

URBAN SEPARATORS

PRELIMINARY ALTERNATIVES:

Background

In 2014-2015, the city received multiple docket requests to consider amendments to the land use plan map and zoning districts map to increase allowed development density in urban separator areas zoned SR-1. These requests revealed the need to revisit the urban separator land use designation and evaluate its continued relevance. Kent City Council directed staff to begin a program in 2017 to broadly consider the appropriateness of the urban separator designation in Kent.

Urban separator is a land use plan map designation in Kent's comprehensive plan; the designation is also used in King County's Countywide Planning Policies (CPPs). Urban separators are meant to protect ecologically sensitive areas and to create open space corridors that provide visual, recreational, and wildlife benefits within and between urban areas. Some urban separator lands in Kent are designated only on the city's land use plan map; others are designated both in Kent's comprehensive plan and in the King County CPPs. Kent's comprehensive plan states that all urban separator lands will be zoned SR-1, Kent's lowest-density single family residential zoning district.

The first steps in the project were to develop an Inventory & Characterization report documenting conditions in all of Kent's urban separator lands, and a Consistency Review describing relevant policies and how they apply to Kent's urban separators. This document represents the third phase of the project, in which a list of preliminary alternatives is developed to provide context and guide discussion during the stakeholder outreach phase.

The following descriptions of potential alternatives are meant to establish a long-term comprehensive strategy for Kent's urban separator lands.

Note these alternatives are not intended to be all-encompassing or comprehensive, nor are they intended to be mutually exclusive. The city may ultimately decide to implement portions of these alternatives, entirely new alternatives, or modifications/combinations thereof. These alternatives are simply meant to be thought-provoking; they should provide context and a "jumping off point" for discussions with the public and stakeholders about urban separators.

1) Preserve the status quo. Make no amendments to the land use plan map, no amendments to the zoning districts map, and no amendments to Kent City Code. Staff would recommend denial of any land use plan map amendments or rezones in urban separators based on their failure to meet comprehensive plan amendment review standards in KCC 12.02.050 and their inconsistency with Countywide Planning Policies (CPPs) and the purpose of the urban separator designation.

Discussion: This alternative would preserve existing urban separators as designated in Kent's land use plan map and King County Countywide Planning Policies (CPPs); it would affirm the city's position on comprehensive plan policies to maintain SR-1 zoning in urban separator lands. Staff would recommend denial of land use plan map amendment or rezone requests in urban separator lands based on their inability to meet the comprehensive plan amendment review standards in KCC 12.02.050. This includes failure to demonstrate changing circumstances since the comprehensive plan's adoption that warrant plan amendments, or that the amendments will result in long-term benefits to the community as a whole.

King County's 2014 Buildable Lands analysis and Kent's 2015 development capacity analysis demonstrate that Kent has sufficient vacant and redevelopable land to accommodate population growth targets through 2035. Therefore there is no demonstrated need to amend land use plan map designations for urban separator lands to allow higher-density zoning.

As further reasoning for denial of the docket requests, these amendments would be inconsistent with adopted CPPs and Kent's comprehensive plan policies. The King County CPPs establish the subject areas for both of the 2014 and 2015 docket requests as urban separators, and Kent's comprehensive plan policies state that all urban separators should be zoned SR-1. Any amendments to the land use plan map designations or zoning of these areas would therefore be in conflict with policies in the CPPs and Kent's comprehensive plan.

This alternative would be the fastest to implement, as it would require no amendments to comprehensive plan text, the land use plan map, or the zoning districts map, nor would it require amendments to the King County CPPs.

2) Adopt or encourage enrollment in incentive-based programs to preserve urban separators as private open space lands. This could include promotion of King County's public benefit rating system (PBRs) or its Farmland Preservation Program (FPP). Through the PBRs program, taxable value of property is adjusted according to public benefits provided by privately owned land. The FPP program allows property owners to voluntarily sell their development rights to the county; restrictions are then placed on the deed of their property to keep it available for agriculture. The purpose of adoption or promotion of these programs would be to incentivize preservation of urban separator lands and provide a reasonable financial return for property owners.

Discussion: *This alternative would promote existing incentive-based programs to go beyond zoning and regulation of urban separator lands. The purpose of the programs would be to promote the preservation of undeveloped land in urban separators while affording reasonable financial benefits to property owners.*

One incentive-based program would be King County's public benefit rating system (PBRs), which offers a reduction in taxable value for private property that preserves a public use or benefit including maintaining urban open space, providing an active trail linkage, or protecting significant wildlife or salmon habitat, among a long list of available categories. This program is already in place and available to property owners in Kent who wish to submit an application. No code or comprehensive plan amendments would be necessary for Kent residents to take advantage of the program. To promote more widespread use of the program in Kent, the city could adopt comprehensive plan policies to encourage property owners in urban separator lands to pursue enrollment in the PBRs as a way to preserve open space and other natural and beneficial functions of urban separator lands. An example of potential savings for a \$275,000 property in Kent is shown below.

Another King County incentive-based program is the Farmland Preservation Program; it is available to property owners in King County, including incorporated areas, who wish to voluntarily sell their development rights to the county in order to preserve their land for agricultural use. In return, restrictions are placed on the property deed, including that land cannot be subdivided into lots less than 20 acres, 95% of it has to remain open and available for agricultural use, and it prevents the use of the land in a way that would inhibit agricultural use.

PBRs Example:

For this example, consider a home in Kent valued at \$275,000. The home and improvements, which cannot be counted in the reduced assessed value for PBRs, are valued at \$175,000. This leaves a total land value of \$100,000.

After subtracting the land taken up by the house, driveway, and landscaping, 75% of the property remains as qualifying urban open space. Urban open space earns five points in the PBRs, the minimum points required to receive program benefits, which according to the valuation schedule translates to a 50% reduction in assessed value for the qualifying land.

To calculate the reduction in assessed value, the total land value of \$100,000 would first be multiplied by 75% to reflect the proportion of the property that qualifies for the program. This results in a total qualified assessed value of \$75,000, which would then be adjusted by 50% (up to 90% depending on the number of points earned). The reduction in assessed "current use" value would be \$37,500. This number is then multiplied by the 2017 King County tax rate of 1.222495% to determine the total annual savings - \$458.44.

Total property value: **\$275,000**

Points/percent reduced taxable value: **5 points = 50%**

Annual tax savings: **\$458.44**

DRAFT

3) Adopt a clear long-term policy of retaining urban separator properties under that land use plan map designation, which could be reconsidered when vacant and redevelopable land can no longer accommodate projected growth or growth targets. Establish a new “reserve zoning” overlay district that identifies certain urban separator lands to be considered for increased density in the future, if additional developable land is needed.

Discussion: This alternative would preserve existing urban separator lands, including those designated in the CPPs and those designated only on Kent’s land use plan map. It would establish policies in Kent’s comprehensive plan stating that urban separator lands should retain their land use plan map designation. Policy guidance would include a provision to strategically designate portions of urban separator lands under a “reserve zoning” overlay to be considered if at some point in the future Kent’s vacant and redevelopable land cannot accommodate its projected growth targets.

King County has used the model of “reserve” zoning, stating as its purpose:

“...to phase growth and demand for urban services, and to reserve large tracts of land for possible future growth in portions of King County designated by the Comprehensive Plan for future urban growth while allowing reasonable interim uses of property...”

“...this zone is appropriate in urban areas, rural towns or in rural city expansion areas designated by the Comprehensive Plan, when such areas do not have adequate public facilities and services or are not yet needed to accommodate planned growth, [or] do not yet have detailed land use plans for urban uses and densities...”

Not all of Kent’s urban separator lands would be included in the reserve zoning overlay district; they would be considered for reserve zoning based on criteria in the Inventory & Characterization and Consistency Review reports, including overall scores for consistency with urban separator policies. Those with lower relative scores that show the most potential for successful development in the future will be included in the reserve zoning overlay.

Until these lands are needed to absorb additional growth, they would remain under the urban separator land use designation. Lands that score the lowest in the Inventory & Characterization Report in terms of overall consistency with urban separator policies nevertheless provide important benefits in one or more categories. Even the lowest-scoring urban separator lands still contain critical areas, connect wildlife corridors, or preserve low-density development to protect at-risk watershed subbasins. This alternative would maintain these benefits until the land is needed to accommodate new growth.

This alternative would establish policies to revisit the reserve zoning only if it is determined through a GMA-compliant buildable lands analysis that Kent does not have sufficient vacant and redevelopable land to accommodate its 20-year growth targets.

4) Modify development standards for SR-1 to be more flexible and to more easily facilitate development. For example, remove or modify the requirement for “8-pack” clusters with 120-foot spacing, or consider additional flexibility in housing types such as cottage housing, duplexes, triplexes, or townhouses. This could be similar to condition (27) in 15.04.030 Residential Development Standards Conditions, which allows 25% of new housing developments in SR-4.5, SR-6, and SR-8 zoning districts to be attached.

Discussion: This alternative would involve amendments to Kent's zoning code rather than amendments to Kent's land use plan map or the King County CPPs. Land use plan map designations and SR-1 zoning would remain in place for all urban separator lands; it would, however, offer some additional flexibility in development standards within SR-1 zoning districts without modifying the overall allowed density.

Some developers in Kent have described certain components of the clustering requirement in SR-1 zones as cost-prohibitive. The “8-pack” cluster with mandatory 120-foot spacing is cited as frequently making the difference between a development being cost-effective or not. This requirement, coupled with the 50% open space set-aside for unconstrained land, can reduce the number of lots that can be achieved when property is subdivided for development, particularly in areas that are substantially constrained by critical areas. This can sometimes push the development below the threshold of profitability. Modification to this requirement, for example by reducing the spacing required or increasing the number of clustered lots from 8 to 10 or 12 could increase the likelihood that developers may be able to move forward with cluster developments. The 50% open space set aside could also be modified to require 50% of the entire parcel to be set aside as open space, rather than applying to the unconstrained area only. This would allow critical areas to be counted as open space on properties that are significantly constrained by critical areas while ensuring that at least half of the property is reserved for open space purposes.

Code amendments that include provisions for a percentage of cottage housing or attached townhouses in cluster developments could also help to improve profitability and feasibility of development in urban separator lands. Cottage housing would allow lots smaller than the minimum 2,500 square feet, providing additional flexibility to fully accommodate the number of lots allowed by SR-1 zoning. It should be noted, however, that cottage housing, as codified in 2008 in Ord. 3895 Cottage Housing Demonstration Ordinance (since expired), establishes parking, storage, and community building requirements, along with design standards, which require additional space in addition to individual lots.

Existing code includes a provision to allow 25% of new subdivision developments in higher-density single family zones to be attached single family housing such as townhomes, duplexes, or triplexes. Code amendments extending this provision to lower-density single family zoning districts, including SR-1, could also expand housing variety in urban separator lands without adding additional net density. Encouraging housing variety is an important land use goal in Kent's comprehensive plan. The addition of an ownership interest requirement for attached townhomes (as defined in KCC 15.02.525) could expand ownership opportunities for middle-income Kent residents.

New homes in residential subdivisions in urban separator lands would be subject to residential design review; this would apply to both single family homes and duplex townhomes. For townhouse structures with three or more homes, multifamily design review would apply. This would help to ensure that any attached housing is consistent with residential character and compatible with adjacent properties; access to open space or trails would further enhance the value of such developments.

5) Adopt a clear long-term policy for considering land use plan map amendments pertaining to urban separator lands. The policy will include criteria and circumstances under which redesignations may be acceptable. Prior to undertaking any amendments to land use plan map designations for CPP-designated urban separator lands, they must first be proposed as amendments to the urban separator maps in the King County CPPs. The amendments to the CPPs must be finalized prior to Kent's initiating land use plan map amendments.

Discussion: *This alternative would establish policy guidance to be included in the text of the comprehensive plan which clarifies whether and under what circumstances urban separator lands may be redesignated on the land use plan map. It would also present an opportunity for the subsequent rezoning of urban separator lands that meet the specified criteria and undergo amendments to their land use plan map designations. Criteria would be based on findings of the Inventory & Characterization and Consistency Review reports.*

Adoption of policies and criteria to amend both Kent-only and King County designated urban separators would require amendments to Kent's comprehensive plan as well as to the King County CPPs. In order to make the most efficient use of the CPP amendment process, Kent would likely identify urban separator lands that meet the criteria identified, regardless of whether a request for redesignation has been received. These areas could include the two 2014 and 2015 docket request locations, if they are determined to meet the established criteria. Any amendments to King County CPP-designated urban separator lands would first have to be proposed as amendments to the King County CPPs, prior to undergoing land use plan map or zoning amendments. They must be approved by the King County Growth Management Policy Council (GMPC), and ratified by King County jurisdictions.

This alternative would take the longest to implement, as adoption of amendments to the King County CPPs can be a very lengthy process. The amendments would first have to be presented to the Interjurisdictional Team (IJT), which provides staff support to the GMPC. If advanced to the GMPC, the amendments must be discussed in at least two GMPC meetings, which only occur a few times per year. Once approved by the GMPC, cities and towns in King County must ratify the amendments, and they have 90 days to do so. The whole process may take more than a year; once complete the amendments would still have to undergo land use plan map and zoning districts map amendments which must be adopted by Kent's city council.

It should be noted that if no King County designated urban separator lands are determined to meet the specified criteria, the amendment process could be substantially shorter. In this scenario there would be no need for amendments to the CPPs, limiting the amendment process to that required for making any other amendment to Kent's land use plan map and zoning districts map. While this could be achieved by simply establishing "Kent-only designation" as a criterion, staff would recommend against this approach and would recommend giving all urban separator lands in Kent equal consideration for redesignation.