

**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, environmentally sensitive 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 the City of Woodinville is established. The base residential density of a sending site may be transferred and credited to a non-contiguous 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 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;
 - (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 multi-story parking garage located on a site zoned CBD.
- (3) 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, 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 pursuant to WMC 21.12, from any sending site.

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 WMC 21.12.
- (2) Sending sites with environmentally sensitive areas that have been declared unbuildable under WMC 21.12 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 calculate the overall site percentage of sensitive areas and buffers necessary for determining the allowable density credit as set forth in WMC 21.24.
- (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 Subdivision Code 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.
- (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 Subdivision Code or deed restrictions documenting the density credit transfer shall be recorded with the title to both the sending and receiving site.

- (5) A conservation easement shall be recorded on the sending site to indicate development limitations on the sending site.
- (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 Subdivision Code, 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 WMC 21.42 and to the procedures set forth for Development Services Director review in this title.

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