

**CITY OF SNOHOMISH
Snohomish, Washington**

RESOLUTION 1231

**A RESOLUTION OF THE CITY OF SNOHOMISH, WASHINGTON
STATING ITS INTENTION TO ADOPT AMENDMENTS TO THE
COMPREHENSIVE PLAN AND MUNICIPAL CODE TO ALLOW
TRANSFER OF DEVELOPMENT RIGHTS**

WHEREAS, Transfer of Development Rights (TDR) is one tool available to Washington communities to encourage the preservation of valued lands and land uses while also promoting higher-density, infill development within urban areas, 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, pursuant to Resolution 1220, the City Manager signed a Memorandum of Agreement with the Cascade Land Conservancy (CLC) to participate in a 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, by Resolution 1220, the City Council agreed to review and consider enacting policies and regulations establishing a TDR program; and

WHEREAS, under the Memorandum of Agreement, the City agreed to consider a resolution of conceptual agreement with draft TDR policies and regulations and thereby express support for eventual implementation of a TDR program; and

WHEREAS, City staff drafted Comprehensive Plan policy amendments related to TDR, which are attached hereto as **Exhibit A**; and

WHEREAS, CLC provided draft TDR regulations, which were modified by City staff for consistency with the Snohomish Municipal Code and are attached hereto as **Exhibit B**; and

WHEREAS, amendments to the Comprehensive Plan and Municipal Code require public and environmental review prior to adoption and the policy and regulatory amendments attached hereto have not at this time undergone public review or environmental review; and

WHEREAS, the City will consider adoption of TDR policies and regulations only after full public notice and review, and the issuance of a SEPA threshold determination--and therefore the policies and regulations attached hereto as **Exhibit A** and **Exhibit B** are hereby recognized as concept documents only;

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

Section 1. The City Council recognizes the draft Comprehensive Plan policies, attached hereto as **Exhibit A**, and the draft regulations, attached hereto as **Exhibit B**, as provisions that should be considered at the time the City is prepared to establish a TDR program for the City of Snohomish.

Section 2. As part of the City's adoption of development standards for a TDR receiving area, the City Council intends to adopt policies and regulations to establish a TDR program for the City.

PASSED by the City Council and **APPROVED** by the Mayor this 21st day of April, 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

EXHIBIT A

Draft Comprehensive Plan Policy Amendments

HOUSING GOALS AND POLICIES

GOAL HO 4: **Implement standards that continue to increase the residential density of the City in accordance with the State of Washington Growth Management Act which requires community's to plan reasonable measures for growth in their community and UGA.**

Policies:

HO 4.1: In accordance with the direction of the Growth Management Act, new development within the City of Snohomish will be encouraged to maintain or increase the residential density existing within the City. The minimum density should not be less than 4 units per acre.

HO 4.2: Maintain a practice that property having development constraints will be encouraged to utilize Planned Residential Development (PRD) techniques to maintain density levels within the City and will be no less than 4000 sq ft per lot. No structure shall exceed a floor ratio defined in our land use regulations contained in Title 14.

HO 4.3: Maintain a practice of mixing residential and commercial uses on the same site. These uses will be allowed and encouraged to use planned shared parking according to City parking standards defined in the land use regulations contained in Title 14.

HO 4.4: Maintain a practice of allowing transfer of development rights (TDR) to increase density in receiving areas designated by the City Council.

LAND USE GOALS AND POLICIES

GOAL LU 2: **Maintain a standard that all new development will be consistent and compatible with the adopted Vision Statement and other policies contained in the Policy Plan and with the State of Washington's Growth Management Act to make certain reasonable measures are taken to allow for increased density and planned growth.**

Policies:

LU 2.1: Maintain a practice of using the adopted land use policies and the adopted Land Use Plan maps to evaluate all annexations, subdivisions, and other land use actions and requests.

LU 2.2: Maintain a practice of allowing increased development potential for properties within designated receiving areas through a transfer of development rights (TDR) program.

LU 2.3: Maintain a practice that TDR shall only be allowed in receiving areas designated by the City Council.

LU 2.4: Maintain a practice of designating TDR receiving areas where adequate analysis has established land use compatibility and demonstrated that unmitigated significant adverse environmental impacts will not occur.

LU 2.5: Maintain a practice of evaluating and adjusting the City's TDR program to ensure effective implementation and compatible land development.

LU 2.6: Maintain a practice that a TDR program may be expanded to address preservation of areas of high value within the community, including open space, critical areas, and historic development.

MULTI-FAMILY LAND USE

GOAL LU 5: Maintain a standard of retaining and developing adequate apartment areas to provide a suitable living environment and the greatest range in residential densities, housing types, life-styles, and economic needs of the population.

Policies:

MF 5.1: Maintain a practice that develop apartment areas using the following classifications and allowed maximum density per acre:

- a. Low density, 12 units per acre.
- b. Medium density, 18 units per acre.
- c. High density, 24 units per acre.
- d. Senior Housing, 30 units per acres

MF 5.2: Maintain a practice that the density of apartment development should be based upon topography, availability of streets and utilities, and proximity to major transportation corridors and commercial areas.

MF 5.3: Maintain a practice that apartment densities should not exceed 24 units per acre, except for senior housing where it may be 30 units per acre maximum, if it can be shown such development will have low impact on the neighborhood and city services, or as permitted through a transfer of development rights program.

MF 5.9: Maintain a practice that high-density apartment development should be located in such a way as to minimize view obstruction.

MF 5.10: Maintain a practice that medium-to-high-density apartment development should be confined to areas near major transportation corridors and commercial areas.

MF 5.12: Maintain a practice that apartment areas should be located adjacent to commercial areas and planned industrial parks.

MF 5.13: Maintain a practice that apartment areas should be used as a buffer between single-family areas and commercial and industrial areas.

MF 5.14: Maintain a practice that high-rise apartments in excess of three stories will not be allowed within the City at this time.

EXHIBIT B

Draft Title 14 SMC Amendments

Chapter 14.100

DEFINITIONS

Transfer of Development Rights (TDR) means the removal of the right to develop or build, expressed in dwelling units per acre or floor area, from one property to another where such transfer is permitted. The TDR process is implemented through Chapter 14.XXX SMC.

Chapter 14.210

DIMENSIONAL AND OTHER REQUIREMENTS

14.210.180 Heights – Exceptions to Limits. ~~The following structures may be erected above the height limits set forth in SMC 14.210.330~~The height limits set forth in SMC 14.210.330 may be exceeded for the following structures and conditions:

- A. Roof structures housing or screening elevators, fire access stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance.
- B. Fire or parapet walls, skylights, flagpoles, chimneys, weathervanes smokestacks, church steeples, utility line towers and poles.
- C. Additional height may be permitted through the use of the transfer of development rights process in Chapter 14.XXX SMC.

14.210.210 Special Considerations for Multi-Family Developments in Non-Multi-Family Land Use Designations.

- A. A Multi-family development outside the Historic District shall be reviewed consistent with the requirements of Chapter 14.230 SMC.
- B. All Multi-family developments shall provide 20 percent of the site in open space.
- C. All Multi-family developments shall meet the dimensional requirements of the MF-18 designation as set forth in SMC 14.210.330. The permitted density limitation of 18 dwellings per acre shall not apply where a higher residential density is authorized by Chapter 14.285 SMC or Chapter 14.XXX SMC.

Chapter 14.XXX

TRANSFER OF DEVELOPMENT RIGHTS

Sections:

- 14.XXX.010 Purpose
- 14.XXX.020 Definitions
- 14.XXX.030 Sending Areas
- 14.XXX.040 Receiving Areas
- 14.XXX.050 Use of TDR Credits in Receiving Areas
- 14.XXX.060 TDR Approval Processes

14.XXX.010 Purpose.

- A. This chapter is adopted pursuant to the Growth Management Act, Chapter 36.70A RCW. Transfer of Development Rights (TDR) is intended to provide a public benefit by permanently protecting valuable community assets such as resource lands, critical areas, open space, and other lands for which preservation is determined to be preferred over development or redevelopment. TDR allows eligible land owners to achieve a reasonable economic return while protecting the resource land from development by voluntarily transferring development potential from these lands to locations better suited for urban development.

- B. The TDR program provisions are intended to supplement existing land use regulations by allowing increased development potential in TDR receiving areas designated by Ordinance. TDR credits apply only to uses allowed under Chapter 14.207 SMC and do not reduce requirements for mitigation of development impacts.

14.XXX.020 Definitions.

Development right means one of a series of rights inherent in fee simple ownership of land. It represents the potential for the improvement of a parcel of property, as measured in a number of residential dwellings or square footage of commercial, light industrial or office space, based on the property's land use designation and other attributes.

Receiving site or area means one or more properties designated by the City Council where TDR credits may be used to increase the development potential of property.

Sending site or area means one or more properties designated by the City Council where TDR credits may, in exchange for appropriate compensation, be transferred to a TDR receiving site or area for siting and construction.

TDR credit means a tradable commodity representing one certified development right.

14.XXX.030 TDR Sending Areas. The following properties are recognized as TDR Sending Areas for the City of Snohomish TDR Program:

1. _____

2. _____

14.XXX.040 TDR Receiving Areas. The following properties are recognized as TDR Receiving Areas for the City of Snohomish TDR Program:

1. _____

2. _____

14.XXX.050 Use of TDR Credits in Receiving Areas.

A. Each TDR credit entitles the holder to one of the following, subject to the limitations in subsection B below and when all other applicable development regulations are satisfied.

1. Two (2) residential dwellings in addition to the maximum number of dwellings allowed by Title 14 SMC, provided that residential density on the development site does not exceed 125 percent of the maximum otherwise allowed. Residential dwellings allowed through TDR may be located in a building story that exceeds the maximum building height in Chapter 14.210 SMC, provided that the resulting building height is not more than ten (10) feet above the maximum height otherwise allowed; or

2. Eight thousand (8,000) square feet of non-residential floor area in addition to the maximum non-residential floor area allowed by Title 14 SMC. Non-residential floor area allowed through TDR may be located in a building story that exceeds the maximum building height in Chapter 14.210 SMC, provided that the resulting building height is not more than ten (10) feet above the maximum height otherwise allowed.

B. Use of TDR credits shall be subject to the following.

1. TDR credits shall be approved for use in designated receiving areas only.

2. The development potential represented by an individual TDR credit shall be located upon one development site.

3. Fractional residential dwellings shall be rounded down to the next whole number.

4. TDR credits shall only be allowed for permitted and conditional uses listed in Chapter 14.207 SMC for the land use designation in which the site is located.

5. Except as specifically allowed by this chapter, development for which TDR credits are utilized shall be subject to all applicable codes, standards, and requirements for impact mitigation.

14.XXX.060 TDR Approval Processes.

A. Designation of TDR Sending Areas and TDR Receiving Areas is a Type 6 Permit.

B. Authorization to construct one or more TDR Credits within a designated Receiving Area shall require an administrative development plan (either Type 1 or Type 4 Permit).