

RESOLUTION R-5057

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND EXPRESSING THE CITY COUNCIL'S SUPPORT FOR REGIONAL TRANSFER OF DEVELOPMENT RIGHTS AND THE CITY COUNCIL'S WILLINGNESS TO CONSIDER REGIONAL TRANSFER OF DEVELOPMENT RIGHT POLICIES AS PART OF THE COMPREHENSIVE PLAN UPDATE AND IMPLEMENTING DEVELOPMENT REGULATIONS, FILE NO CAM13-1936.

WHEREAS, the Kirkland Comprehensive Plan contains goals of implementing regional growth management strategies to help reduce sprawl, including goals which support the preservation of open space, encourage coordination with other jurisdictions, and support incentive programs to achieve these goals; and

WHEREAS, the Washington State Growth Management Act ("GMA"), RCW 36.70A, establishes a policy of directing development density into urban areas and discouraging development of rural land; and

WHEREAS, the GMA encourages the conservation of productive forest and agricultural lands and the retention of open space to conserve fish and wildlife habitat and enhance recreational opportunities; and

WHEREAS, the GMA requires counties to adopt county-wide planning policies in cooperation with cities; and

WHEREAS, by Interlocal Agreement, King County ("County") and the City of Kirkland ("City") adopted and ratified the Countywide Planning Policies for the County; and

WHEREAS, the Countywide Planning Policies call for programs and regulations to protect and maintain the rural character of farm and forest lands and direct growth to cities and urban centers; and

WHEREAS, the City recognizes the importance of working with the County to reduce sprawl and protect lands important to salmon habitat, farmlands, and forestlands by encouraging development in designated urban centers, while funding and creating urban infrastructure necessary to foster livability in growing communities; and

WHEREAS, regional Transfer of Development Rights ("TDR") is an important tool that can help the City and the County achieve these goals; and

WHEREAS, in 2011, the Washington State Legislature approved, and the Governor signed, ESSB 5253, also called the Landscape Conservation and Local Infrastructure Program ("LCLIP"); and

WHEREAS, LCLIP is a new tool for cities and counties to partner on a program that links regional TDR with local infrastructure financing; and

WHEREAS, under LCLIP, in exchange for the City receiving TDRs from rural and resource lands for increased urban development, the County may partner with the City to help fund City infrastructure investments and public improvements to support the new growth by sharing a portion of the County's property tax revenue with the City; and

WHEREAS, the City partnered with the County on a National Estuaries Program grant to pay for consultant studies to evaluate implementing regional TDR and the economic feasibility of LCLIP and other financing tools to fund infrastructure to support growth in the Totem Lake Urban Center; and

WHEREAS, the consultant analyses indicate that: (1) a modest but implementable regional TDR program may be possible in Totem Lake's TL-5 zone, and (2) LCLIP could be a useful tool with modest financial benefits to the City, but would need to be timed to be implemented alongside future City development agreements in the Totem Lake Urban Center; and

WHEREAS, the cities of Seattle, Bellevue, Issaquah, Sammamish, and Normandy Park have entered into TDR interlocal agreements with the County; and

WHEREAS, any future TDR interlocal agreement between the City and the County should include funding from the County for public amenities in the City's neighborhoods that accept rural development rights for greater development.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The City Council supports the concept of regional Transfer of Development Rights (TDR) and partnering with King County on a regional TDR effort, at the appropriate time, through an interlocal agreement.

Section 2. As part of the City's update to its Comprehensive Plan, by or before June 2015, the City Council will consider amending existing policies and incorporating new policies into the City's Comprehensive Plan that provide broad support for TDR, similar to those shown in the attached Exhibit A and by this reference incorporated.

Section 3. As part of the City's update to its Comprehensive Plan, by or before June 2015, the City Council will consider incorporating development regulations into the City's Zoning Code to implement TDR policies similar to those shown in Exhibit A and by this reference incorporated.

Passed by majority vote of the Kirkland City Council in open meeting this 3rd day of June, 2014.

Signed in authentication thereof this 3rd day of June, 2014.

  
MAYOR

Attest:

  
City Clerk

## Exhibit A

### Comprehensive Plan

As part of the City's update to its Comprehensive Plan, existing policies may be revised and new policies may be incorporated to provide support for the use of the Transfer of Development Rights (TDR). These policies may be similar to those shown below. Amended and new text is shown as bold or italicized:

VI. Policy LU-7.4: Work with adjacent jurisdictions and State, federal, and tribal governments to identify and protect open space networks to be preserved within and around Kirkland.

Preserving open space corridors inside ***and surrounding*** the City need not conflict with private property rights or preclude the reasonable use of land. To this end, a variety of strategies should be considered that provide opportunities for negotiating "win-win" approaches to preservation and development ***including market-based tools such as Transfer of Development Rights.***

***X. Policy XX-XX: Consider market-based conservation tools such as Transfer of Development Rights to protect farmland and forestland within the region, salmon conservation, and water quality purposes.***

***X. Policy XX-XX: The City should consider partnering with King County on a regional TDR effort, at the appropriate time, through an interlocal agreement (ILA). The ILA should require King County to provide the City with funding for public improvements in the neighborhoods accepting the increased development capacity through TDR.***

XIII. Policy CF-5.3: Use a variety of funding sources to finance facilities in the Capital Facilities Plan.

***XIII. Policy CF-5.11: Where appropriate, the City may use infrastructure-financing programs to fund capital improvements in areas designated for growth.***

V. Policy NE-2.4: Improve management of stormwater runoff from impervious surfaces by employing low impact development practices where feasible through City projects, incentive programs, ***such as Transfer of Development Rights,*** and development standards.