Planner
<b>cc:</b>	Lisa Grueter, Senior Planner
<b>Subject:</b>	Transfer of Development Rights (TDR) Program

Based on our review of several successful Transfer of Development Rights (TDR) programs in the Puget Sound region, and around the country, we have found several characteristics that have made some programs more successful than others. This memo summarizes our assessment of TDR programs and offers some suggestions for how the City of Woodinville could modify their existing TDR program to increase its use by the development community. Draft code amendments related to TDR are included as an attachment to this memorandum.

## What is a Transfer of Development Rights Program?

A TDR program is a mechanism to relocate development potential from one property to another. Generally, TDR programs are established by local zoning ordinance.

TDR programs are based on the concept that property owners have a bundle of different rights, including the right to use land, lease, sell, and bequeath it, borrow money using it as security, construct buildings on it and mine it, subject to reasonable local land use regulations. Some or all of these rights can be transferred or sold to another person. When a landowner sells property, generally all the rights are transferred to the buyer. TDR programs enable landowners to separate and sell the right to develop land from their own property rights. TDR programs can be designed to accomplish multiple community goals including conservation of environmentally critical areas, farmland protection, and preservation of historic landmarks.

TDR programs have three basic components: selling and receiving sites; medium of exchange; and transfer mechanisms described below.

## Sending and Receiving Sites

TDR programs and ordinances often refer to “sending sites or parcels” and “receiving sites or parcels.” The parcel of land where the rights to develop originate are called the “sending” parcel.” When the rights are transferred from a sending parcel, the land is restricted with a permanent conservation easement. The parcel of land to which the rights are transferred is called the “receiving” parcel. Buying these rights generally allows the owner to build at a higher density than ordinarily permitted by the base zoning.

## Medium of Exchange

TDR programs use established mediums of exchange, whether that be an exchange from dwelling units to dwelling units, square footage to square footage, dwelling units to square footage, or another combination.

## Transfer Mechanism

TDR programs also commonly have a transfer mechanism that acts as an intermediary or facilitates the transfer of development rights from sending sites to receiving sites. An example of this is a TDR Bank that buys development rights from sending sites and sells them to receiving sites.

## Woodinville’s TDR Program

Woodinville’s Municipal Code contains two types of programs intended to allow for increased density due to a transfer of density rights from one parcel to another. One is the “Transfer of Residential Density Credits” code, which promotes the transfer of density from parcels with environmental, open space, or historic features to other properties more suitable for greater development. The second program is the “Residential Density Incentives” program, which allows for greater density on a property provided “public benefits” are included by the on-site development – one of the public benefits is to purchase density credits from an environmentally sensitive area. The two programs are described in Table 6B.1-1 below. To date there has been little to no use of the programs.

**Table 6B.1-1. City of Woodinville Transfer of Density Rights Programs, 2007**

TRANSFER OF RESIDENTIAL DENSITY CREDITS		RESIDENTIAL DENSITY INCENTIVES	
<b>Purpose</b>	<p>Encourage increased residential development density where it can be accommodated with the least impacts on the natural environment and public services.</p> <p>Provide incentives for protection of open space, environmentally sensitive areas, park sites, historic sites, rural and resource areas beyond the minimum requirements of the code.</p> <p>Supplement land use regulation and open space acquisition programs.</p>	<b>Purpose</b>	<p>Provide density incentives to developers of residential lands in exchange for public benefits to help achieve Comprehensive Plan goals of affordable housing, open space protection, historic preservation and energy conservation.</p>
<b>Sending Zones</b>	<p>Sending sites must contain one or more of the following features: (a) Open spaces; (b) Wildlife habitat; (c) Woodlands; (d) Shoreline access; (e) Community separator; (f) Regional trail/natural linkage; (g) Historic landmark designation; (h) Agricultural land nor part of County preservation program; (i) Park site to serve the receiving sites to which the density credits are being transferred; (j) Freestanding multistory parking garage located on a site zoned CBD.</p>	<b>Sending Zones</b>	<p>Can earn greater density generally for providing ON-SITE public benefits – in one case can earn greater density from transfer of density credits from an environmentally sensitive area off-site.</p>
<b>Receiving Zones</b>	<p>Receiving sites shall be zoned R-4 through R-48, TB, CBD, or O, or any combination thereof, before being eligible to participate in a TDC.</p>	<b>Receiving Zones</b>	<p>R-8 through R-48 zones CBD, TB and O zones</p>
<b>Process</b>	<p>Reviewed concurrently with proposals such as subdivisions, site plans, conditional use permits, building permit etc.</p>	<b>Process</b>	<p>Reviewed concurrently with proposals such as subdivisions, site plans, conditional use permits, building permit etc.</p>
<b>Ability to earn bonus</b>	<p>If the area to be protected contains the features described in "sending zones" that amount of density can be transferred to another site. Then, calculate area of property to be protected. Finally, multiply by the base density of the zone excluding easements or encumbrances. The receiving site cannot exceed the maximum density listed below.</p>	<b>Ability to Earn Bonus</b>	<p>The maximum density permitted through RDI review shall be up to 150 percent of the base density of the underlying zone of the development and is based on the type and amount of "public benefits". Public benefits can include: affordable rental units, affordable ownership units, dedicated parks/trails, historic site dedication, energy conservation features, developments located near transit, transfer of density credits, and preservation of tree credits beyond minimum of code.</p>

TRANSFER OF RESIDENTIAL DENSITY CREDITS			RESIDENTIAL DENSITY INCENTIVES		
Zones Permitted	Base Density: Du/Ac	Maximum Density: Du/Ac	Zones Permitted	Base Density: Du/Ac	Maximum Density: Du/Ac
R-1	1	2 (duplex only)	R-1	1 du/ac	RDI not allowed
R-4	4	5	R-4	4 du/ac	RDI not allowed
R-6	6	7	R-6	6 du/ac	RDI not allowed
R-8	8	12	R-8	8 du/ac	12
R-12	12	18	R-12	12/du/ac	18
R-18	18	27	R-18	18 du/ac	27
R-24	24	36	R-24	24 du/ac	36
R-48	48	72	R-48	48 du/ac	72
CBD	36	48	CBD	36 du/ac	48
TB	12	18 <sup>1</sup>	TB	12 du/ac	18
O	36	48	O	36 du/ac	48

## Nationwide Examples of TDR Programs<sup>2</sup>

### New Jersey Pinelands Development Credit Program

The New Jersey Pinelands are a fragile ecological area in southern New Jersey. The Pinelands Development Credit (“PDC”) Program began in 1981 and is a component of the Pinelands Comprehensive Management Plan (“CMP”). The purpose of the PDC Program was to offset the severe development restrictions imposed within the region’s various management areas established to preserve unique ecological and agricultural resources by turning the Pinelands management areas into sending zones for a TDR program.

Under the New Jersey Pinelands program, PDCs are allocated to undeveloped parcels greater than 10 acres. The Pinelands Commission, which administers the program, also designated Regional Growth Areas where purchasers of PDCs may use the purchased credits to build at densities above the base density (“receiving areas”).

<sup>1</sup> 150% of the base density zone similar to other maximum density provisions and the residential density incentive program (WMC 21.34.030).

<sup>2</sup> New Jersey Highlands Water Protection and Planning Council Transfer of Development Rights Technical Report, January 2007

The value of PDCs is established on the open market through the purchase and sale of PDCs between private parties. The Pinelands Development Credit Bank primarily serves to administer the PDC program but it may also buy and sell PDCs. However, PDCs purchased by the Bank are purchased at 80% of market value so that the Bank does not affect the open market. The Bank may also sell PDCs but only does so through an auction. The most recent auction occurred approximately ten years ago.

This program has been showcased as a national TDR success story. Since its inception in 1981, the PDC Program has preserved approximately 48,000 acres of the Pinelands region through transferred development rights. Once established, the value of a PDC was \$10,000. As of 2006, the value of a PDC has increased to \$60,000 to \$160,000 per PDC.

## Long Island Pine Barrens

The Long Island Pine Barrens is located in Suffolk County on the eastern portion of Long Island, and is the largest undeveloped area on Long Island. This regional TDR program encompasses 102,500 acres in three municipalities: Southampton, Brookhaven, and Riverhead.

TDR credit values are established on the open market with the developer and landowner negotiating as a function of supply and demand.

The Central Pine Barrens Comprehensive Land Use Plan was adopted in 1995 and divided the region into a Core Preservation Area (55,000 acres) and Compatible Growth Area (47,500 acres). The Core Area is designated for preservation (sending area) and the Compatible Growth Area is designated for controlled growth (receiving area). The goal of the TDR program is to preserve 75% of the privately owned land in the Core Area.

Pine Barren Credits (PBCs) are allocated to property owners in the Core Area based on parcel size, the underlying zoning of the parcel, and any prior parcel development. No deductions are taken for wetlands, steep slopes or other development constraints. PBCs can be sold to potential purchasers by reviewing a list of buyers. Additionally, these credits can be listed with a real estate broker or sold to the Pine Barrens TDR credit bank. PBCs cannot be transferred outside of the town in which they are generated.

As of April 1, 2006, a total of 601 parcels (1,300 acres) have been preserved, with an average parcel size of 2.24 acres. There were 759 credits generated, 259 credits redeemed and approximately 500 credits not redeemed.

## Tahoe Regional Planning Agency

The Tahoe Regional Planning Agency (TRPA) was established in 1969 and seeks to implement controlled growth by promoting residential development in designated areas with proper infrastructure, away from environmentally sensitive land.

For the TRPA's TDR program, sending areas allow transfer of rights under four scenarios:

1. Transfer of development rights from vacant land;
2. Transfer of development rights from already improved land;
3. Transfer of “land coverage”; and
4. Transfer of “building allocations.”

### *Vacant Land*

The transfer of development rights from vacant land can be achieved by allocating rights to a receiving area in order to achieve development, regardless of the designated zoning. All rules and regulations of the existing zoning apply.

### *Developed Land*

The transfer of development rights from already developed land can also have rights transferred by the demolition of existing structures adjacent to environmentally sensitive land.

### *Land Coverage*

The transfer of “land coverage” (i.e. impervious surface) can be obtained at a one to one transfer ratio or greater in certain regions. Once land coverage has been transferred to a receiving site, the sending site is deed restricted since the land coverage rights have been retired.

### *Building Allocation*

Building allocation rights can be transferred from environmentally sensitive vacant land, which cannot be developed due to various regulations. The receiving area must be less environmentally sensitive and planned for residential development. The land in the sending area must be permanently preserved either by deed restriction or transfer of title.

### *Strengths and Weaknesses of Program*

A significant amount of transfers within the region occur each year but this success is mainly driven by the strong demand for development around Lake Tahoe. The main weakness of the program is the confusion associated with TDR and the process of credit allocation.

## **Montgomery County, Maryland**

The TDR program in Montgomery County was implemented in 1980 in order to preserve agricultural land and raw open space. This program is considered one of the most successful TDR programs in the country in terms of the amount of land preserved (approximately 49,000 acres).

Under the Montgomery County system, credit values are established on the open market with the developers and landowners negotiating as a function of supply and demand. TDR credits started

at \$3,000 per credit in 1980 to 1982, and are now selling between \$42,000 and \$45,000 per credit. At the inception of the program, credits sold at a discount due to skepticism in the market. This permitted regional and local developers to purchase the credits inexpensively.

Zoning within the sending sites, known as the Rural Density Transfer Zone, can be developed with one dwelling per 25 acres. However, through TDR, dwellings can be developed in the receiving areas at one dwelling per 5 acres. If there are any permanent dwellings on the sending site, one development right must be preserved. Once a TDR has been transferred from a sending area, that TDR is retired from the sending area and recorded as preserved with the County Attorney's office so that the TDR cannot be used again.

Developers can achieve bonus densities with the use of TDRs in the receiving area. However, the Planning Board has complete control over development in order to maintain the vision of the program. TDRs credits are typically sold as a purchase option until the County grants a final plat approval.

The success of the Montgomery County TDR program has been the ability for a landowner to sell a portion of their rights but maintain a fee interest in the property in order to obtain working capital for farming. Additional incentives that have led to the program's success include an expedited approval process for developers using TDR.

## Boulder County, Colorado

The Boulder County TDR program is actually a consortium of several TDR programs. The county has entered into intergovernmental agreements (IGAs) with a number of cities within the county including Boulder, Longmont, Lafayette, Niwot and Broomfield, to permit the transfer of development rights from vacant and agricultural lands in unincorporated portions of the county to the various cities.

Pursuant to the various IGAs, sending sites are awarded development rights at two units per 35 acres. With an addition of water rights granted to the county by a sending site, the landowner receives an additional development right for a total of 3 units per 35 acres.

Rules associated with the receiving areas create a predictable development process for developers that can also incorporate flexibility in the site development. The IGAs bolstered the overall program because each TDR program could be tailored to the needs of a particular city. But as land has been preserved, there are now fewer 35-acre parcels that can be preserved in the sending areas so the program has lost momentum. Approximately 6,000 acres have been preserved by the use of TDR since its inception in 1995.

## San Luis Obispo County

San Luis Obispo County uses TDRs for land banking. This program allows landowners to sell credits based on the development potential of a restricted site so that those credits may be used to increase development intensity elsewhere. The County of San Luis Obispo first passed an

ordinance allowing the San Luis Obispo Land Conservancy, (a nonprofit land trust) to sell development rights to the land it is conserving and designated a portion of the town of Cambria as the receiving zone for development credits that are transferred from the environmentally sensitive lands. Property owners in the receiving zone purchase development credits (in the form of square feet of building area) from the trust in order to increase the square footage of their homes above the limit normally permitted by zoning.

The implementation of this TDR program costs the county nothing. The San Luis Obispo Land Conservancy administers the sale of the credits and all proceeds from the sale of development credits are used to purchase additional lands for open space. Also because homeowners may purchase just a portion of development credit so they can build additions to their homes, the increased density is distributed over the entire community rather than in just a small number of large projects.

## Puget Sound Region TDR Programs

There are an increasing number of TDR programs in the Puget Sound region. TDR programs are more numerous at the County level. However, some cities have them as well. King County has one of the better known programs in the region. In addition, we found the cities of Redmond and Bainbridge Island have established in-city TDR programs, similar to the City of Woodinville's in-city TDR regulations.

### King County

King County's TDR program allows for density credits to be transferred from rural areas to the County's urban unincorporated areas or into the Cities of Seattle and Issaquah. King County provides amenity funding as an incentive for receiving areas to accept density transfers. The County operates a TDR bank to facilitate transactions. To date, public funding has been used to protect most of these lands through purchase of development rights, but the county anticipates holding the development rights for future sale to developers in receiving areas. To date, the King County TDR program has preserved over 100,000 acres of "lands that provide a public benefit."

### City of Redmond

The City of Redmond has a TDR program that was initially established to preserve agricultural land and the rural character of the Sammamish Valley. However, the program soon expanded to include protection of other critical areas within the city such as wildlife habitat areas, as well as historically significant sites. Both agricultural areas and environmentally critical areas are considered sending sites. The City's designated receiving sites are commercial and industrial zones. By purchasing development credits, new developments in these areas can secure development bonuses that allow for increased height and building area allowances and a reduction of on-site open space and impervious surface requirements.

Since its inception in 1996, the City's program has protected no less than 340 acres of agricultural, urban recreation, or environmentally sensitive lands.<sup>3</sup> The majority of the land protected is located in the Sammamish River Valley. Additional lands protected through this program are a Lake Sammamish-related wetland and two heron rookeries. Approximately \$14 million have changed hands in the private market through the program. Microsoft and downtown developers have used the City's TDR program to facilitate development plans.

The City of Redmond is currently in the process of updating their program to assist in implementation and to make it consistent with recent updates to the City's critical areas ordinance.

## Bainbridge Island

The City of Bainbridge Island created their TDR program to preserve wetlands, high vulnerability recharge areas, agricultural land, and open spaces. Critical Areas Overlay Districts (CAOD) designated by the city comprehensive plan and any agricultural land, whether located in or outside of the CAOD, are designated in city regulations as eligible TDR sending areas. Receiving areas are in the Mixed Use Town Center (MUTC) and the High School Road districts, the urban single-family overlay district (R-8SF), and in neighborhood service centers (NSC). The program as written has never been used.

Recently, the City commissioned a study of its TDR program to help make it a viable program with market-based incentives. After stakeholder interviews and a market review, recommendations for program enhancement were prepared for presentation at a public workshop in September 2006. Some of the recommendations under consideration include:

- Clarify program goals – target areas protected differently, e.g. offsite transfer of credits due to environmentally critical areas rather than on-site transfer, target agricultural lands with true development potential, prepare island-wide open space plan
- Consider a purchase of development rights program to replace the TDR program
- Set up a bank to manage transactions
- Market and administer the program
- Set market based incentives and prices – allow greater bonus densities, for example

We are in contact with staff to determine the status of the program amendment recommendations after public input in September 2006.

---

<sup>3</sup> Redmond, City of. Planning Commission staff report. May 1, 2007.

## Elements of Successful TDR Program

While there are many TDR programs around the country, there are several characteristics of the most successful TDR programs that seem to have contributed to their effectiveness. The following is a summary of the common elements of successful TDR programs from around the country.

### Regional Program

The most successful programs were run by either counties or by multi-jurisdictional agreements. By operating on a large scale, there is increased opportunity for finding appropriate sending and receiving locations for the program.

### Protect large tracts of undeveloped land

The most common objectives for TDR programs were to preserve and protect farmland. Agricultural land is highly sought after for development. A good TDR program offers the current landowner a second option for gaining a financial return from their land.

### Increased Density Ratios

Though agricultural land does have high densities allocated to it, TDR programs like the one in Montgomery County Maryland offer increase density ratios as incentives to land owners to utilize the program. For example, a potential sending site property with development capacity for one dwelling per acre could have a development transfer credit equivalent to five dwelling units per acre that could be transferred to a receiving site in order to make it more attractive to the market to purchase those development rights on the lower density parcel.

### Development credit value established by buyers/sellers

Most of the TDR programs allowed the purchasers and seller to establish the market value for a parcel's development credits. Some programs allow the administrative jurisdiction to purchase and sell credits as well, but with limitations that prevent a distortion of the going market rate.

## Staff Recommendations for the City of Woodinville

The City's TDR program is limited to intra-city transfers. Although the City is experiencing development pressure, it appears it may lack the quantity of necessary resource land susceptible to development pressures that makes for ideal sending areas. In addition the City's TDR code does not specify which zones are eligible to qualify as a sending area. Sending areas are only identified based on characteristics listed in the code.

Based on our review of other TDR programs, the City could consider several modifications to their existing TDR program that could create increased incentives for the sale and purchase of credits, as well as methods of simplifying the process in a way that makes it more “accessible” to more people. Elements of a TDR program update that the City should consider include:

1. **Offer Favorable Ratio For Sending Area Land:** Because so much of the area that the City wishes to protect is low density, the City could offer a favorable ratio for credits that are sold in that area. The Montgomery County, Maryland program allows landowners of sending sites to sell 5 development credits for each development right extinguished (a transfer ratio of 5:1). By putting more credits into “circulation” developers can purchase a significant enough density gain to make TDR purchase financially viable. For Woodinville’s R-1 area, this could mean transferring at more than 1 dwelling unit per acre and greater bonuses in the receiving area (e.g., CBD zone).
2. **Mechanisms to Administer TDR:** The City either establishes a bank or become involved in the purchase and sale of credits. In order to minimize the costs associated with administering a TDR bank, the City could follow Cambria California example and allow the bank to be maintained by a non-profit land trust. The greatest advantage of a TDR bank is that willing senders can be accommodated when they are ready to sell and developers wishing to utilize credits can draw from the bank when the financing of their projects becomes available.

If the City were to consider a TDR bank, the American Planning Association has published a model ordinance for a TDR bank that is operated by a city or another designated entity<sup>4</sup>. In either case the bank should:

- have the power to purchase and sell or convey development rights, subject to the local legislative body’s approval;
  - have the power to recommend to the local legislative body property where the local government should acquire development rights by condemnation;
  - have the power, to hold indefinitely any development rights it possesses for conservation or other purposes;
  - receive donations of development rights from any person or entity; and
  - receive funding from the local government, the proceeds from the sale of development rights, or grants or donations from any source.
3. **Specifically Identify Sending Areas:** Modify the City’s TDR code to identify specific zoning districts that can be sending areas or create TDR overlay districts to zone specific areas as sending and receiving parcels.
  4. **Specify Maximum Densities with TDR in Receiving Zones:** Specify the maximum

---

<sup>4</sup> Model Transfer of Development Rights Ordinance, American Planning Association, March 2006

allowable densities for developments in the receiving zones, with and without the TDR program. This helps developers see the potential revenue gain from using the TDR system. Table 6B.1-1 shows how simple a maximum density table might look.

Proposed code amendments are attached addressing recommendations 1, 3, and 4, as follows:

- Offer a favorable ratio for R-1 sending area land. If density is transferred from R-1 zone properties to receiving sites, receiving sites can receive three more dwelling units per acre.<sup>5</sup>
- Specifically identify sending areas in the chapters rather than only identifying sensitive areas.
- Specify maximum densities with TDR in Receiving Zones in the chapters rather than scattering information in other parts of the code.
- Clarify wildlife corridors and geologic hazard areas are part of sending areas.
- Newly allow density transfers in NB zone.
- Ensure consistency between WMC 21.36 and 21.34 regarding R-4 (non-transition) and R-6 zones allowed to be receiving sites for density transfer only but R-4 (non-transition) and R-6 zones would not be permitted other Residential Density Incentives.

The Citizen Advisory Panel reviewed the recommendations generally, but indicated additional study would be appropriate in terms of the level of incentives for density transfer, capacity of receiving areas, enhancement of sending areas, use of a bank (item 2), and other related issues. These attached amendments may be adopted as “interim” until the Planning Commission and City Council have additional time to review them for permanent application. At that time, the CAP discussion items, including recommendations for a “bank” in item 2, will require further evaluation due to its complexity.

## Linkages to Other Sustainable Development Topics

A TDR program offers the City a means to promote environmental and open space protection and to direct growth into more suitable areas with services and infrastructure, such as the Town Center neighborhood. Strengthening Woodinville’s Town Center neighborhood efforts, a link between the R-1 study area and the Central Business or Tourist Business zones could be made

---

<sup>5</sup> Currently, there are 1,200 acres of land zoned R-1, and roughly 1/2 of the R-1 zoned area may be considered wildlife habitat enhancement areas or other critical areas. If 1/4 of the R-1 area became a sending area, as not all property owners would participate, about 900 dwelling units (300 x 3) could be transferred to receiving sites. There are currently 232 *net* acres of vacant and redevelopable lands in the R-4 through R-48 and TB, CBD and O mixed-use zones, expected to take 1,778 dwelling units based on average densities (R-1 would take 227 units, but is not part of the density transfer receiving sites). Spreading the 900 units across the 232 acres means that they would add 3.9 du/ac, if developed evenly in all receiving buildable acres. In essence use of the density transfer would mean that average densities could become higher in receiving zones. It should be noted that the net acres available may underestimate the capacity in the Town Center neighborhood and the density could be spread across more acreage if that is the case. More information is available in the separate buildable lands portion of the Sustainable Development Study.

through amendments to the City's TDR programs to promote density transfers from R-1 to the Town Center neighborhood. A memo on Growth Targets and Housing Data is provided under separate cover.



## Appendix 6B.2

---

General Provisions – Residential Density Incentives



The following edits are proposed to the City's chapters pertaining to Transfer of Development Rights, consistent with Jones & Stokes memo July 25, 2007:

- Offer a favorable ratio for R-1 sending area land. If density is transferred from R-1 zone properties to receiving sites, receiving sites can receive three more dwelling units per acre.
- Specifically identify sending areas in the chapters rather than only identifying sensitive areas.
- Specify maximum densities with TDR in Receiving Zones in the chapters rather than scattering information in other parts of the code.
- Clarify wildlife corridors and geologic hazard areas are part of sending areas.
- Newly allow density transfer in NB zone.
- Ensure consistency between WMC 21.36 and 21.34 regarding R-4 and R-6 zones allowed to be receiving sites for density transfer only (not other Residential Density Incentives).

## **Chapter 21.34**

### **GENERAL PROVISIONS – RESIDENTIAL DENSITY INCENTIVES**

Sections:

21.34.010 Purpose.

21.34.020 Permitted locations of residential density incentives.

21.34.030 Maximum densities permitted through residential density incentive review.

21.34.040 Public benefits and density incentives.

21.34.050 Rules for calculating total permitted dwelling units.

21.34.060 Review process.

21.34.070 Minor adjustments in final site plans.

21.34.080 Applicability of development standards.

#### **21.34.010 Purpose.**

The purpose of this chapter is to provide density incentives to developers of residential lands in exchange for public benefits to help achieve Comprehensive Plan goals of affordable housing, open space, wildlife habitat and corridors, protection from hazard areas, environmental protection, historic preservation and energy conservation by:

- (1) Defining in quantified terms the public benefits that can be used to earn density incentives;
- (2) Providing rules and formulae for computing density incentives earned by each benefit;
- (3) Providing a method to realize the development potential of sites containing unique features of size, topography, environmental features or shape; and
- (4) Providing a review process to allow evaluation of proposed density increases and the public benefits offered to earn them, and to give the public opportunities to review and comment.

**21.34.020 Permitted locations of residential density incentives.**

Residential density incentives (RDI) shall be used only on sites served by public sewers and only in the following zones:

(1) In R-4 and R-6 zones, only when density is transferred pursuant to WMC 21.36.

(2) In R-8 through R-48 zones; and

(23) In NB, CBD, TB and O zones.

**21.34.030 Maximum densities permitted through residential density incentive review.**

The maximum density permitted through RDI review shall be 150 percent of the base density of the underlying zone of the development, as follows.

<u>Zones Permitted</u>	<u>Base Density: Du/Ac</u>	<u>RDI Maximum Density: Du/Ac</u>	<u>RDI Maximum Density with Density Transfer from R-1 zone or R-4 Transition Areas</u>
<u>R-1</u>	<u>1 du/ac</u>	<u>RDI not allowed</u>	<u>RDI not allowed</u>
<u>R-4</u>	<u>4 du/ac</u>	<u>RDI not allowed</u>	<u>6 (1)</u>
<u>R-6</u>	<u>6 du/ac</u>	<u>RDI not allowed</u>	<u>8</u>
<u>R-8</u>	<u>8 du/ac</u>	<u>12</u>	<u>15</u>
<u>R-12</u>	<u>12/du/ac</u>	<u>18</u>	<u>21</u>
<u>R-18</u>	<u>18 du/ac</u>	<u>27</u>	<u>30</u>
<u>R-24</u>	<u>24 du/ac</u>	<u>36</u>	<u>39</u>
<u>R-48</u>	<u>48 du/ac</u>	<u>72</u>	<u>72</u>
<u>NB</u>	<u>0 du/ac</u>	<u>RDI not allowed</u>	<u>12</u>
<u>CBD</u>	<u>36 du/ac</u>	<u>48</u>	<u>51</u>
<u>TB</u>	<u>12 du/ac</u>	<u>18</u>	<u>21</u>
<u>O</u>	<u>36 du/ac</u>	<u>48</u>	<u>51</u>

(1) Only permitted in R-4 zone if not subject to R-4 Transition regulations.

**21.34.040 Public benefits and density incentives.**

(1) The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are set forth in subsection (6) of this section. The density incentive is expressed as additional bonus dwelling units (or fractions of dwelling units) earned per amount of public benefit provided.

(2) Bonus dwelling units may be earned through any combination of the listed public benefits.

(3) The guidelines for affordable housing bonuses including the establishment of rental levels, housing prices and asset limitations will be updated and adopted annually by the City Council.

(4) Bonus dwelling units may also be earned and transferred to the project site through the transfer of density credit (TDC) process set forth in Chapter 21.36 WMC, by providing any of the open space, environmental protection, hazard area protection, wildlife habitat and corridor protection, park site or historic preservation public benefits set forth in subsections (6)(b) or (6)(c) or 6(f) on sites other than that of the RDI development.

(5) Residential development in R-~~8-4~~ through R-48 zones with property specific development standards requiring any public benefit enumerated in this chapter, shall be eligible to earn bonus dwelling units as set forth in subsection (6) of this section when the public benefits provided exceed the basic development standards of this title. When a development is located in a special overlay district, bonus units may be earned if the development provides public benefits exceeding corresponding standards of the special district.

(6) The following are the public benefits eligible to earn density incentives through RDI review:

(a) Affordable Housing.

	BENEFIT	DENSITY INCENTIVE
Type	Qualifying Conditions	Bonus
(i) Rental Units Nonelderly	(a) Benefit units permanently priced to serve nonelderly low-income households (i.e., no greater than 30 percent of gross income for households at or below 50 percent of County median income, adjusted for household size); and  (b) A covenant attached to the title of the site shall be recorded at final approval that specifies the income level being served, rent levels and requirements for reporting to the Planning Director.	1.5 bonus units per benefit unit.  → up to a maximum of 30 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 30 low-income units.
(ii) Rental Units Elderly	(a) Benefit units designed and permanently priced to serve low-income senior citizens (i.e., no greater than 30 percent of gross income for one- or two-person households, one member of which is 62 years of age or older, with incomes at or below 50 percent of County median income, adjusted for household size);  (b) A covenant attached to the title of the site shall be	1.5 bonus units per benefit unit.  → up to a maximum of 60 low-income units per five acres of site area.  → projects on sites of less

	BENEFIT	DENSITY INCENTIVE
Type	Qualifying Conditions	Bonus
	recorded at final approval that specifies the income level being served, rent levels and requirements for reporting to the Planning Director.	than five acres shall be limited to 60 low-income units.
(iii) Ownership Unit No Time Limit	<p>(a) Benefit units consisting of moderate-income housing reserved for income- and asset-qualified homebuyers (total household income at or below 80 percent of County median income, adjusted for household size). Benefited units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with no restriction placed on resale.</p> <p>(b) Final approval conditions shall specify requirements for reporting to the Planning Director on both buyer eligibility and housing prices.</p>	.75 bonus unit per benefit unit.
(iv) Ownership Units 15-Year Binding Price Restriction	<p>(a) Benefit units consisting of moderate-income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of County median, adjusted for household size).</p> <p>(b) Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with a 15-year restriction binding prices and eligibility on resale to qualified moderate-income purchasers.</p> <p>(c) Final approval conditions shall specify requirements for reporting to the Planning Director on both buyer eligibility and housing prices.</p>	1.0 bonus unit per benefit unit.
(v) Ownership Units 30-Year Price Restriction	<p>(a) Benefit units consisting of moderate-income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of County median, adjusted for household size).</p> <p>(b) Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale.</p> <p>(c) A covenant on the site that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to the Planning Director of Woodinville shall be recorded at final approval.</p>	1.5 bonus units per benefit unit.
(vi) One Hundred Percent Ownership	(a) Projects in which 100 percent of the units are reserved for moderate-income- and asset-qualified	A maximum of 150 percent of the base density

	BENEFIT	DENSITY INCENTIVE
Type	Qualifying Conditions	Bonus
Units 15-Year Price Restriction	<p>buyers (total household income at or below 80 percent of the County median, adjusted for household size).</p> <p>(b) All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group for 15 years from the date of first sale.</p> <p>(c) Final approval conditions shall specify requirements for reporting to the Planning Director on both buyer eligibility and housing prices.</p>	<p>in the R-8 through R-24 zones, or a maximum of 125 percent of the base density in the R-48 zone.</p> <p>→ Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section.</p>
(vii) Mobile Home Park Space/Relocation	Benefit units consisting of mobile home park space or pad reserved for the relocation of an insignia or noninsignia mobile home that has been or will be displaced due to closure of a mobile home park located in the City of Woodinville.	1.0 bonus unit per benefit unit.

(b) Open Space, Trails and Parks.

	BENEFIT	DENSITY INCENTIVE
Type	Qualifying Conditions	Bonus
(i) Dedication Park/Trail Segment	(a) Dedication of or easement containing park site or trail right-of-way meeting City of Woodinville location and size standards for neighborhood, community or regional park, or trail, and accepted by the Planning Director.	.5 bonus unit per acre of park area or quarter-mile of trail exceeding the minimum requirement of Chapter 21.14 WMC for on-site recreation space or trail corridor, computed on the number of dwelling units permitted by the site's base density.
(ii) Improved Park	(a) Improvement of dedicated park site or a park site granted by easement to City of Woodinville standards for developed parks.	.75 bonus unit per acre of park improvement. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
(iii) Improved Trail	(a) Improvement of dedicated trail segment, or trail segment granted by easement, to City of Woodinville standards.	<p>1.8 bonus units per quarter-mile of trail constructed to City standard for pedestrian trails; or</p> <p>2.5 bonus units per quarter-mile of trail constructed to City standard for multipurpose trails (pedestrian/ bicycle/equestrian).</p> <p>→ Shorter segments shall be awarded bonus units on a pro rata basis. If the applicant is</p>

	BENEFIT	DENSITY INCENTIVE
Type	Qualifying Conditions	Bonus
		dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
(iv) Dedication Open Space	(a) Dedication of or granting of easement containing open space, meeting the City of Woodinville acquisition standards, to the City, County or qualified public or private organization such as a nature conservancy.	.5 bonus unit per acre of open space.

(c) Historic Preservation.

	BENEFIT	DENSITY INCENTIVE
Type	Qualifying Conditions	Bonus
(i) Dedication of Site	(a) Dedication of a site containing a historic landmark to the City of Woodinville or a qualifying nonprofit organization capable of restoring and/or maintaining the premises to standards set by the King County Landmarks Commission.	.5 bonus unit per acre of historic site.
(ii) Restoration of Site or Structure	(a) Restoration of a site or structure designated as an historic landmark in to a specific architectural or site plan approved by the King County Landmarks Commission.	0.5 bonus unit per acre of site or 1,000 square feet of floor area of building restored.

(d) Energy Conservation.

	BENEFIT	DENSITY INCENTIVE
Type	Qualifying Conditions	Bonus
(i) Conservation – Electricity	<p>(a) Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by electricity that save at least 20 percent of the energy use from the maximum permitted by Chapter 19.27A RCW (Washington State Energy Code), most current edition, using a systems analysis approach or the component performance approach.</p> <p>(b) No more than 50 percent of the required savings may result from the installation of heat pumps.</p> <p>(c) None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area.</p>	0.15 bonus unit per benefit unit that achieves the required savings.

	BENEFIT	DENSITY INCENTIVE
Type	Qualifying Conditions	Bonus
	(d) Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).	
(ii) Conservation – Natural Gas/Nonelectricity	<p>(a) Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by natural gas, or other nonelectric heat source, that save at least 25 percent of space heat energy use from the maximum permitted by Chapter 19.27A RCW (Washington State Energy Code), most current edition, using a systems analysis approach.</p> <p>(b) None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area.</p> <p>(c) Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).</p> <p>NOTE: When proposed energy conservation bonus units of this section are reviewed in conjunction with a subdivision or a short subdivision, the applicant shall provide data and calculations for a typical house of the type to be built in the development that demonstrates to the Building Official’s satisfaction how the required savings will be achieved. A condition of approval shall be recorded with the plat and shown on the title of each lot specifying the required energy savings that must be achieved in the construction of the dwelling unit. The plat notation shall also specify that the savings shall be based on the energy code in effect at the time of preliminary plat application.</p>	0.10 bonus unit per benefit unit that achieves the required savings.

(e) Transit.

	BENEFIT	DENSITY INCENTIVE
Type	Qualifying Conditions	Bonus
(i) Transit – Half-Hour Peak	(a) Developments located within one-quarter mile of transit routes served on at least a half-hourly basis during the peak hours and hourly during the daytime nonpeak hours.	10 percent increase above the base density of the zone.

(f) Sensitive Areas.

	BENEFIT	DENSITY INCENTIVE
Type	Qualifying Conditions	Bonus
(i) Transfer of Density Credits	(a) Protection of <u>open space</u> , environmentally sensitive <u>and hazard areas</u> , <u>wildlife habitat and</u>	Transferred density credits may be used as bonus densities to the

	BENEFIT	DENSITY INCENTIVE
Program	<u>corridors</u> , through the City's transfer of <u>residential</u> density credits program, <u>WMC 21.36</u> .	maximum allowed <del>in any zone</del> per <u>WMC 21.34.030</u> .

(g) Tree Preservation.

	BENEFIT	DENSITY INCENTIVE
Type	Qualifying Conditions	Bonus
(i) Preservation of Additional Tree Credits On Site	(a) Preservation must be one and one-half times the required preservation on site in accordance with WMC 21.16.150(2)(b).  (b) Bonus must not exceed the maximum allowed density of WMC 21.12.030 or 21.12.040.	One residential bonus unit.

**21.34.050 Rules for calculating total permitted dwelling units.**

(1) The formula for calculating the total number of dwelling units permitted through RDI review is as follows:

DUs allowed by RDI site base density + Bonus DUs + DUs allowed by sending site density (if any) = TOTAL RDI DUs.

(2) The total dwelling units permitted through RDI review shall be calculated using the following steps:

(a) Calculate the number of dwellings permitted by the base density of the site in accordance with Chapter 21.12 WMC;

(b) Calculate the total number of bonus dwelling units earned by providing the public benefits listed in WMC 21.34.040;

(c) Add the number of bonus dwelling units earned to the number of dwelling units permitted by the base density;

(d) Add the number of dwelling units permitted by the base density of the site sending TDCs, if any;

(e) Round fractional dwelling units to the nearest whole number; .49 or less dwelling units are rounded down; and

(f) On sites with more than one zone or zone density, the maximum density shall be calculated for the site area of each zone. Bonus units may be re-allocated within the zones in the same manner set forth for base units in WMC 21.12.080.

(g) For transfer of residential density credits, see WMC 21.36.050.

### **21.34.060 Review process.**

(1) All RDI proposals shall be reviewed concurrently with a primary proposal to consider the proposed site plan and methods used to earn extra density as follows:

- (a) For the purpose of this section, a primary proposal is defined as a proposed subdivision, conditional use permit or commercial building permit;
- (b) When the primary proposal requires a public hearing, the public hearing on the primary proposal shall serve as the hearing on the RDI proposal, and the reviewing authority shall make a consolidated decision on the proposed development and use of RDI;
- (c) When the primary proposal does not require a public hearing under this title or WMC Title 20, Subdivisions, the RDI proposal shall be subject to the decision criteria for conditional use permits outlined in Chapter 21.42 WMC and to the procedures set forth for Planning Director review in this title; and
- (d) The notice for the RDI proposal also shall include the development's proposed density and a general description of the public benefits offered to earn extra density.

(2) RDI applications which propose to earn bonus units by dedicating real property or public facilities shall include a letter from the applicable receiving agency certifying that the proposed dedication qualifies for the density incentive and will be accepted by the agency or other qualifying organization.

### **21.34.070 Minor adjustments in final site plans.**

When issuing building permits in an approved RDI development, the Planning Director may allow minor adjustments in the approved site plan involving the location or dimensions of buildings or landscaping; provided such adjustments shall not:

- (1) Increase the number of dwelling units;
- (2) Decrease the amount of perimeter landscaping (if any);
- (3) Decrease residential parking facilities (unless the number of dwelling units is decreased);
- (4) Locate structures closer to any site boundary line; or
- (5) Change the locations of any points of ingress and egress to the site.

## **21.34.080 Applicability of development standards.**

(1) RDI developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the RDI development; provided, that an RDI proposal in the R-4 through R-8 zone shall conform to the height requirements of the underlying zone in which it is located.

(2) RDI developments in the R-4 through R-8 zones shall be landscaped as follows:

(a) When 75 percent or more of the units in the RDI development consists of townhomes or apartments, the development shall provide perimeter landscaping and tree retention in accordance with Chapter 21.16 WMC for townhome or apartment projects.

(b) When less than 75 percent of the units in the RDI consists of townhomes or apartments, the development shall provide landscaping and tree retention in accordance with Chapter 21.16 WMC for townhomes or apartments on the portion(s) of the development containing such units; provided, that if buildings containing such units are more than 100 feet from the development's perimeter, the required landscaping may be reduced by 50 percent.

(c) All other portions of the RDI shall provide landscaping or retain trees in accordance with Chapter 21.16 WMC.

(3) RDI developments in all other zones shall be landscaped or retain trees in accordance with Chapter 21.16 WMC.

(4) RDI developments shall provide parking as follows:

(a) Projects with 100 percent affordable housing shall provide one off-street parking space per unit. The Planning Director may require additional parking, up to the maximum standards for attached dwelling units, which may be provided in common parking areas.

(b) All other RDI proposals shall provide parking for:

(i) Market rate/bonus units at levels consistent with Chapter 21.18 WMC, and

(ii) Benefit units at 50 percent of the levels required for market rate/bonus units.

(5) RDI developments shall provide on-site recreation space as follows:

(a) Projects with 100 percent affordable housing shall provide recreation space at the levels required in Chapter 21.14 WMC.

(b) All other RDI proposals shall provide recreation space for:

(i) Market rate/bonus units at levels consistent with Chapter 21.14 WMC, and

(ii) Benefit units at 50 percent of the levels required for market rate/bonus units.

## **Chapter 21.36 GENERAL PROVISIONS – TRANSFER OF RESIDENTIAL DENSITY CREDITS**

Sections:

21.36.010 Purpose.

21.36.020 Authority and application.

21.36.030 Sending sites.

21.36.040 Receiving sites.

21.36.050 Transfer rules.

21.36.060 Review process.

### **21.36.010 Purpose.**

The purpose of the transfer of residential density credit system is to supplement land use regulation and open space acquisition programs and to encourage increased residential development density where it can be accommodated with the least impacts on the natural environment and public services by:

- (1) Providing an incentive for private property owners to protect open space, wildlife habitat and corridors, environmentally sensitive and hazard areas, park sites, historic sites, rural and resource areas beyond the minimum requirements of the code;
- (2) Involving Woodinville residents, land owners and other public agencies in designating appropriate sending and receiving areas; and
- (3) Providing a review system to ensure that transfers of residential density credits to receiving sites are balanced with other City goals and policies, and are adjusted to the specific conditions of each receiving site.

### **21.36.020 Authority and application.**

The transfer of residential density credit (TDC) system for City of Woodinville is established. The base residential density of a sending site may be transferred and credited to a noncontiguous receiving site only when the TDC is approved in accordance with the rules and procedures in this chapter.

### 21.36.030 Sending sites.

(1) Sending sites shall be maintained in a natural state, except for agricultural lands, proposed public park or trail sites suitable for active recreation, shoreline access areas, or historic sites.

(2) Sending sites must be zoned with one or more zone as follows:

(a) R-1 through R-48 zones; and

(b) NB, CBD, TB and O zones.

~~(23)~~ Sending sites must contain one or more of the following features, as defined in the Comprehensive Plan or other functional plan adopted by the City or County:

(a) Open spaces;

(b) Wildlife habitat or wildlife corridors;

(c) Woodlands;

(d) Shoreline access;

(e) Community separator;

(f) Regional trail/natural linkage;

(g) Historic landmark designation;

(h) Agricultural land not encumbered through the County's farmlands preservation development rights purchase program;

(i) Park site that meets adopted size, distance and other standards for serving the receiving sites to which the density credits are being transferred; or

(j) Freestanding multistory parking garage located on a site zoned CBD.

(k) Steep slopes, landslide hazard areas, and earthquake hazard areas as defined and regulated in Chapter Chapter 21.24.

~~(34)~~ Sending sites shall have zoning consistent with the Comprehensive Plan map designation.

### 21.36.040 Receiving sites.

(1) Receiving sites shall be zoned R-4 through R-48, NB, TB, CBD, or O, or any combination thereof, before being eligible to participate in a TDC.

(2) Except as provided in this chapter, development of a receiving site shall remain subject to all use, lot coverage, height, setback and other requirements of its zone.

(3) A receiving site may accept density credits, up to the maximum density permitted in the table below pursuant to Chapter 21.12 WMC, from any sending site.

<u>Zones Permitted</u>	<u>Receiving Site Base Density: Du/Ac</u>	<u>Receiving Site Maximum Density: Du/Ac</u>	<u>Receiving Site Maximum Density with R-1 or R-4 Transition Density Transfer: Du/Ac</u>
<u>R-1</u>	<u>1</u>	<u>Not permitted</u>	<u>Not permitted</u>
<u>R-4</u>	<u>4</u>	<u>5</u>	<u>6 (1)</u>
<u>R-6</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>R-8</u>	<u>8</u>	<u>12</u>	<u>15</u>
<u>R-12</u>	<u>12</u>	<u>18</u>	<u>21</u>
<u>R-18</u>	<u>18</u>	<u>27</u>	<u>30</u>
<u>R-24</u>	<u>24</u>	<u>36</u>	<u>39</u>
<u>R-48</u>	<u>48</u>	<u>72</u>	<u>72</u>
<u>NB</u>	<u>0</u>	<u>0</u>	<u>12</u>
<u>CBD</u>	<u>36</u>	<u>48</u>	<u>51</u>
<u>TB</u>	<u>12</u>	<u>18<sup>1</sup></u>	<u>21</u>
<u>O</u>	<u>36</u>	<u>48</u>	<u>51</u>

(1) Only permitted in R-4 zone if not subject to R-4 Transition regulations.

### **21.36.050 Transfer rules.**

(1) The number of density credits that a sending site is eligible to send to a receiving site shall be determined by applying the base density of the zone to the total sending site area, less any portion of the sending site already in a conservation easement or other encumbrance, or any land area already used to calculate residential density for another development. A plot plan showing environmentally sensitive areas and buffers, conservation easements or other encumbrances shall be submitted as part of the development application to demonstrate compliance with the density calculation rules set forth in Chapter 21.12 WMC.

(2) Sending sites with environmentally sensitive areas that have been declared unbuildable under Chapter 21.12 WMC shall be considered to have a base density calculated in accordance with that chapter, except that the areas of the sending and receiving sites shall be combined to

<sup>1</sup> 150% of the base density zone similar to other maximum density provisions and the residential density incentive program (WMC 21.34.030).

calculate the overall site percentage of sensitive areas and buffers necessary for determining the allowable density credit as set forth in Chapter 21.24 WMC.

(3) Density credits from one sending site may be allocated to more than one receiving site; provided, that the site is segregated into segments in accordance with WMC Title 20, Subdivisions, or deed restrictions documenting the density credit transfer are recorded with the title to all sending and receiving properties, and that the credit from each segment is allocated to a specified receiving site. A parcel zoned A need not segregate a sending a site from the remainder of the parcel when the entire parcel is subject to a conservation easement pursuant to subsection (5) of this section.

(4) When the sending site consists only of a portion(s) of an unsubdivided parcel, said portion(s) shall be segregated from the remainder of the lot pursuant to WMC Title 20, Subdivisions, or deed restrictions documenting the density credit transfer shall be recorded with the title to both the sending and receiving site. A parcel zoned A need not segregate a sending a site from the remainder of the parcel when the entire parcel is subject to a conservation easement pursuant to subsection (5) of this section.

(5) Conservation easements shall be required for land contained in the sending site, whether or not such land is dedicated, as follows:

(a) For a sending site not zoned A-10 or A-35, a conservation easement shall be recorded on the sending site to indicate development limitations on the sending site.

(b) For a sending site zoned A-10 or A-35, a conservation easement shall be recorded on the sending site, consistent in form and substance with the purchase agreements used in the agricultural land development rights purchase program. The conservation easement shall preclude subdivision of the subject property but may permit not more than one dwelling per sending site, and agricultural uses as provided in the A-10 or A-35 (agricultural) zone.

(6) Upon submitting an application to develop a receiving site under the provisions of this chapter, the applicant shall provide evidence of ownership or full legal control of all sending sites proposed to be used in calculating total density on the receiving site. It shall be the applicant's responsibility, prior to application, to ascertain what form of permanent protection of the sending site will be acceptable to the City of Woodinville.

(7) Density credits from a sending site shall be considered transferred to a receiving site when the sending site is permanently protected by a completed and recorded land dedication or conservation easement.

(8) TDC developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the TDC development.

### **21.36.060 Review process.**

All TDC proposals shall be reviewed concurrently with a primary proposal as follows:

(1) For the purpose of this section, a primary proposal is defined as a proposed subdivision, conditional use permit, or commercial building permit.

(2) When the primary proposal requires a public hearing under this title or WMC Title 20, Subdivisions, that public hearing shall also serve as the hearing on the TDC proposal, and the reviewing authority shall make a consolidated decision on the proposed development and use of TDC.

(3) When the primary proposal does not require a public hearing, that TDC proposal shall be subject to the decision criteria for conditional use permits outlined in Chapter 21.42 WMC and to the procedures set forth for Planning Director review in this title.

## 21.08.030 Residential land uses.

### A. Residential Land Uses.

NAICS#	SPECIFIC LAND USE	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
	DWELLING UNITS, TYPES:											
*	Single detached	P, C19	P, C19	P								
*	Duplex	P10	P10	P10	P10							
*	Townhome	C10, 12	C7, 10, 12	P	P	P(21)	P20		P	P18		
*	Apartment		P11	P	P	P(21)	P20		P			
*	Mobile home park		P	P					P			
623311 623312	Senior citizen assisted (See WMC 21.06.188 for definition)		P11	P	P				P			
	GROUP RESIDENCES:											
*	Community residential facility	C15	C15	P15	P15				P15			P15
721310	Dormitory	C2	C2	P2	P2				P2		P2	P13
	ACCESSORY USES:											
*	Residential accessory uses	P3	P3	P3	P3				P3			P16
*	Home occupation (8)	P	P	P	P				P			
*	Home industry (9)	C	C	C	C							
	TEMPORARY LODGING:											
721110	Hotel/motel								P			
* 721191	Bed and breakfast inns	P6	P6	P6					P6			
721310	Organization hotel/lodging											
* 624221	Temporary shelter								P4			P17
* 721199	Youth hostel								P14			

### B. Development Conditions.

- (1) Except bed and breakfast guesthouses.
- (2) Only as an accessory to a school, college/university, church, or fire station.
- (3)(a) Accessory Dwelling Units.
  - (i) Only one accessory dwelling per lot;
  - (ii) The primary residence or the accessory dwelling unit shall be owner occupied;
  - (iii) If the accessory dwelling unit is a separate structure, the accessory dwelling unit shall not be larger than 50 percent of the living area of the primary residence;
  - (iv) One additional off-street parking space is provided; and
  - (v) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied.

- (b) Accessory Aircraft. One single or twin engine, general aviation aircraft shall be permitted only on lots which abut, or have a legal access which is not a public right-of-way, to a water body or landing field, provided:
- (i) No aircraft sales, service, repair, charter or rental;
  - (ii) No storage of aviation fuel except that contained in the tank or tanks of the aircraft; and
  - (iii) Storage hangars shall not exceed 20 feet in height above average finished grade or have a gross area exceeding 3,000 square feet.
- (4) Only as an accessory use to an institution, school, public agency, church, synagogue, temple, or nonprofit community organization.
- (5) Reserved.
- (6) Only as an accessory to the permanent residence of the operator, provided:
- (a) Serving meals to paying guests shall be limited to breakfast; and
  - (b) The number of persons accommodated per night shall not exceed five, except that a structure which satisfies the standards of the Uniform Building Code as adapted by the City for R-1 occupancies may accommodate up to 10 persons per night.
- (7) A conditional use permit is not required if the townhomes are approved through subdivision review or if the project is in the R-8 zone.
- (8) Home occupations are subject to the requirements and standards contained in WMC 21.30.040.
- (9) Home industries are subject to the requirements and standards contained in WMC 21.30.050.
- (10) Townhomes and duplexes must be compatible in design, height, color, style, and materials with existing neighborhood.
- (11) Permitted only in the R-8 zone.
- (12) Permitted only in the R-4 and R-6 zones, on parcels where protection of sensitive areas prohibit traditional single-family development.
- (13) Only as an accessory to a public school.
- (14) Also permitted in the Tourist District Overlay. See WMC 21.38.065.
- (15) The number of occupants shall not exceed the occupant load of the structure, calculated as provided in the 1994 Uniform Building Code, Section 1002, or as may be hereafter amended.
- (16) Only as an accessory to a permitted use.
- (17) Only as an accessory to an institution, school, or public agency.
- (18) Limited to current location. No new townhomes are permitted in the office zone except on the site currently containing townhomes on January 1, 2002.
- (19) A conditional use permit is required for a single-family structure exceeding 8,500 gross square feet in the R-1 through R-6 zones.
- (20) Residential development is not permitted on the ground floor and is only permitted as part of a development that integrates residential with tourist-oriented business development and the development is conditioned through a development agreement with the City that ensures a City-approved economic analysis will be provided and the proposed mixed-use development meets the vision and goals of the Tourist District Master Plan. No more than 25 percent of the entire area development may include residential uses. No direct residential dwelling unit entrances or exits may be permitted on to NE 148 Avenue NE, NE 145th Street, or Woodinville-Redmond Road.
- (21) Only permitted subject to a transfer of residential density credit from the R-1 zone, pursuant to WMC 21.36, and if part of a mixed use development.

## 21.12.030 Densities and dimensions– Residential zones<sup>2</sup>

A. STANDARDS	ZONES							
	URBAN RESIDENTIAL							
	R-1	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre	1 du/ac	4 du/ac	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: Dwelling Unit/Acre	2 du/ac (4) <sup>3</sup>	5 du/ac (1) <u>6 du/ac</u> <u>(19)</u>	7 du/ac (1) <u>8 du/ac</u> <u>(19)</u>	12 du/ac (6) <u>15 du/ac</u> <u>(19)</u>	18 du/ac (6) <u>21 du/ac</u> <u>(19)</u>	27 du/ac (6) <u>30 du/ac</u> <u>(19)</u>	36 du/ac (6) <u>39 du/ac</u> <u>(19)</u>	72 du/ac (6)
Minimum Density: % of Base Density (2)		75%	75%	85%	80%	75%	70%	65%
Minimum Lot Width (3)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (3)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)(17)	10 ft (8)	10 ft (8)	10 ft (8)
Minimum Interior Setback (3)	10 ft (7)	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)(17)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height	35 ft	35 ft	35 ft	35 ft	35 ft (17)	45 ft	45 ft	45 ft (18)
Maximum Building Coverage: Percentage (5) (16)	15% (11) (14)	35%	50%	55%	60%	60%	70%	70%
Maximum Impervious Surface: Percentage (5) (16)	20% (15)	45%	70%	75%	85% (17)	85%	85%	90% (18)

### B. Development Conditions.

(1) Maximum density may only be achieved through transfer of density credits (Chapter 21.36 WMC).

(2) Also see WMC 21.12.060.

(3) These standards may be modified under the provisions for zero-lot-line and townhome developments.

(4) Only as a duplex.

<sup>2</sup> Note: R-4 transition standards are considered under separate cover; if R-4 Transition and TDR amendments are both approved for interim application, the ordinance would include both sets of R-4 Transition and TDR amendments.

<sup>3</sup> Consultant is clarifying with Staff how this is determined.

- (5) Applies to each individual lot. Building coverage and impervious surface area standards for:
- (a) Regional uses shall be established at the time of permit review; or
  - (b) Nonresidential uses in Residential zones shall comply with WMC 21.12.210.
- (6) Maximum density may be achieved only through the application of residential density incentives or transfers of density credits.
- (7) The standards of the R-4 zone shall apply if a lot is less than 15,000 square feet in area.
- (8) At least 20 linear feet of driveway shall be provided between any garage, carport, or other fenced parking area and the street property line. The linear distance shall be measured along the centerline of the driveway from the access point to such garage, carport or fenced area to the street property line or pedestrian walkway, sidewalk, or easement access road(s), whichever is closest to the garage, carport or fenced parking area.
- (9) Reserved.
- (10) For townhomes or apartment development, the setback shall be the greater of:
- (a) Twenty feet along any property line abutting R-4 through R-8 zones; or
  - (b) The average setback of the R-4 through R-8 zoned single-family detached dwelling units from the common property line separating said dwelling units from the adjacent townhome or apartment development, provided the required setback applied to said development shall not exceed 60 feet. The setback shall be measured from said property line to the closest point of each single-family detached dwelling unit, excluding projections allowed per WMC 21.12.160 and accessory structures existing at the time the townhome or apartment development receives conditional use permit approval by the City.
  - (c) See also landscaping requirements under WMC 21.16.060(2).
- (11) On any lot over one acre in area, an additional five percent may be used for buildings related to agricultural or forestry practices.
- (12) Reserved.
- (13) Reserved.
- (14) Maximum Building Coverage Percentage.

Lot Size	Max. Percentage Allowed
<15,000 SF	35% (Permitted for R-4 zone)
15,000 to 25,000 SF	28%
25,000 to 35,000 SF	22%
Over 35,000 SF	15%

- (15) Maximum Impervious Surface Percentage

Lot Size	Max. Percentage Allowed
<15,000 SF	45% (Permitted in R-4 zone)
15,000 to 25,000 SF	37%
25,000 to 35,000 SF	28%
Over 35,000 SF	20%

- (16) New mobile home parks are exempt from this requirement.
- (17) If located in the Tourist District Overlay, see WMC 21.38.065.
- (18) If located in the R-48/O district, see WMC 21.38.030(5).
- (19) Only permitted subject to a transfer of residential density credit from the R-1 zone, pursuant to WMC 21.36.



**21.12.040 Densities and dimensions– Public and commercial/industrial zones**

ZONES	PUBLIC	COMMERCIAL/INDUSTRIAL					
	PUBLIC/ INSTITUTIONAL	NEIGHBORHOOD BUSINESS	TOURIST BUSINESS	GENERAL BUSINESS	CENTRAL BUSINESS	OFFICE	INDUSTRIAL
A. STANDARDS	P/I	NB	TB	GB	CBD	O	I
Base Density: Dwelling Unit/Acre			12 du/ac		36 du/ac	36 du/ac	
Maximum Density: Dwelling Unit/Acre		<u>12 du/ac (18)</u>	<u>18(3)<sup>4</sup></u> <u>21(18)</u>		48 du/ac (1)(3) <u>51(18)</u>	48 du/ac (3) <u>51(18)</u>	
Minimum Street Setback (17)	10 ft	10 ft (5) 20 ft (11)	10 ft (2) (5) (14)	10 ft (5) 25 ft (15)	10 ft (10) (5)	10 ft	25 ft 10 ft (9) (14) (15)
Minimum Interior Setback (13)	20 ft (7) (16)	10 ft	20 ft (7) (14)	25 ft (7) (15)	20 ft (7)	20 ft (7)	20 ft (7) (14) (15) 50 ft (8) (14)
Base Height (10)	45 ft (4)	35 ft	35 ft (14)	35 ft	35 ft (6) (12)	45 ft (4)	45 ft (14)
Maximum Floor/Lot Ratio: Square Feet	4/1	1/1	1/1	2/1	2.5/1	4/1	3/1
Maximum Impervious Surface: Percentage	85%	75%	85% (14)	85%	90%	75%	90% (14)
Maximum Building Square		10,000					

<sup>4</sup> This is a technical correction to provide for consistency with Chapters 21.34 and 21.36.

Footage							
---------	--	--	--	--	--	--	--

B. Development Conditions.

- (1) A transit-oriented housing development, as defined in WMC 21.06.662 and meeting the criteria contained in WMC 21.38.090(2), may use alternative development standards in WMC 21.38.090(3) as a method of calculating allowable dwelling units.
- (2) Ten-foot setback may not be required on those sites abutting a designated pedestrian-oriented street pursuant to City of Woodinville Design Guidelines, or as may hereafter be amended.
- (3) Unless subject to subsection (B)(1) of this section, these densities may only be achieved through the application of residential density incentives or transfer of density credits; see Chapters 21.34 and 21.36 WMC.
- (4) Height is limited to 35 feet when development abuts a Low or Moderate Residential zoned property.
- (5) Gas station pump islands shall be placed no closer than 25 feet to street front lines.
- (6) Mixed use developments that include a minimum of 25 percent of the total area as office space may increase height limits to a maximum of 45 feet.
- (7) Twenty-foot setback only required along property lines adjoining residential zones, otherwise no specific interior setback requirement.
- (8) Fifty-foot setback only required along property lines adjoining Residential zones for industrial uses established by conditional use permits, otherwise no specific interior setback requirement.
- (9) Ten-foot setback permitted only on those sites not abutting a designated arterial street.
- (10) Height limits may be increased when portions of the structure or building which exceed the base height limit provide one additional foot of street and interior setback beyond the required setback for each foot above the base height limit, provided the maximum height may not exceed 45 feet.
- (11) Twenty-foot setback required only along property lines adjoining the Woodinville-Duvall Road right-of-way.
- (12) Developments that provide structured parking for all required on-site parking may exceed the height limit by one story for every level of parking provided, to a maximum of 45 feet.
- (13) See WMC 21.16.060, Landscaping – Interior lot lines.
- (14) If located in the Tourist District, see WMC 21.38.065.
- (15) Twenty-five-foot setback only required along property lines adjoining the SR 202 and Woodinville-Snohomish Road rights-of-way. See WMC 21.16.080(2) for landscaping requirements.
- (16) Fifty-foot setback required along property lines abutting agriculturally zoned parcels.
- (17) Does not apply to signage. For applicable sign setbacks, see Chapter 21.20 WMC.
- (18) Only permitted subject to a transfer of residential density credit from the R-1 zone, pursuant to WMC 21.36.

## Appendix 6C

---

Sustainable Development Study – Draft Residential-4 Transition (R-4T) Zone Code  
Amendments



## Memorandum

<b>Date:</b>	August 7, 2007, Revised September 20, 2007
<b>To:</b>	Ray Sturtz, Planning Manager
<b>From:</b>	Gil Cerise, Senior Planner
<b>cc:</b>	Lisa Grueter, Senior Planner
<b>Subject:</b>	Sustainable Development Study – Draft Residential-4 Transition (R-4T) Zone Code Amendments

### Introduction & Purpose

At the August 2, 2007 Sustainable Development Citizens Advisory Panel (CAP) meeting, the CAP and staff discussed potential design and implementation of a transition zone between the R-1 and R-4 or more intense zones. This memo serves as a cover for the proposed code amendments that staff developed for this new zone.

### Proposed Code Amendments

Staff proposes amendments that would create a new Residential-4 Transition (R-4T) zone. The amendments include amendment to portions of the Woodinville Municipal Code that govern zone purpose statements and location criteria (WMC 21.04.080); as well as amendments to the Densities and Dimensions table in WMC 21.12.030.

### Zone Purpose Statement

The R-4T zone purpose is to provide a transition between the R-1 and R-4 zones. In addition, this zoning district recognizes areas with a prevalence of environmentally critical areas and provides an additional measure of protection for those areas. This statement is shown in the attached code amendment in underline under WMC 21.04.080(1)(a)

### Zone Location Criteria

The R-4T zone location criteria includes two options based upon CAP feedback and discussion at the August 2nd CAP meeting. Under one option, the R-4T zone would be applicable in areas adjacent (within 300 feet) of the area remaining R-1 and/or in areas with known landslide

hazards. Under the second option, the R-4T zone would be allowed in a broader area encompassing the entire study area that is zoned residential but not shown as remaining R-1.

## Development Standards Amendments

Proposed amendments that establish the R-4T development standards are intended to provide a gradual transition between the R-1 and R-4 areas of the City. Zoning density in Woodinville is calculated by net acres rather than gross acres, meaning that public rights-of-way and environmental critical areas are deducted from density calculations. Therefore, the additional mapping of critical areas within the R-1 study area will add potential landslide hazard areas, and other critical areas to the City's maps, and they will be deducted from the density calculations. In the process of this review, staff added a recommendation to increase the minimum lot width of the R-1 zone from 35 feet to 70 feet. This new minimum lot width in the R-1 zone is not expected to affect many lots. However, it will provide a better transition between zones.

Under the proposed code amendments, minimum lot width will transition from 70 feet in R-1, to 50 feet in R-4T, and 30 feet in R-4. Zoning density will not be allowed to exceed 4 dwelling units per acre in R-4T, making it a 'true' R-4 zone. Maximum density allowed under R-4 is 5 dwelling units per acre. The transition for setbacks is proposed by requiring the 80% of the average setback for adjacent existing development. This provision will make the form of development look more like adjacent existing development in the R-1 zone. Finally, impervious surface standards in this zone will be directed to comply with the recommendations and findings of the Sustainable Development Study Hydrogeologic Study (Appendix A of the Environmental report).

Overall, proposed amendments are designed to provide a smooth transition between zones. The Planning Commission is invited to review the proposed code amendments in the attachment and after discussion with the CAP on August 8th, consider them as part of the August 15, 2007 public hearing.

## 21.04.080 Residential zone.<sup>1</sup>

(1) The purpose of the Urban Residential zones (R) is to implement Comprehensive Plan goals and policies for housing quality, diversity and affordability, and to efficiently use residential land, public services and energy. These purposes are accomplished by:

(a) Providing, in the low-density zones (R-1 through R-4), for predominantly single-family detached dwelling units. Other development types, such as duplexes and accessory units, are allowed under special circumstances. ~~Developments with densities less than R-4 are allowed only if adequate services cannot be provided~~

(i) The purpose of the R-1 zone is to provide for low density development that has been located on the site and developed in a manner that protects environmentally critical areas on and near the site; and maximizes preservation of natural systems to the greatest extent possible as part of the City's stated goals for protecting its Northwest Woodland Character.

(ii) The purpose of the R-4T zone is to provide a transition zone for areas between the R-1 and R-4 zones for greater development compatibility and to recognize the prevalence of environmentally critical areas that require special recognition in addition to the City's critical areas regulations. ;

(iii) The purpose of the R-4 zone is to provide for predominantly single-family detached dwelling units on land with few if any environmental constraints. This zone provides for low-density single-family housing stock.;

(b) Providing, in the moderate density zones (R-5 through R-8), for a mix of predominantly single-family attached and detached dwelling units. Other development types, such as apartments, duplexes, and townhomes would be allowed so long as they contribute to Woodinville's small town atmosphere as articulated in the vision statement found in the City's Comprehensive Plan and conform to all applicable regulations;

(c) Providing, in the medium density zones (R-9 through R-18), for duplexes, multifamily apartments, and townhomes, at densities supportive of transit and providing a transition to lower density areas; and

(d) Providing, in the high-density zones (R-19 through R-48), for the highest residential densities, consisting of duplexes and multistory apartments. Developments have access to transit, pedestrian and nearby commercial facilities, and provide a transition to high intensity commercial uses.

(2) Use of this zone is appropriate in residential areas designated by the Comprehensive Plan as follows:

---

<sup>1</sup> **Highlight** areas are those amendments proposed for the R-4T zone. Additional strike-through and underline are the same as found in the Residential Zone purpose statement amendments in Appendix A.

(a) The R-1 zone on or adjacent to lands:

~~(i) with area-wide constrained by environmentally constraints critical areas, or~~

~~(ii) in well-established subdivisions of the same density, or~~

~~(iii) which are served at the time of development by public or private facilities and services adequate to support planned densities in areas of the City that retain a mature tree canopy of 60% or greater, or~~

~~(iv) in areas that provide a transition between the City and rural areas of unincorporated King and Snohomish counties.;~~

~~All development within the R-1 zone must be served at the time of development by public or private facilities and services adequate to support allowed densities within that zone.~~

~~(b) The R-4T zone on lands that are adjacent to the City's R-1 zone and/or on areas with mapped landslide hazards that are not within the R-1 zone.~~

~~- OR -~~

~~(b) The R-4T zone on lands that are between the City's R-1 zone and lands of higher intensity zoning including, but not limited to the R-6, O, and I zones.~~

~~(bc) The R-4 zone on urban lands that are predominantly environmentally unconstrained, that provide a transition between lower density areas with environmental constraints and higher density areas, and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities;~~

~~(d) The R-6 through R-8 zones on urban lands that are predominantly environmentally unconstrained and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services; and~~

~~(ee) The R-12 through R-48 zones in appropriate areas of the City that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. (Ord. 295 § 4, 2001; Ord. 242 § 1, 1999; Ord. 175 § 1, 1997)~~

## 21.12.030 Densities and dimensions– Residential zones<sup>2</sup>

A. STANDARDS	ZONES								
	URBAN RESIDENTIAL								
	R-1	R-4T	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre	1 du/ac	<u>4</u> du/ac	4 du/ac	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: Dwelling Unit/Acre	2 du/ac (4)	<u>4</u> du/ac	5 du/ac (1)	7 du/ac (1)	12 du/ac (6)	18 du/ac (6)	27 du/ac (6)	36 du/ac (6)	72 du/ac (6)
Minimum Density: % of Base Density (2)		<u>75%</u>	75%	75%	85%	80%	75%	70%	65%
Minimum Lot Width (3)	<del>35</del> 70 ft (7)	<u>50</u> ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (3)	10 ft (8)	<u>(9)</u>	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)(17)	10 ft (8)	10 ft (8)	10 ft (8)
Minimum Interior Setback (3)	10 ft (7)	<u>(9)</u>	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)(17)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height	35 ft	<u>35</u> ft	35 ft	35 ft	35 ft	35 ft (17)	45 ft	45 ft	45 ft (18)
Maximum Building Coverage: Percentage (5) (16)	15% (11) (14)	<u>35%</u>	35%	50%	55%	60%	60%	70%	70%
Maximum Impervious Surface: Percentage (5) (16)	20% (15)	<u>45%</u> <u>(12)</u>	45%	70%	75%	85% (17)	85%	85%	90% (18)

### B. Development Conditions.

(1) Maximum density may only be achieved through transfer of density credits (Chapter 21.36 WMC).

(2) Also see WMC 21.12.060.

<sup>2</sup> Note: TDR development standards are considered under separate cover; if TDR and R-4 Transition amendments are both approved for interim application, the ordinance would include both sets of R-4 Transition and TDR amendments.

- (3) These standards may be modified under the provisions for zero-lot-line and townhome developments.
- (4) Only as a duplex.
- (5) Applies to each individual lot. Building coverage and impervious surface area standards for:
  - (a) Regional uses shall be established at the time of permit review; or
  - (b) Nonresidential uses in Residential zones shall comply with WMC 21.12.210.
- (6) Maximum density may be achieved only through the application of residential density incentives or transfers of density credits.
- (7) The standards of the R-4 zone shall apply if a lot is less than 15,000 square feet in area.
- (8) At least 20 linear feet of driveway shall be provided between any garage, carport, or other fenced parking area and the street property line. The linear distance shall be measured along the centerline of the driveway from the access point to such garage, carport or fenced area to the street property line or pedestrian walkway, sidewalk, or easement access road(s), whichever is closest to the garage, carport or fenced parking area.
- (9) ~~Reserved.~~ Setbacks shall be 80% of the average setback for adjacent existing development.
- (10) For townhomes or apartment development, the setback shall be the greater of:
  - (a) Twenty feet along any property line abutting R-4 through R-8 zones; or
  - (b) The average setback of the R-4 through R-8 zoned single-family detached dwelling units from the common property line separating said dwelling units from the adjacent townhome or apartment development, provided the required setback applied to said development shall not exceed 60 feet. The setback shall be measured from said property line to the closest point of each single-family detached dwelling unit, excluding projections allowed per WMC 21.12.160 and accessory structures existing at the time the townhome or apartment development receives conditional use permit approval by the City.
  - (c) See also landscaping requirements under WMC 21.16.060(2).
- (11) On any lot over one acre in area, an additional five percent may be used for buildings related to agricultural or forestry practices.
- (12) ~~Reserved.~~ Must comply with the recommendations contained in the Golder Associates Hydrogeologic Report shown as Appendix A to the Environmental Report of the City of Woodinville Sustainable Development Study Phase 2a (August 2007).
- (13) Reserved.
- (14) Maximum Building Coverage Percentage.

Lot Size	Max. Percentage Allowed
----------	-------------------------

<15,000 SF	35% (Permitted for R-4 zone)
15,000 to 25,000 SF	28%
25,000 to 35,000 SF	22%
Over 35,000 SF	15%

(15) Maximum Impervious Surface Percentage

Lot Size	Max. Percentage Allowed
<15,000 SF	45% (Permitted in R-4 zone)
15,000 to 25,000 SF	37%
25,000 to 35,000 SF	28%
Over 35,000 SF	20%

(16) New mobile home parks are exempt from this requirement.

(17) If located in the Tourist District Overlay, see WMC 21.38.065.

(18) If located in the R-48/O district, see WMC 21.38.030(5).

(19) Only permitted subject to a transfer of residential density credit from the R-1 zone, pursuant to WMC 21.36.