

## Legislation Text

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AN ORDINANCE authorizing the King County executive to enter into an interlocal agreement with the city of Normandy Park to implement a regional program to transfer development rights from rural lands in King County into the city of Normandy Park.

### STATEMENT OF FACTS:

1. The Washington state Growth Management Act, codified at chapter 36.70A RCW, establishes a policy of directing growth and development into urban areas, protecting rural and resource land and encouraging the use of innovative tools like transfer of development rights ("TDR") to accomplish these outcomes.
2. The Growth Management Act encourages the conservation of productive agricultural and forest lands and the retention of rural open space to conserve fish and wildlife habitat and enhance recreational opportunities.
3. King County adopted a TDR Program in 2001 to permanently preserve rural and resource lands by transferring rural development potential into existing urban areas; since 2001, the King County TDR Program has helped to protect 141,765 acres of rural and resource lands in unincorporated King County.
4. King County has worked with the city of Normandy Park to develop a means by which rural TDRs from shoreline and near-shore properties on Vashon Island may be used to increase density within the city to achieve conservation that is important to the environmental health of the Puget Sound, while concentrating growth in the county's Urban Growth Area.

5. The city council of Normandy Park, by Ordinances 887 and 888, amended its land use code to allow the Manhattan Village Subarea to be a receiving site for King County TDRs, subject to an adopted interlocal agreement with King County that will provide the city with \$350,000 in Conservation Futures Tax Levy ("CFT") funds as a critical financial incentive for the city to accept rural development rights and help the city create open space and park amenities in the city's neighborhood where TDR related development is occurring.
6. In 2007, Ordinance 15652 appropriated CFT funding for the King County TDR Program, through CFT project numbers 315600 and 315620, Attachment B to this ordinance, to provide amenity funds to cities that act as receiving sites for rural TDRs. These funds are designated for the acquisition of open space in cities as part of TDR interlocal agreements to create economic incentives for cities to accept additional density and simultaneously protect King County's rural and resource areas.
7. In 2009, the Washington state Legislature affirmed the value of regional TDR programs by adopting Second Substitute House Bill 1172.
8. The Washington state Governor's Office recognized the city and the county by awarding the city with the 2013 Governor's Smart Communities Award for the city's Manhattan Village Subarea plan and planned action ordinance that includes TDR partnership with King County.
9. The King County TDR bank currently holds 21 transferable development rights, purchased from private rural landowners of shoreline property on Vashon Island, which would be eligible for sale to applicants seeking to take advantage of zoning incentives established by city of Normandy Park ordinances 887 and 888. K.C.C. 21A.37.140 requires an interlocal agreement with receiving site cities prior to sale and transfer of TDR credits from the TDR bank.
10. The city of Normandy Park adopted legislation authorizing the city manager to enter into an interlocal agreement with King County, Attachment A to this ordinance.

11. King County and cities are authorized to enter into interlocal agreements as set forth in chapter 39.34 RCW, the Interlocal Cooperation Act.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The King County executive is hereby authorized to enter into an interlocal agreement with the city of Normandy Park, containing language substantially similar to that of Attachment A to this ordinance, to establish a regional program to transfer development rights from lands in King County's designated rural areas into the city of Normandy Park for projects listed and described in Attachment B to this ordinance.