



CO00011629

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 05-041

RELATING TO THE CREATION OF A TRANSFER OF DEVELOPMENT RIGHTS
FUND PURSUANT TO CHAPTER 30.35A SCC; ADDING A NEW CHAPTER 4.99
SCC; AMENDING SCC 4.14.080, SCC 4.14.090, AND SCC 4.14.100

WHEREAS, the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, requires counties to designate lands of long-term significance to the commercial production of agriculture and to assure the conservation of such lands for agricultural use; and

WHEREAS, to help further the GMA mandate to conserve agricultural lands while also providing compensation to landowners, Chapter 30.35A SCC authorizes the transfer of development rights from agricultural lands designated "TDR sending area" by the County's GMA Comprehensive Plan; and

WHEREAS, SCC 30.35A.130 authorizes the County to purchase and sell certified development rights in accordance with the requirements of Chapter 30.35A SCC; and

WHEREAS, SCC 30.35A.130(3) requires certified development rights acquired by the County to be deposited into and held in a TDR fund; and

WHEREAS, SCC 30.35A.130(4)(d) requires proceeds from the sale of certified development rights by the County to be held in a TDR fund; and

WHEREAS, SCC 4.14.080 through SCC 4.14.100 establish a process to be used by the County in reviewing and prioritizing proposed expenditures of the Conservation Futures Property Tax Fund; and

WHEREAS, SCC 30.35A.130 and SCC 30.35A.140 establish a separate process to be used by the County in reviewing and prioritizing proposals to purchase certified development rights.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. A new chapter is added to Title 4 of the Snohomish County Code to read:

Chapter 4.99

TRANSFER OF DEVELOPMENT RIGHTS FUND

Sections:

- 4.99.010 Establishment of fund
- 4.99.020 Purpose of fund
- 4.99.030 Sources of resources
- 4.99.040 Fund manager
- 4.99.050 Severability

4.99.010 Establishment of fund.

There is hereby created a special fund to be known as the transfer of development rights fund, or TDR fund.

4.99.020 Purpose of fund.

The purpose of the TDR fund is to support County purchases and sales of certified development rights, as such rights are defined by SCC 30.91C.065, pursuant to the authority granted by SCC 30.35A.130. Certified development rights acquired by the county shall be held for the account of the TDR fund pursuant to SCC 30.35A.130(3). Proceeds from the sale of certified development rights by the county shall be deposited into the TDR fund pursuant to SCC 30.35A.130(4)(d). Monies deposited in the TDR fund may be used to pay TDR administrative costs.

4.99.030 Source of resources.

Certified development rights acquired by the county shall be held for the account of the TDR fund, which shall contain any proceeds realized from the sale of such rights as well as other revenues as the county council may from time to time direct.

4.99.040 Fund manager.

The TDR fund shall be managed by the director of planning and development services, or his or her designee, pursuant to SCC 4.05.050. The name of the fund manager shall appear on a master list maintained by the department of budget and finance.

4.99.050 Severability.

If any provision of this chapter or its application to any person or circumstance is held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter or its application to other persons or circumstances.

Section 2. Snohomish County Code Section 4.14.080, last amended by Ordinance No. 03-056 on July 2, 2003, is amended to read:

4.14.080 Establishment of a conservation futures program advisory board.

A conservation futures program advisory board is hereby established to implement Ordinance No. 88-097. The board shall make annual recommendations to the council for projects to be funded as part of the conservation futures program and shall develop strategic, long-term plans for the program; provided, however, that recommendations concerning use of the conservation futures fund to purchase certified development rights pursuant to SCC 30.35A.130 shall be made solely by the TDR advisory committee pursuant to SCC 30.35A.140.

The conservation futures program advisory board shall consist of the Snohomish county executive (or his designee); two members of the Snohomish county council; one elected official selected by all cities and towns whose population base, independently, is 10,000 or greater; one elected official selected by all cities and towns whose population base, independently, is less than 10,000; and two members representing residents of Snohomish county. Terms of board members shall be limited to four years. A member shall serve a maximum of three consecutive terms. The two community representative appointments shall be made pursuant to chapter 2.03 SCC, and should represent different geographic areas of the county.

Recommendations from the board shall be forwarded to the county executive for transmittal to the county council for final action.

Section 3. Snohomish County Code Section 4.14.090, last amended by Ordinance No. 03-056 on July 2, 2003, is amended to read:

4.14.090 Establishment of a technical advisory committee.

A technical advisory committee is hereby established to assist the conservation futures program advisory board. The committee shall review project proposals on such issues as technical merit, financial feasibility and extent of benefit; provided, however, that review of proposals to purchase certified development rights pursuant to SCC 30.35A.130 shall be made solely by the TDR advisory committee pursuant to SCC 30.35A.140. The committee shall consider elements found in the fund allocation criteria for use as an aid in recommending annual individual programs. The committee shall also develop an early action strategy for prioritizing proposals for allocation of the conservation futures funds to resolve issues such as whether the funds should be used to leverage additional monies available from other sources and whether funds should be allocated for projects on a county-wide or district by district basis. A recommendation to the board on the early action strategy shall be the first item of business for the committee. The recommendation shall be provided to the board by March 1, 1990.

The technical advisory committee shall consist of one representative from the Snohomish county department of planning and development services; one representative from the parks division of the department of parks and recreation; one representative from the county department of budget and finance; one representative from the Snohomish county planning commission; one representative from the Snohomish county parks board; one representative from a parks/planning and development services of a city or town whose population base is 10,000 or greater; and

one representative from a parks/planning and development services of a city or town whose population base is less than 10,000. Terms of committee members shall be limited to four years.

Section 4. Snohomish County Code Section 4.14.100, last amended by Ordinance No. 03-056 on July 2, 2003, is amended to read:

4.14.100 Prioritization of projects.

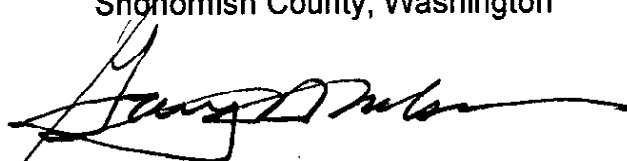
(1) The conservation futures program advisory board shall use the fund allocation criteria set forth in subsection (2) below as a preliminary threshold in making its recommendation for funding for proposed projects. Such criteria may be used by the board in conjunction with other considerations developed to help prioritize proposed projects for submittal to the council for approval; provided, however, that recommendations concerning proposals to purchase certified development rights pursuant to SCC 30.35A.130 shall be made solely by the TDR advisory committee pursuant to separate review criteria set forth in SCC 30.35A.140(3)(b).

(2) Fund Allocation Criteria. To identify and select projects for acquisition by the county, each proposal shall be evaluated to determine whether it:

- (a) Has regional or community-wide significance;
- (b) Provides multi-jurisdictional benefit;
- (c) Enhances or complements an ongoing conservation or preservation program;
- (d) Conserves opportunities which are otherwise threatened by development;
- (e) Comprises a portion of a continuum of projects which collectively implement a complete project or objective;
- (f) Complies with one or more open space program policies and criteria;
- (g) Comprises an entire project;
- (h) Establishes a ((trial)) trail corridor and/or natural area linkage.

PASSED this 6th day of July, 2005.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Gary Nelson
Chairperson

ATTEST:



Sheila McCallister
Asst. Clerk of the Council

- (✓) APPROVED
- () EMERGENCY
- () VETOED

DATE: 7/14/05

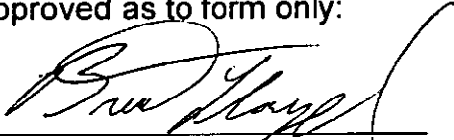


Aaron Reardon
County Executive



ATTEST: ~~Connie Mennie~~
THOMAS M. FITZPATRICK
Executive Director

Approved as to form only:



Deputy Prosecuting Attorney

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