

**CITY OF SNOHOMISH  
Snohomish, Washington**

**RESOLUTION 1220**

**A RESOLUTION OF THE CITY OF SNOHOMISH, WASHINGTON  
STATING ITS INTENTION TO ESTABLISH A TRANSFER OF  
DEVELOPMENT RIGHTS PROGRAM**

**WHEREAS**, the City of Snohomish has been approached by the Cascade Land Conservancy (CLC) to participate in a Transfer of Development Rights (TDR) pilot program, under a grant funded by the Washington State Department of Community, Trade, and Economic Development (CTED) for local governments to develop TDR programs; and

**WHEREAS**, TDR is one tool available to Washington communities to encourage the preservation of rural land while also promoting higher-density, infill development within an Urban Growth Area (UGA), as provided in the Washington State Growth Management Act (GMA), RCW 36.70A.090, and in the Washington State Regional Transfer of Development Rights Program, Ch. 43.362 RCW; and

**WHEREAS**, the goal of increased density in targeted areas is consistent with the City of Snohomish's adopted strategic plan, *Imagine Snohomish: Promoting Vitality and Preserving Character*; and

**WHEREAS**, CTED has authorized CLC to negotiate with the City to establish conditions under which CLC will provide grant funding, subject to approval by CTED, of up to \$150,000 for environmental analysis and land use and infrastructure planning in support of establishment of one TDR receiving site; and

**WHEREAS**, the City of Snohomish does not currently have the policies, codes, or administrative procedures required for a TDR program; and

**WHEREAS**, CLC has pledged resources to draft policy and code language and proposed administrative procedures to provide the framework for a TDR program in the City; and

**WHEREAS**, development rights are recognized as transferable real estate assets and may be bought and sold as TDR credits; and

**WHEREAS**, development of a TDR program and acceptance of grant funds will not diminish the City Council's authority to regulate land use and development within the City; and

**WHEREAS**, the City and CLC intend to enter into a memorandum of agreement (MOA), which will provide that the City will not be responsible for the purchase, marketing, or sale of TDR credits; and

**WHEREAS**, the actions required by the City precedent to a transfer of grant funds will be completed in accordance with the timeline described in the scope of work that will be attached to the MOA; and

**WHEREAS**, by February 3, 2009 and prior to expending additional resources, CLC and its partner CTED require a statement of intent from the City to develop a TDR program and to identify one or more potential receiving sites for transferred development credits;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON AS FOLLOWS:**

Section 1. The City agrees to review and consider enacting policies and regulations establishing a TDR program and to designate and conduct sub-area planning, infrastructure analysis, and environmental review of one or more potential TDR receiving sites, and the City further agrees to work collaboratively with CLC in preparing such policies and regulations.

Section 2. The City will certify development rights purchased by CLC for use in a future TDR program or demonstration project established under City policy and code and such development rights will have priority above all other transferrable development rights subject to any limitations agreed to by the respective parties. Certification is understood to mean the recognition of development rights as real estate assets that may be purchased for use within the City only as allowed by City codes and policies and in all cases and without reservation subject to the decisions of the City Council.

Section 3. Following execution of a subsequent grant agreement, the completion of all necessary plans and studies, and the enactment of ordinances adopting a TDR program and implementing land use codes and policies, the City agrees to accommodate an appropriate number of transferred development credits purchased by CLC, as is consistent with the City's TDR program and land use codes and policies. The appropriate number of TDR credits to be allowed shall be determined by the City. The real estate market shall determine the rate and level of absorption of available credits.

Section 4. The City Manager is authorized to sign a Memorandum of Agreement with the Cascade Land Conservancy outlining the responsibilities of each party in establishing a TDR program for the City.

**PASSED** by the City Council and **APPROVED** by the Mayor this 3<sup>rd</sup> day of February, 2009.

CITY OF SNOHOMISH

By \_\_\_\_\_  
E. Lynn Schilaty, Mayor Pro-tem

ATTEST:

APPROVED AS TO FORM:

By \_\_\_\_\_  
Torchie Corey, City Clerk

By \_\_\_\_\_  
Grant K. Weed, City Attorney