

Redmond 2050: Amendments proposed to implement Overlake zoning district changes and remove outdated section.

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## Chapter 21.48 TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM

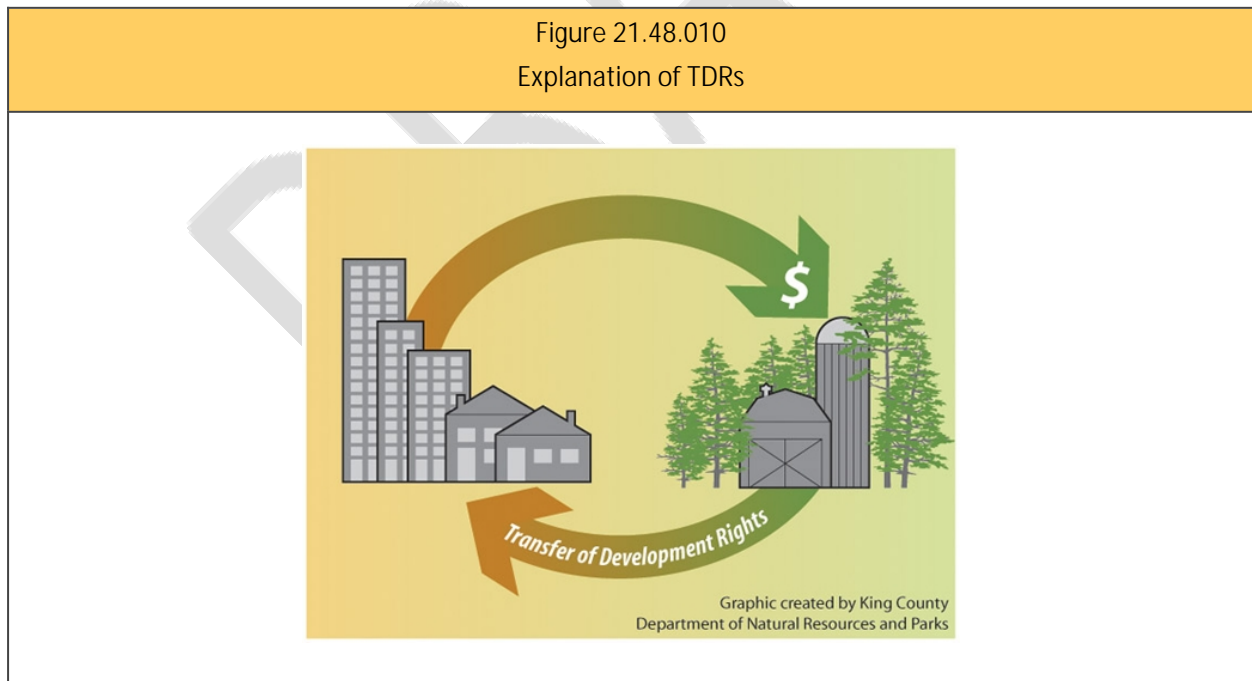
Sections:

- 21.48.010 Transfer of Development Rights Program.
- 21.48.020 Transfer of Development Rights Procedures.

21.48.010 Transfer of Development Rights Program.

A. Purpose. The purpose of Redmond’s Transfer of Development Rights (TDR) Program is to advance Comprehensive Plan goals and policies that address the protection of environmentally critical areas, historic resources (including archeological resources), open spaces, and the ability to provide affordable housing, by transferring the right to develop on the land needing protection to land more suitable for urban development.

B. Explanation of TDRs. Figure 21.48.010 illustrates the general concept of a TDR program:



C. Sending Area Properties.

1. Land is eligible if it complies with all of the criteria for at least one of the eligibility categories as described in Table 21.48.010A, Eligibility Categories and Criteria, and with all of the criteria in paragraph (2) following the table.

Table 21.48.010A Eligibility Categories and Criteria	
Eligibility category	Eligibility criteria
Urban Recreation	A. Located in the UR zone; and Wholly undeveloped or in agricultural or recreational use.
Historic	A. Listed on the Redmond Historic Resource Register; or B. Otherwise eligible under RZC 21.30, Historic and Archeological Resources.
Environmentally Critical Area	A. Located in one or more of the following areas: 1. Species Protection Area; 2. Category I or Category II wetland or wetland buffer; 3. Class I or Class II stream or stream buffer; 4. Landslide hazard area or buffer; 5. Contiguous forest community characterized by a qualified arborist or ecologist as: a. Having three layers of vegetation – canopy, subcanopy/shrub, and herb – dominated by native species; and b. Having at least 20 percent of canopy trees estimated to be at least 50 years of age; and c. Measuring at least one acre; and B. Wholly undeveloped, or partially undeveloped or vacant, where the Administrator determines that eligible environmentally critical areas listed in (1) above could be maintained without compromising the ecological functions and values of those critical areas.
Affordable Housing	A. Complies with RZC 21.48.010.G, Affordable Housing Bonus.

2. The following criteria must also be met:

- a. The land’s development rights or development capacity shall not have been exhausted, sold, or transferred; or limited by easements, deed restrictions, equitable servitudes, or similar measures to any of the following:

- i. Agriculture, recreation, open space; or
  - ii. Preservation of environmentally critical areas and their buffers, as described in Table 1, through means including, but not limited to, a Native Growth Protection Area or open space easement.
- b. The land shall not have been granted a reasonable use exception under RZC 21.76.070.U, Reasonable Use Exception (Critical Areas/Hazardous Liquid Pipelines, **etc. and High-Capacity Transit Corridor Preservation**). Nothing in this chapter shall require that a reasonable use exception granted under the Reasonable Use Provision equal the economic value of the TDRs granted under this division.
- c. The land shall not be part of any property the Comprehensive Plan designates for use as a collector, arterial street, or highway.
- D. Receiving Area Properties. Properties eligible to use development rights transferred from sending areas are those within the following zones: all Downtown zones, Overlake Village (OV); General Commercial (GC); Overlake Business and Advanced Technology (OBAT); **Overlake Urban Multifamily (OVMF)**; Regional Retail Design District (RR); Business Park (BP); Manufacturing Park (MP); and Industry (I).
- E. Calculating Development Rights.
1. The following table assigns development rights multipliers for all eligible sending areas except historic landmarks.

Table 21.48.010B Calculating Development Rights	
Sending Area by Zone	Transferable Development Rights per Acre of Eligible Land
UR	1.1
RA-5	1.1
R-1	1.9
R-3	6.0
R-4	6.5
R-5	6.9
R-6	7.5
R-8	8.2
R-12	8.2
R-18	8.2

Table 21.48.010B Calculating Development Rights	
Sending Area by Zone	Transferable Development Rights per Acre of Eligible Land
R-20	8.2
R-30	8.2
<b>Downtown – all zones</b>	<b>13.8</b>
NC-1, NC-2	8.1
GC	7.6
OV	14
<b><u>OVME</u></b>	<b><u>14</u></b>
OBAT	14
RR	9.5
BP	8.7
MP	5.7
I	5.7

2. Sending areas in the Residential Development and Conservation Overlay zone in the North Redmond neighborhood shall be granted TDRs based on the R-1 multiplier in the preceding table.

3. If a zone is not listed in the table in this section, the Administrator shall classify the zone in the table row that contains the zone most similar to it based on allowed development intensity and allowed uses.

4. Development Right Transfers for Historic Landmarks in a Commercial Zone. For the purpose of awarding TDRs, property with eligible historic sites shall be considered to be vacant, and development rights shall be calculated according to the table in subsection E.1 of this section. For example, a property with a historic structure in a GC zone shall be awarded 7.6 TDRs per eligible acre of the property.

F. Use of Development Rights.

1. Each development right may be used as a right for any one of the following, subject to the limitations of this division and other zoning code chapters:

- a. To authorize an additional 8,712 square feet of gross floor area;
- b. To increase the maximum impervious surface or maximum lot coverage by 8,712 square feet, provided that the total increase does not exceed 10 percent of the allowed maximum square footage for the site; **or**

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c. To increase the height of a structure, including above-ground structured parking, by one story across each 8,712-square-foot increment of gross floor area or parking floor plate. In no case shall total building height be greater than one story above the height allowed by the underlying zone except as permitted in TOD Focus Areas as part of the Overlake Incentive Package (21.12.600); the height bonus shall not apply to structures within the shoreline jurisdiction or within the Downtown height limit overlay areas; ~~or,~~

~~d. Adding up to five parking stalls, provided that the total number of parking stalls for the development, including all bonuses provided by this division, shall not exceed:~~

~~i. 25 percent above the maximum allowed by the underlying zone in the Downtown and Overlake Neighborhoods; or~~

~~ii. 30 percent above the maximum allowed by the underlying zone in all other neighborhoods;~~

~~iii. Five stalls per 1,000 square feet of gross floor area;~~

~~iv. This bonus shall not be combined with any other parking ratio bonus.~~

~~v. Repealed.~~

2. A fraction of a development right shall be entitled to the corresponding fraction of any of the above.

3. A land use application using Transferred Development Rights shall contain a statement describing the amount of the development rights proposed to be used and how the development rights are proposed to be used.

G. Affordable Housing Bonus.

1. When zoning or site planning constraints prevent project proponents from building bonus market-rate units to which the proponents would otherwise be entitled under RZC 21.20, Affordable Housing, the Administrator shall convert the number of bonus market-rate units not developed on the site into TDRs for use or sale.

2. The quantity of TDRs shall be equal to the number of bonus market-rate homes not developed on the project site due to zoning or site constraints.

3. When TDRs are granted for providing affordable housing in Downtown, each 8,712 square feet of credit shall be equal to one TDR. (Ord. 2614; Ord. 2709; Ord. 2803)

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Effective on: 10/17/2015

21.48.020 Transfer of Development Rights Procedures.

A. Certificate of Transferable Development Rights.

1. The property owner must file an application with the City for issuance of a Certificate of Transferable Development Rights. The Administrator shall establish the submittal requirements necessary for application and any required application forms.
2. The Administrator will verify ownership and qualification of the property for the program, and will calculate the quantity of development rights based upon the use of the land at the time that the certificate is requested.
3. The Administrator will issue the owner Certificates of Transferrable Development Rights with an assigned serial number stating the quantity of development rights for that property and describing to what portion of the site the certificate shall apply.

B. Transferring Development Rights, Easements and Deeds.

1. Prior to the time that the property owner exercises the right to sell, transfer, or use such certificates, the following shall be approved by the Administrator and the City Attorney, and the owner shall execute and record in King County's real property records:
  - a. A TDR conservation easement for environmentally critical areas; or
  - b. A TDR conservation easement for properties zoned Urban Recreation; or
  - c. A TDR preservation easement for a historic resource.
2. The easement or deed restriction shall place the following restrictions on the property:
  - a. Properties zoned Urban Recreation (UR) and not containing environmentally critical areas listed in RZC 21.48.010.C, Sending Area Properties, shall be restricted to agricultural or recreational uses.
  - b. Properties containing environmentally critical areas or forested areas listed in RZC 21.48.010.C, Sending Area Properties, shall be restricted to use as fish and wildlife habitat.
  - c. Properties classified as historic landmarks or historic landmark districts shall be restricted so as to protect the significant historic features of the structure and site.

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3. As a condition of receiving TDRs for properties containing environmentally critical areas, the owner shall visually delineate the TDR conservation easement area with natural or natural-looking materials and colors, such as by constructing a split rail or post and rail fence, or by placing informational signs at an appropriate interval.

4. If the owner is selling or transferring the rights, a deed, as approved by the Administrator, shall be executed by the selling party and recorded with the King County Records and Elections Division transferring ownership of those development rights being sold. The purpose of the deed is to confirm that a developer or investor has purchased the development rights. A copy of the recorded document shall be filed with the King County Assessor's Office and the Administrator. The deed shall include the recording number(s) of the TDR conservation easement, preservation easement, or TDR deed restriction for the rights being transferred, and a legal description of the land from which development rights are granted.

5. Secondary Transfers. A development right may be sold or transferred more than once. If a TDR owner in a receiving area, who has utilized the rights for a development, later elects to sell the development rights acquired, the improvements allowed through the use of TDRs must first be uninstalled in accordance with an approved restoration plan.

C. Partial Sale or Use of Development Rights.

1. The sending area property owner can sell all, none, or part of his/her granted development rights.

2. If the sale of development rights from the sending area property owner is less than the entire rights attributable to a parcel, the following additional regulations shall apply, except to those properties designated as historic landmarks:

a. The owner must designate that portion of the lot involved in the proposed sale of development rights and the designated portion shall be legally described and must be shown on a map. The serial number assigned to the Certificate of Development Rights shall reflect only the portion of the property where development rights have been sold.

b. When a portion of the total available development rights are sold from a lot or property, the future sale of additional development rights from that property shall occur so that the land from which the future rights are sold is contiguous, to the greatest extent possible, to the lands from which development rights were previously sold. If the land subject to the TDR conservation easement is subdivided, within the limitations of the zoning, any new parcel created shall continue to be subject to the TDR conservation easement and shall comply with this division.

3. In the case of a historic landmark, the partial sale of development rights shall require the preservation easement to be executed in full.

Effective on: 4/16/2011

The Redmond Zoning Code is current through Ordinance 3059, passed August 17, 2021.

Disclaimer: The City Clerk's Office has the official version of the Redmond Zoning Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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