

1 ADOPTED: 09/27/17  
2 EFFECTIVE: 10/14/17

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5  
6 SNOHOMISH COUNTY COUNCIL  
7 SNOHOMISH COUNTY, WASHINGTON

8  
9 AMENDED ORDINANCE NO. 17-050

10  
11 RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING TECHNICAL  
12 AMENDMENTS TO THE GENERAL POLICY PLAN OF THE SNOHOMISH COUNTY  
13 GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN AND TITLE 30 OF  
14 SNOHOMISH COUNTY CODE (GPP4 – TECHNICAL CORRECTIONS)

15  
16 WHEREAS, RCW 36.70A.130 directs counties planning under the Growth  
17 Management Act (GMA) to consider amendments and revisions to the GMA  
18 Comprehensive Plan (GMACP) or development regulations on a regular basis; and

19  
20 WHEREAS, the Snohomish County Council (“county council”) has determined  
21 that the consideration of the proposed amendments and revisions to the GMACP and  
22 Title 30 of Snohomish County Code (SCC) would promote a county purpose as  
23 established under RCW 36.70A.130; and

24  
25 WHEREAS, on August 24, 2016, the county council approved, by Motion No. 16-  
26 316, a list of county-initiated comprehensive plan amendments for consideration and  
27 final action in 2017, including the GPP4 – Technical Corrections proposal, and  
28 authorized the Snohomish County Executive, through the Department of Planning and  
29 Development Services (PDS), to process the GPP4 – Technical Corrections proposal  
30 consistent with chapter 30.73 Snohomish County Code (SCC); and

31  
32 WHEREAS, pursuant to chapter 30.73 SCC, PDS completed final review and  
33 evaluation of the GPP4 – Technical Corrections proposal and forwarded a  
34 recommendation to approve the proposal to the Snohomish County Planning  
35 Commission (“planning commission”); and

36  
37 WHEREAS, PDS briefed the planning commission on the GPP4 – Technical  
38 Corrections proposal on April 25, 2017; and

39  
40 WHEREAS, the planning commission held a public hearing May 24, 2017, to  
41 receive public testimony on the GPP4 – Technical Corrections proposal and  
42 recommended adoption of the amendments contained in this ordinance, as shown in its  
43 recommendation letter of June 9, 2017; and

44  
45 WHEREAS, on September 27, 2017, the county council held a public hearing,  
46 after proper notice, to receive public testimony and consider the entire record related to

1 the GPP4 – Technical Corrections proposed amendments contained in this ordinance;  
2 and

3  
4 WHEREAS, following the public hearing, the county council deliberated on the  
5 proposed amendments contained in this ordinance;

6  
7 NOW, THEREFORE, BE IT ORDAINED:

8  
9 Section 1. The county council adopts the following findings in support of this ordinance:

10  
11 A. The foregoing recitals are adopted as findings as if set forth fully herein.

12  
13 B. The GPP4 – Technical Corrections proposal includes amendments to:

- 14  
15 1. Map 1 of the General Policy Plan (GPP) to reflect the identification of the  
16 boundaries of the 63.96-acre Stillaguamish Indian Reservation established  
17 by proclamation of the U.S. Department of Interior, Bureau of Indian  
18 Affairs, on July 30, 2014; and
- 19  
20 2. Map1 of the GPP to reflect the conversion of one parcel from county  
21 jurisdiction to tribal trust land status since the last county adoption of  
22 technical Map 1 corrections in 2016. This parcel now in trust for the  
23 Stillaguamish Tribe of Indians is a 9.67-acre parcel located east of 35<sup>th</sup> St.  
24 NE and north of 236<sup>th</sup> St. NE.

25  
26 C. The GPP4 – Technical Corrections proposal includes amendments to:

- 27  
28 1. Maps 1, 2, 3, 4 and 5 of the GPP to adjust the Southwest Urban Growth Area  
29 (SWUGA) boundary to follow the centerline of Union Slough in order to  
30 match the City of Everett’s 2016 Smith Island municipal annexation  
31 boundary. This UGA technical correction does not result in a net increase of  
32 residential, commercial or industrial land capacity.
- 33  
34 2. Maps 1, 2, 4 and 5 of the GPP to reflect the finalized City of Sultan 124th  
35 Street Annexation, approved by the city via Ordinance No. 1261-17. The  
36 annexed area consists of 80 acres and is located in the northeast portion of  
37 the Sultan Urban Growth Area and north of and including 124<sup>th</sup> St. SE, near  
38 Sultan Basin Road.
- 39  
40 3. Maps 1, 2, 3, 4 and 5 of the GPP to reflect the finalized City of Marysville  
41 WSDOT ROW Annexation, approved by the city via Ordinance No. 3055.  
42 The annexed area consists of 70.9 acres and is located in the southwest  
43 portion of the Marysville Urban Growth Area between Ebey Slough and  
44 Steamboat Slough at the I-5 and SR 529 interchange.

1 4. Maps 1, 2, 4 and 5 of the GPP to reflect the finalized City of Stanwood  
2 Schmakeit Annexation, approved by the city via Ordinance No. 1446. The  
3 annexed area consists of 49.6 acres and is located in the northeast portion of  
4 the Stanwood Urban Growth Area, east of 68<sup>th</sup> Ave. NW and north of Jensen  
5 Road.  
6

7 D. The GPP4 – Technical Corrections proposal includes amendments to delete  
8 references to the Transfer of Development Rights (TDR) pilot program in policies,  
9 text, and Map 1 of the GPP and in SCC chapters 30.35A and 30.91T as a result of  
10 the termination of an interlocal agreement between the City of Arlington (city) and  
11 the county which authorized the mutual participation of the two jurisdictions in the  
12 TDR pilot program. In 2015, the city and the county mutually agreed to terminate the  
13 TDR pilot program as the city desired to participate in the countywide and regional  
14 TDR program. The deletion of references to the now terminated TDR pilot program  
15 in the GPP and county code are considered technical corrections as this program is  
16 no longer in effect and, therefore, has no further policy or regulatory basis.  
17

18 E. The GPP4 – Technical Corrections proposal is consistent with the following GMA  
19 requirements: RCW 36.70A.130(1)(d), which requires that amendments to a  
20 comprehensive plan be consistent with the GMA; RCW 36.70A.130(2)(a), which  
21 requires that proposed amendments to a comprehensive plan be considered no  
22 more frequently than once every year; RCW 36.70A.070, which requires internal  
23 consistency of a comprehensive plan; and RCW 36.70A.210, which requires that a  
24 comprehensive plan be consistent with the Countywide Planning Policies (CPP).  
25

26 F. The GPP4 – Technical Corrections proposal is consistent with the Puget Sound  
27 Regional Council Vision 2040 Multicounty Planning Policies (MPP), in particular,  
28 MPP G-1, which encourages coordinated planning efforts among jurisdictions,  
29 agencies, and federally recognized Indian tribes where there are common borders or  
30 related regional issues.  
31

32 G. The GPP4 – Technical Corrections proposal is consistent with the CPP, including:  
33 1) CPP GF-2, which requires collaborative and participatory planning by  
34 jurisdictions within Snohomish County to include regional service providers, state  
35 agencies, other tribal governments, and citizens; 2) CPP JP-2, which places  
36 importance on coordinating county and municipal planning for urban services,  
37 governance and annexations; and 3) CPP DP-2, which allows the correction of an  
38 urban growth area (UGA) boundary where there is a demonstrated mapping error.  
39

40 H. The GPP4 – Technical Corrections proposal is consistent with the Interjurisdictional  
41 Coordination (IC) goals, objectives and policies of the GPP, in particular, Goal IC,  
42 which directs the county to promote the coordination of planning, financing, and  
43 implementation programs between the county and local jurisdictions including tribal  
44 governments.  
45

46 I. Procedural requirements.

- 1
- 2 1. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
- 3
- 4 2. The environmental impacts of this proposal are within the range of impacts
- 5 analyzed by the draft environmental impact statement (DEIS) and final
- 6 environmental impact statement (FEIS) during the Update to the GMACP in
- 7 2015. No new probable significant adverse environmental impacts from this
- 8 proposal have been identified. Therefore, State Environmental Policy Act (SEPA)
- 9 requirements with respect to this non-project action have been met through
- 10 issuance on May 10, 2017, of Addendum No. 11 to the FEIS for the 2015 Update
- 11 to the GMACP.
- 12
- 13 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
- 14 transmitted to the Washington State Department of Commerce for distribution to
- 15 state agencies on April 26, 2017.
- 16
- 17 4. The public participation process used in the adoption of this ordinance has
- 18 complied with all applicable requirements of the GMA and the SCC.
- 19
- 20 5. The Washington State Attorney General last issued an advisory memorandum,
- 21 as required by RCW 36.70A.370, in December of 2015 entitled “Advisory
- 22 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help
- 23 local governments avoid the unconstitutional taking of private property. The
- 24 process outlined in the State Attorney General’s 2015 advisory memorandum
- 25 was used by Snohomish County in objectively evaluating the regulatory changes
- 26 proposed by this ordinance.
- 27
- 28 J. The ordinance is consistent with the record as set forth in the PDS staff reports
- 29 dated April 12, 2017, and May 10, 2017. In its staff report dated May 10, 2017, PDS
- 30 concluded the proposal met the criteria set forth in SCC 30.74.060 and, therefore,
- 31 recommended the proposal be approved.
- 32

33 Section 2. The county council makes the following conclusions:

- 34
- 35 A. The proposal complies with all requirements of Washington State law and county
- 36 code.
- 37
- 38 B. The proposal is consistent with the MPP.
- 39
- 40 C. The proposal is consistent with the CPP.
- 41
- 42 D. The proposal is consistent with the goals, objectives and policies of the GPP.
- 43
- 44 E. All SEPA requirements with respect to this non-project action have been satisfied.
- 45

1 F. This proposal does not result in an unconstitutional taking of private property for a  
2 public purpose and does not violate substantive due process guarantees.  
3

4 Section 3. The county council bases its findings and conclusions on the entire record of  
5 the planning commission and the county council, including all testimony and exhibits.  
6 Any finding which should be deemed a conclusion, and any conclusion which should be  
7 deemed a finding, is hereby adopted as such.  
8

9 Section 4. Map 1 of the GPP, last amended by Amended Ordinance No. 16-067 on  
10 October 12, 2016, is amended as indicated in Exhibit A to this ordinance, which is  
11 attached hereto and incorporated by reference into this ordinance.  
12

13 Section 5. Map 2 of the GPP, last amended by Amended Ordinance No. 16-067 on  
14 October 12, 2016, is amended as indicated in Exhibit B to this ordinance, which is  
15 attached hereto and incorporated by reference into this ordinance.  
16

17 Section 6. Map 3 of the GPP, last amended by Amended Ordinance No. 16-077 on  
18 October 12, 2016, is amended as indicated in Exhibit C to this ordinance, which is  
19 attached hereto and incorporated by reference into this ordinance.  
20

21 Section 7. Map 4 of the GPP, last amended by Amended Ordinance No. 16-067 on  
22 October 12, 2016, are amended as indicated in Exhibit D to this ordinance, which is  
23 attached hereto and incorporated by reference into this ordinance.  
24

25 Section 8. Map 5 of the GPP, last amended by Amended Ordinance No. 16-068 on  
26 October 12, 2016, is amended as indicated in Exhibit E to this ordinance, which is  
27 attached hereto and incorporated by reference into this ordinance.  
28

29 Section 9. The Land Use chapter of the GPP, last amended by Ordinance No.16-076  
30 on October 12, 2016, is amended as indicated in Exhibit F, which is attached hereto and  
31 incorporated by reference into this ordinance.  
32

33 Section 10. The area-wide zoning map, last amended by Amended Ordinance No.14-  
34 134 on June 10, 2015, is amended as indicated in Exhibit G to this ordinance, which is  
35 attached hereto and incorporated by reference into this ordinance.  
36

37 Section 11. Snohomish County Code Section 30.35A.020, last amended by Amended  
38 Ordinance No. 13-064 on September 4, 2013, is amended to read:  
39

40 **30.35A.020 TDR overview.**

41 (1) Issuance and conveyance of TDR certificates. Subject to the requirements of this  
42 chapter, sending site owners may obtain from the department serially numbered TDR  
43 certificates reflecting the number of certified development rights that may be transferred  
44 from the sending site owner to a purchaser, and which may thereafter be freely  
45 transferred from purchaser to purchaser until ultimately applied to a receiving site

1 located within a receiving area. The number of certified development rights that can be  
2 transferred from a sending site is determined based on the size, zoning, and current  
3 development of the sending site. TDR certificates may be applied to receiving sites  
4 pursuant to the requirements of this chapter or pursuant to an interlocal agreement.  
5

6 (2) Grant of TDR conservation easement. TDR certificates may be issued in exchange  
7 for a conservation easement granted to the county pursuant to the requirements of this  
8 chapter. The TDR conservation easement is used to conserve the sending site for  
9 which TDR certificates are certified by removing the potential for future dwelling units,  
10 subdivision, short subdivision, or boundary line adjustments. For the purposes of this  
11 section, accessory apartments, farm worker dwellings and temporary dwellings are not  
12 considered dwellings units.  
13

14 (3) Application of certified development rights to receiving areas. Subject to the  
15 requirements of this chapter or applicable city regulations, certified development rights,  
16 as reflected by properly issued TDR certificates, may be used to obtain development  
17 incentives within designated TDR receiving areas.  
18

19 (4) Any certified development rights purchased by the county under the terminated TDR  
20 pilot program may be held by the county for subsequent resale. (~~County purchase,~~  
21 ~~holding and sale of certified development rights. Subject to the requirements of this~~  
22 ~~chapter, the county may purchase certified development rights from the TDR pilot~~  
23 ~~program sending area and hold those rights for subsequent resale.~~)  
24

25 Section 12. Snohomish County Code Section 30.35A.040, last amended by Amended  
26 Ordinance No. 13-064 on September 4, 2013, is amended to read:  
27

28 **30.35A.040 TDR sending site calculations.**

29 (1) Calculation for transfer purposes only. The determination of the number of certified  
30 development rights that a sending site is eligible to transfer shall be valid for transfer  
31 purposes only and shall not entitle the sending site landowner to building permits or  
32 other development approvals.

33 (2) Calculation for countywide and regional certified development rights. The number of  
34 certified development rights that a sending site is eligible to transfer through the  
35 countywide TDR program or the regional TDR program shall be:

36 (a) the number of legal, existing, unimproved lots larger than 5,000 square feet and  
37 not counted in subsection (2)(b) of this section;

38 (b) plus the sum of:

39 (i) the area in acres of lots not counted in subsection (2)(a) of this section and  
40 designated as Commercial Forest, Local Forest, or Commercial Forest -  
41 Forest Transition Area on the Comprehensive Plan Future Land Use Map,  
42 minus any area already subject to a conservation easement or similar

1 encumbrance, divided by 80 acres, rounded down to the nearest whole  
2 number; plus

3 (ii) the area in acres of lots not counted in subsection (2)(a) of this section and  
4 designated as Low Density Rural Residential on the Comprehensive Plan  
5 Future Land Use Map, minus any area already subject to a conservation  
6 easement or similar encumbrance, divided by 20 acres, rounded down to the  
7 nearest whole number; plus

8 (iii) the area in acres of lots not counted in subsection (2)(a) of this section  
9 and designated as Local Commercial Farmland, Upland Commercial  
10 Farmland, Riverway Commercial Farmland, Rural Residential-10, or Rural  
11 Residential-10 (Resource Transition) on the Comprehensive Plan Future Land  
12 Use Map, minus any area already subject to a conservation easement or  
13 similar encumbrance, divided by 10 acres, rounded down to the nearest whole  
14 number; plus

15 (iv) the area in square feet of lots not counted in subsection (2)(a) of this  
16 section and designated as Rural Residential-5, Rural Residential, or Rural  
17 Residential RD on the Comprehensive Plan Future Land Use Map, minus any  
18 area already subject to a conservation easement or similar encumbrance,  
19 divided by 200,000 square feet, rounded down to the nearest whole number;

20 (v) minus the number of existing dwelling units on all lots in the sending site.  
21 For the purposes of this section, accessory apartments, farm worker dwellings  
22 and temporary dwellings are not considered dwellings units.

23 ~~((3) Option in TDR pilot program sending area. Sending sites in the TDR pilot program~~  
24 ~~sending area that meet the requirements of SCC 30.35A.030 are eligible for certified~~  
25 ~~development rights that can be used in the countywide TDR program and the regional~~  
26 ~~TDR program using the calculation in subsection (2) of this section, or for certified~~  
27 ~~development rights that can be used in the TDR pilot program using the calculation in~~  
28 ~~subsection (5) of this section, but not both. The calculation in subsection (2) of this~~  
29 ~~section will be used and the certified development rights will be eligible for use in the~~  
30 ~~countywide program and the regional program unless the applicant specifically requests~~  
31 ~~that the certified development rights be issued for the TDR pilot program, in which case~~  
32 ~~the calculation in subsection (5) of this section will be used.))~~

33 ~~((4))~~ (3) Limited ability to exchange certified development rights. ~~((Certified~~  
34 ~~development rights issued for the countywide and regional TDR program cannot be~~  
35 ~~converted to certified development rights for the TDR pilot program.)) Certified~~  
36 ~~development rights issued for the terminated TDR pilot program can be converted to~~  
37 ~~certified development rights for the countywide and regional TDR programs by applying~~  
38 ~~and paying the fees to obtain certified development rights under the countywide TDR~~  
39 ~~program. In addition to all other application requirements, the original TDR certificates~~  
40 ~~issued under the terminated TDR pilot program must be provided to and extinguished~~  
41 ~~by Snohomish County when the new TDR certificates are issued, and the original~~  
42 ~~conservation easement must be vacated and replaced with a conservation easement~~  
43 ~~pursuant to SCC 30.35A.060.~~

1 ~~((5)) Calculation for TDR pilot program certified development rights. The number of~~  
2 ~~certified development rights that a sending site is eligible to transfer through the TDR~~  
3 ~~pilot program shall be determined by multiplying the TDR net area for the sending site,~~  
4 ~~as determined pursuant to subsection (5)(a) of this section, by the TDR transfer density~~  
5 ~~ratio established for the sending site zone in subsection (5)(b) of this section. Any~~  
6 ~~fractions that result from the calculation required by this subsection shall not be included~~  
7 ~~in the final determination of total development rights available for transfer.~~

8 ~~(a) TDR net area. For purposes of determining the number of certified~~  
9 ~~development rights that a sending site can transfer pursuant to subsection (5) of~~  
10 ~~this section, the sending site net area shall equal the area of the sending site~~  
11 ~~minus the following:~~

12 ~~(i) The number of existing and proposed residential dwelling units or other~~  
13 ~~residential, commercial, or industrial structures, if any, on the sending site~~  
14 ~~multiplied by the minimum lot area, as determined pursuant to the bulk matrix~~  
15 ~~at SCC Tables 30.23.030 and 30.23.032, for the applicable zone in which the~~  
16 ~~sending site is located.~~

17 ~~(ii) Any portion of the sending site that is already subject to a conservation~~  
18 ~~easement or other recorded encumbrance restricting development on the~~  
19 ~~sending site.~~

20 ~~(iii) Any portion of the sending site that is delineated floodway on the flood~~  
21 ~~insurance rate maps.~~

22 ~~(b) TDR transfer density. For purposes of determining the number of certified~~  
23 ~~development rights that a sending site is eligible to transfer pursuant to subsection~~  
24 ~~(5) of this section, a transfer density of 0.4 shall apply to sending sites located~~  
25 ~~within the A-10 zone, computed as the base density of 0.1 dwelling unit per acre~~  
26 ~~for the underlying zone multiplied by a transfer ratio of four.))~~

27 ~~((6)) (4) TDR calculation final. Except as otherwise provided by SCC 30.35A.050(4)(c),~~  
28 ~~the final determination of the number of certified development rights that a sending site~~  
29 ~~is eligible to transfer is the administrative authority of the director in accordance with~~  
30 ~~chapter 30.81 SCC and shall not be revised due to subsequent rezones or other~~  
31 ~~changes to the sending site.~~

32  
33 Section 13. Snohomish County Code Section 30.35A.050, last amended by Amended  
34 Ordinance No. 13-064 on September 4, 2013, is amended to read:

35  
36 **30.35A.050 Certification of development rights and issuance of TDR certificates.**

37 (1) Subject to the requirements of this section, sending site landowners may obtain  
38 TDR certificates which can be transferred pursuant to SCC 30.35A.070 and used by  
39 receiving area landowners to obtain density bonuses or other incentives established in  
40 this chapter. The required process for obtaining TDR certificates includes the  
41 application process in subsection (2) of this section, the certification process in  
42 subsection (3) of this section, and the issuance process in subsection (4) of this section.



1 (2) Application for TDR certificates. In order to obtain TDR certificates, the sending site  
2 owner(s) must submit an application for TDR certificates. The department shall use the  
3 application to determine whether the sending site meets the requirements of  
4 SCC 30.35A.030 and, if so, the number of certified development rights that the sending  
5 site is eligible to transfer pursuant to SCC 30.35A.040. The application shall include all  
6 of the following:

7 (a) Legal description and parcel numbers of the sending site for which TDR  
8 certificates are sought.

9 (b) The following documents, shall be used as the basis for determining the  
10 number of certified development rights for which the sending site is eligible  
11 pursuant to SCC 30.35A.040:

12 (i) If the sending site consists of one or more undivided tax parcels, the  
13 applicant(s) shall provide either official records from the Snohomish County  
14 assessor or a survey that has been prepared and stamped by a surveyor  
15 licensed in the state of Washington.

16 (ii) If the sending site consists of lots within one or more tax parcels, the  
17 applicant(s) shall provide a survey that has been prepared and stamped by a  
18 surveyor licensed in the state of Washington.

19 (iii) If one or more single family dwellings or other residential, commercial, or  
20 industrial structures exist on the sending site, the applicant(s) shall submit a  
21 site map showing the location of each dwelling or structure.

22 (iv) A calculation, on a form provided by the county, of the number of credits  
23 that may be certified. The calculation will be subject to review and approval by  
24 the director.

25 (c) A title report issued no longer than 30 days prior to the date of application  
26 confirming that the ownership interest(s) in the sending site are in the name(s) of  
27 the person(s) whose signature(s) appear on the application for TDR certificates  
28 and that there are no existing conservation easements or similar encumbrances on  
29 the sending site other than an existing TDR conservation easement that will be  
30 vacated if the application is a request to exchange TDR credits issued under the  
31 terminated TDR pilot program for TDR credits that can be used in the countywide  
32 program.

33 (d) A declaration by the applicant(s), pursuant to SCC 30.35A.030(3), stating that  
34 the sending site is not adjacent to any lot that has substandard area under current  
35 zoning and is held in common ownership with the sending site.

36 (e) A declaration by the applicant(s) stating all liens, if any, that are recorded  
37 against the sending site.

38 (f) A review fee pursuant to SCC 30.86.135.

39 (g) When the information required by subsection (2) of this section is inadequate or  
40 unavailable, the department may require additional documentation from the

1 applicant(s) or rely on information contained in the county geographic information  
2 system or other county records.

3 (3) Certification of TDR certificates. Following review and approval of an application for  
4 TDR certificates, the department shall issue a TDR certificate letter of intent. The letter  
5 shall contain a determination of the number of development rights calculated for the  
6 sending site pursuant to SCC 30.35A.040, the land use designation and zoning of the  
7 sending site, and an agreement by the department to issue a corresponding number of  
8 TDR certificates in exchange for a sending site conservation easement granted to the  
9 county by the sending site owner pursuant to SCC 30.35A.060. The certificate letter of  
10 intent shall have no value and cannot be transferred or used to obtain increased  
11 development rights within receiving areas.

12 (4) Issuance of TDR certificates.

13 (a) A conservation easement pursuant to SCC 30.35A.060 for the sending site  
14 shall be approved and accepted by the county prior to issuing any TDR  
15 certificates. If the application is to exchange credits issued under the terminated  
16 TDR pilot program (~~credits~~) for TDR credits that can be used in the countywide  
17 program, the original TDR pilot program conservation easement shall also be  
18 vacated.

19 (b) As provided by the TDR certificate letter of intent, the department shall issue  
20 serially numbered TDR certificates to the sending site owner upon acceptance of a  
21 conservation easement pursuant to the requirements of this section and  
22 SCC 30.35A.060.

23 (c) The department shall have 30 days from the date a TDR conservation  
24 easement is offered and an inspection fee is accepted by the department to  
25 conduct a review of the sending site file and perform a site inspection. If, based on  
26 such a review, the department determines that conditions on the sending site are  
27 materially different than those documented in the information provided to the  
28 department pursuant to subsection (2) of this section, the department shall reject  
29 the conservation easement and the TDR certificate letter of intent shall be null and  
30 void. Where a TDR certificate has been determined to be null and void pursuant to  
31 this subsection, a sending site owner may reapply for TDR certificates and such  
32 reapplications shall be subject to the requirements of this section. TDR certificates  
33 shall specify the land use designation and zoning of the sending site, which may  
34 determine the exchange rate or receiving area ratio in receiving areas.

35  
36 Section 14. Snohomish County Code Section 30.35A.130, last amended by Amended  
37 Ordinance No. 13-064 on September 4, 2013, is amended to read:

38  
39 **30.35A.130 TDR purchase, holding, and sale of certified development rights.**

40  
41 (1) Authorization. The county may from time to time buy, hold, and sell certified  
42 development rights in accordance with the requirements of this chapter.

1 ~~((2) Purchase of certified development rights. The county may, at its discretion, publish~~  
2 ~~requests for proposals to purchase certified development rights from landowners of~~  
3 ~~sending sites located within the TDR pilot program sending area. Requests for~~  
4 ~~proposals shall be published in a newspaper of general circulation at least 30 days prior~~  
5 ~~to the last date upon which proposals shall be accepted. The request shall state the~~  
6 ~~requirements for submitting proposals, including the deadline for submission, the name~~  
7 ~~and address of the county contact person, the proposed sale price, and any additional~~  
8 ~~information required to be included in the proposal. Proposals received by the county in~~  
9 ~~response to such requests shall be reviewed by the department, which shall make~~  
10 ~~recommendations to the county council. Subject to authorization by the county council,~~  
11 ~~the purchase of certified development rights shall be conducted by the county executive~~  
12 ~~consistent with the requirements of this chapter.))~~

13 ~~((3))~~ (2) Holding certified development rights. Certified development rights acquired by  
14 the county shall be deposited into and held in a TDR fund, established by ordinance.

15 ~~((4))~~ (3) Sale of certified development rights. The sale of certified development rights  
16 shall be conducted by the county executive, or his or her designee, and shall be subject  
17 to the following requirements:

18 (a) The sale price shall equal or exceed the fair market value of the certified  
19 development rights, as determined based on prevailing market conditions.

20 (b) Sales shall occur through a competitive process, which shall be subject to the  
21 following requirements:

22 (i) A request for proposal to purchase certified development rights from the  
23 county shall be published in a newspaper of general circulation at least 14  
24 days before the last day upon which proposals shall be received. The request  
25 for proposal shall identify the number of certified development rights to be sold  
26 and the evaluation factors, including a minimum sale price, which shall be  
27 established by the county executive to evaluate proposals.

28 (ii) The request for proposal shall require that all proposals be in writing and  
29 state the number of certified development rights to be purchased.

30 (iii) All sales shall be made to the highest qualified bidder, provided that no  
31 offers below fair market value shall be accepted. The county may reject any  
32 and all proposals for good cause and request new proposals.

33 (c) Payment for purchase of certified development rights from the county shall be  
34 made in full at the time the certified development rights are sold, unless, at the  
35 discretion of the administrator of the property management division, payment is  
36 secured by an irrevocable letter of credit or other security.

37 (d) The proceeds from sales of certified development rights shall be deposited into  
38 a TDR fund, established by ordinance.

39 ~~((5))~~ (4) The sale of certified development rights by Snohomish County may be  
40 completed consistent with its needs and in accordance with the requirements of this

1 chapter. Such sales are exempt from the real and personal property provisions of  
2 chapter 4.46 SCC relating to surplus property.

3  
4 Section 15. Snohomish County Code Section 30.91T.065, last amended by Amended  
5 Ordinance No. 13-064 on September 4, 2013, is amended to read:

6  
7 **30.91T.065 TDR pilot program.**

8  
9 “TDR pilot program” refers to a program developed by the county pursuant to Motion  
10 02-473 for the purpose of acquiring development rights from farmland in the  
11 Stillaguamish River Valley through implementation of a TDR program. The program  
12 was terminated by operation of law and such termination was reflected by the adoption  
13 of amendments to Title 30 SCC by Amended Ordinance No. 17-050.

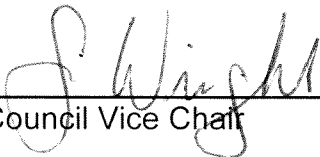
14  
15 Section 16. Snohomish County Code Section 30.91T.067, last amended by Amended  
16 Ordinance No. 13-064 on September 4, 2013, is repealed.

17  
18 Section 17. The county council directs the code reviser to update SCC 30.10.060  
19 pursuant to SCC 1.02.020(3).

20  
21 Section 18. Severability and Savings. If any section, sentence, clause or phrase of this  
22 ordinance shall be held to be invalid by the Growth Management Hearings Board, or  
23 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality  
24 shall not affect the validity or constitutionality of any other section, sentence, clause or  
25 phrase of this ordinance. Provided, however, that if any section, sentence, clause or  
26 phrase of this ordinance is held to be invalid by the Board or court of competent  
27 jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective  
28 date of this ordinance shall be in full force and effect for that individual section,  
29 sentence, clause or phrase as if this ordinance had never been adopted.

30  
31 PASSED this 27<sup>th</sup> day of September, 2017

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33  
34 SNOHOMISH COUNTY COUNCIL  
35 Snohomish County, Washington

36  
37   
38 \_\_\_\_\_  
39 Council Vice Chair

40  
41 ATTEST:

42   
43 \_\_\_\_\_  
44 Clerk of the Council

45  
46 D-15

- 1  APPROVED
- 2  EMERGENCY
- 3  VETOED

DATE: 10/4/17

  
\_\_\_\_\_  
Snohomish County Executive

10 ATTEST:

11  
12 Cora E. Palmer  
13

16 Approved as to form only:

19 \_\_\_\_\_  
20 Deputy Prosecuting Attorney

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**Exhibit A**  
**Amended Ordinance No. 17-050**  
**GPP4 – Adopting Technical Corrections**  
**Amendments to Map 1 of the GPP**

AMENDED ORDINANCE NO. 17-050  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING TECHNICAL  
AMENDMENTS TO THE GENERAL POLICY PLAN OF THE SNOHOMISH COUNTY  
GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN AND TITLE 30 OF  
SNOHOMISH COUNTY CODE (GPP4 – TECHNICAL CORRECTIONS)

**Exhibit B**  
**Amended Ordinance No. 17-050**  
**GPP4 – Adopting Technical Corrections**  
**Amendments to Map 2 of the GPP**

AMENDED ORDINANCE NO. 17-050  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING TECHNICAL  
AMENDMENTS TO THE GENERAL POLICY PLAN OF THE SNOHOMISH COUNTY  
GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN AND TITLE 30 OF  
SNOHOMISH COUNTY CODE (GPP4 – TECHNICAL CORRECTIONS)

**Exhibit C**  
**Amended Ordinance No. 17-050**  
**GPP4 – Adopting Technical Corrections**  
**Amendments to Map 3 of the GPP**

AMENDED ORDINANCE NO. 17-050  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING TECHNICAL  
AMENDMENTS TO THE GENERAL POLICY PLAN OF THE SNOHOMISH COUNTY  
GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN AND TITLE 30 OF  
SNOHOMISH COUNTY CODE (GPP4 – TECHNICAL CORRECTIONS)



**Exhibit D**  
**Amended Ordinance No. 17-050**  
**GPP4 – Adopting Technical Corrections**  
**Amendments to Map 4 of the GPP**

AMENDED ORDINANCE NO. 17-050  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING TECHNICAL  
AMENDMENTS TO THE GENERAL POLICY PLAN OF THE SNOHOMISH COUNTY  
GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN AND TITLE 30 OF  
SNOHOMISH COUNTY CODE (GPP4 – TECHNICAL CORRECTIONS)

**Exhibit E**  
**Amended Ordinance No. 17-050**  
**GPP4 – Adopting Technical Corrections**  
**Amendments to Map 5 of the GPP**

AMENDED ORDINANCE NO. 17-050  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING TECHNICAL  
AMENDMENTS TO THE GENERAL POLICY PLAN OF THE SNOHOMISH COUNTY  
GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN AND TITLE 30 OF  
SNOHOMISH COUNTY CODE (GPP4 – TECHNICAL CORRECTIONS)

**Exhibit F**  
**Amended Ordinance No. 17-050**  
**GPP4 – Adopting Technical Corrections**  
**Amendments to the Land Use Chapter of the GPP**

## **Transfer and Purchase of Development Rights**

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The GMA states that cities and counties should assure the conservation of agricultural and forestry lands of long-term commercial significance. The Act further specifies that, in assuring conservation, these jurisdictions should provide for innovative land use management techniques, such as the transfer of development rights. Both the Countywide Planning Policies and General Policy Plan encourage the use of innovative land use techniques for the protection of important resource lands and sensitive areas.

Snohomish County has established complementary Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) programs which provide resource landowners the opportunity to realize the development value of their lands, while retaining the right to use the land in ways that won't impair its natural resource functions. The central objective of both programs is the conservation of important natural resource lands, while keeping such lands in private ownership and in resource production.

TDR and PDR programs have much in common: 1) permanent protection of important natural resource lands through the use of conservation easements, 2) voluntary participation by landowners, 3) separation and sale of the right to develop land from other property rights, 4) continued land ownership

by the resource manager, 5) continued use of the land for resource production, and 6) the ability to fulfill other community goals, such as economic development and open space retention.

The programs differ in how they provide funding for the compensation of landowners. PDR programs are quite straightforward - public monies are used to purchase and extinguish development rights. TDR programs, on the other hand, use market forces to fund the conservation effort by allowing landowners within designated "sending areas" to sell the development rights from their land, which requires recording a protective conservation easement that restricts non-agricultural development. Developers who purchase those rights from sending area landowners can use them to obtain development incentives within designated "receiving areas." Thus, TDR programs have the ability to lessen public expenditure while achieving the same resource conservation benefits as PDR.

TDR and PDR programs in Snohomish County, while complementary, each have unique historical and operational characteristics, which are more fully described below.

### **Transfer of Development Rights**

#### ***History of TDR in Snohomish County***

Snohomish County has long considered the need for a TDR program to help protect

important natural resource lands. The January 1981 *Agricultural Preservation Plan* contained an analysis of TDR and advocated its use to protect important agricultural lands. The May 1993 *Evaluation of the Feasibility of a TDR Program* assessed, from both a regulatory and market perspective, if a TDR program could protect farm and forest resources in Snohomish County. Further analysis was included in the November 1997 *Feasibility Assessment of TDR and/or PDR Programs to Conserve Resource Lands in Snohomish County, Washington*.

A focused effort to develop a TDR pilot program followed the passage of Resolution 02-007, adopted by the county council in March 2002. Funds were reserved for the pilot program and two feasibility studies were completed later in 2002: *TDR Pilot Program Feasibility Study, Preliminary Conclusions* and *TDR Pilot Program Feasibility Study*.

In November 2002 the county council passed Motion No. 02-473 authorizing the county executive to establish a TDR pilot program. A policy framework for the TDR program, including general parameters and a pilot “sending area” (see definition in Appendix E) designation, was then established in September 2003 with adoption of Ordinance No. 03-100.

The adoption of Amended Ordinance No. 04-123 in December 2004 completed the initial phase of TDR by: 1) creating a new TDR code (Chapter 30.35A SCC); 2) delineating a pilot program sending area land on the zoning map; 3) establishing the methodology for determining the number of rights that can be transferred from a sending site; 4) providing

for the certification of development rights and issuance of TDR certificates; 5) requiring

a conservation easement; 6) authorizing the conveyance of certified development rights; 7) authorizing the county to purchase, hold and sell certified development rights; and 8) creating a TDR advisory committee to advise the county on the purchase of development rights. Additionally, a TDR population reserve was established in Appendix D of the General Policy Plan to support the expansion of urban growth areas in connection with the creation of future TDR receiving areas.

The 2005 amendments to the GMA Comprehensive Plan: General Policy Plan and its implementing regulations extend beyond the first phase of the TDR program by: 1) creating an initial, pilot TDR receiving area using a comprehensive plan land use designation and an implementing overlay zone within portions of the expanded urban growth area (UGA) for the City of Arlington; and 2) establishing a policy framework and regulatory requirements for use of TDR certificates as a condition to development approval within TDR receiving areas.

Ordinance No. 08-051 was adopted in June 2008 to provide greater flexibility in the TDR program. It allowed TDR sending areas to be designated by interlocal agreement, development agreement, or code amendment in addition to designations by comprehensive plan amendment. Ordinance No. 09-059 was adopted in June 2009. It added Chapter 30.35B to the development code, implementing the new flexibility in the policies and allowing the county council to designate sending areas by motion. This made it easier to designate sending and receiving

areas so TDR can be used outside the pilot area when opportunities arise.

In 2010, the county council hired the Cascade Land Conservancy (now known as Forterra) to analyze and recommend options for enhancing the county’s TDR and PDR programs. Council also initiated comprehensive plan amendments to implement the Forterra recommendations. Based on those recommendations, the county created a countywide TDR program.

The county program is designed to work with the regional TDR program authorized under state law. The regional program authorizes a form of tax increment financing as an incentive for cities that provide receiving areas for regional TDR credits.

In 2015, the City of Arlington and the county mutually agreed to terminate the TDR pilot program as the city desired to participate in the countywide and regional TDR programs.

### **Purchase of Development Rights**

As with TDR, Snohomish County has long considered the need for a PDR program to help protect important natural resource lands, particularly farmlands. The TDR studies mentioned above often included a comparative analysis of PDR. PDR was typically found to be less complex and with more certain results. However, PDR was also found to require substantial public funding to address county-level conservation needs.

In December 2004 the county council passed Motion No. 04-461 relating to the establishment of a PDR program. The motion authorized the County Executive to implement a PDR program for designated agricultural lands outside of TDR sending areas. A limited amount of county and Federal grant funds were reserved for initial acquisitions.

The 2005 amendments to the GMA Comprehensive Plan: General Policy Plan establish a policy basis for a PDR program in Snohomish County.

## **GOAL LU 14 Conserve important natural resource lands through Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) programs.**

**Objective LU 14.A Develop and implement a countywide TDR program based on free market principles for the purpose of permanently conserving specified natural resource lands.**

- |                    |        |  |
|--------------------|--------|--|
| <b>LU Policies</b> | 14.A.1 | Establish a countywide TDR program that promotes the transfer of residential development potential from designated resource lands to areas designated for urban and rural development. |
|                    | 14.A.2 | All land designated on the Future Land Use Map as Local Commercial Farmland, Upland Commercial Farmland, Riverway  |

Commercial Farmland, Commercial Forest, Local Forest, and Commercial Forest – Forest Transition Area is designated as a sending area from which development rights in the form of TDR credits can be transferred under the countywide TDR program.

- 14.A.3 To allow rural landowners to opt into the countywide TDR program and expand the permanently protected base of designated natural resource lands, land in other land use designations shall be designated as a sending area for the countywide TDR program if it meets all of the following conditions:
- a. it is a minimum of five contiguous acres if proposed for redesignation to farmland or a minimum of 40 contiguous acres if proposed for redesignation to forest land;
  - b. the zoning of the land at the time of the TDR application has a minimum lot area of at least 200,000 square feet;
  - c. the land is enrolled in the open space tax program as Open Space Farm and Agriculture or Open Space Timber at the time of the TDR application;
  - d. the land is in active commercial agriculture or forest use; and
  - e. the land is redesignated to a farmland or forest land use designation and rezoned to a corresponding resource zone before or at the time of issuance of TDR credits.
- 14.A.4 The county may designate additional sending areas for the countywide TDR program by interlocal agreement, development agreement, or code amendment.
- 14.A.5 An application for TDR credits must propose a conservation easement eliminating the potential for subdivision and construction of new dwelling units on a parcel or parcels including at least five contiguous acres of land.
- 14.A.6 The number of TDR credits that can be issued in exchange for a conservation easement shall be:
- a. the number of legal, existing unimproved lots larger than 5,000 square feet but too small to get a credit based on the Future Land Use Map calculation in LU 14.A.6.b; plus
  - b. credits for additional land, not including lots counted in LU 14.A.6.a, based on the Future Land Use Map designations in effect at the time of the TDR application, minus any existing dwelling units on that additional land, with the total rounded down to a whole number. No fractional credits shall be issued.

The calculation of credits for the additional land based on the Future Land Use Map designations shall be as follows:

- i. one credit for every 80 acres designated as Commercial Forest, Local Forest, and Commercial Forest – Forest Transition Area;
  - ii. one credit for every 20 acres designated Low Density Rural Residential;
  - iii. one credit for every ten acres designated as Local Commercial Farmland, Upland Commercial Farmland, Riverway Commercial Farmland, Rural Residential-10, and Rural Residential-10 (Resource Transition); and
  - iv. one credit for every 200,000 square feet designated Rural Residential-5, Rural Residential, and Rural Residential RD;
- c. provided that no credits shall be issued for any portion of a sending site already in a conservation easement or similar encumbrance.

14.A.7 Receiving areas shall include:

- a. all cities, consistent with the regional program and interlocal agreements;
- b. all county-designated urban centers;
- c. all rural areas where changes in zoning after the effective date of the countywide TDR program increase the maximum allowable number of residential lots or units; and
- d. all areas where legislative changes to the comprehensive plan or development regulations after the effective date of the countywide TDR program increase the maximum allowable number of multi-family residential units or provide other incentives for the use of TDR. Property designated or zoned for single family residential development and townhouse unit lot subdivisions are exempt from TDR requirements.

14.A.8 Without TDR credits, the maximum number of multi-family units that may be permitted in receiving areas other than urban centers shall be limited to the number that could have been permitted under the comprehensive plan and development regulations in effect as of November 10, 2012.

14.A.9 The maximum number of multi-family units in receiving areas other than urban centers may be increased up to the maximum allowed by

the current or proposed comprehensive plan and development regulations including bonuses, if TDR credits are used.

- 14.A.10 Within urban centers, the maximum floor to area ratio that may be permitted without TDR credits is limited to the allowable amount with bonus, but not including super bonus, in effect as of November 10, 2012. The maximum floor to area ratio may be increased to the amount allowed by the super bonus level if TDR credits are used.
- 14.A.11 The additional amount of development allowed in unincorporated Snohomish County receiving areas for each TDR credit from farmland is as follows:
- a. 10,000 square feet of floor area in an urban center;
  - b. eight units in a multifamily development with a density of 12 or more units per acre;
  - c. five units in a single family residential development inside the Urban Growth Area, including cottage housing and planned residential developments.
- 14.A.12 The additional amount of development allowed in unincorporated Snohomish County receiving areas for each TDR credit from land use designations other than farmland, including from land that is being redesignated as farmland, is as follows:
- a. 5,000 square feet of floor area in an urban center;
  - b. four units in a multifamily development with a density of 12 or more units per acre; or
  - c. two units in a single family residential development inside the Urban Growth Area, including cottage housing and planned residential developments.
- 14.A.13 Snohomish County shall support city annexation of a TDR receiving area only when an adopted interlocal agreement provides that the area shall remain a TDR receiving area or that other areas of the city shall be designated as TDR receiving areas so that the city will provide equivalent or greater capacity for receiving TDR credits as provided by the county for that area.
- 14.A.14 Create a citizens policy advisory committee to identify and recommend additional incentives for TDR, possibly including but not limited to a public benefit rating system, an in-lieu fee program as an alternative to purchasing TDR credits on the open market, and form-based zoning. The advisory committee recommendations shall include a timeline for consideration of additional incentives.



**Objective LU 14.B      Establish an administrative system that facilitates the transfer of TDR credits.**

- LU Policies**
- 14.B.1      Form an expedited administrative process to create, transfer and extinguish TDR credits.
  - 14.B.2      TDR credits will be created and issued in exchange for recorded conservation easements prohibiting additional dwelling units and prohibiting subdivision on the sending parcels. When the sending site is opting into the program from a land use designation other than farmland or forest land, redesignation to a farm or forest land use designation and rezoning to an appropriate resource zone are also required.
  - 14.B.3      TDR credits shall indicate the land use designation of the land for which they were issued.
  - 14.B.4      TDR credits may be sold or otherwise transferred by a deed of transfer that must be reviewed and approved by the county and then recorded with the county.
  - 14.B.5      TDR credits shall be extinguished upon approval of the development activity or land use decision for which TDR credits are required, or following exhaustion of all administrative and judicial appeals if the approval is appealed.
  - 14.B.6      Conduct outreach to farmers and developers about TDR opportunities, encourage participation in the TDR program, and facilitate contact between potential buyers and sellers of TDR credits, to the extent that resources are available for these efforts.
  - 14.B.7      Monitor the creation and extinguishment of TDR credits.
  - 14.B.8      Allow for the possible establishment of private TDR banks and brokerages.
  - 14.B.9      Create a county TDR/PDR bank that can buy, hold, and resell TDR credits. The purchase and sale of TDR credits shall be subject to a competitive process, pursuant to chapter 30.35A SCC, which ensures that the county receives fair market value for the sale of TDR credits and that decisions concerning potential purchases are based on the goals of this chapter. The focus of the program shall be on selling TDR credits for multifamily development.
  - 14.B.10      Pursue funding to capitalize, promote, and administer the county TDR/PDR bank. Administration may be done by the county or through a contract.

**Objective LU 14.C Encourage cities in Snohomish County to create receiving areas and participate in any regional TDR program.**

- LU Policies 14.C.1 Encourage cities to participate in any regional TDR program.
- 14.C.2 Encourage cities to permit additional residential density and commercial and industrial development through the use of TDR credits.
- 14.C.3 Encourage cities to create additional receiving area incentives based on city and developer interests.

**Objective LU14.D ~~((The Arlington Pilot TDR Program shall be administered independently of the countywide TDR Program.))~~ REPEALED BY ORDINANCE NO. 17-\_\_**

- LU Policies 14.D.1 ~~((The pilot TDR program established in partnership with the City of Arlington shall continue and may be revised by agreement of the city and the county.))~~ REPEALED BY ORDINANCE NO. 17-\_\_
- 14.D.2 ~~((TDR credits issued under the pilot TDR program may be transferred and used under the rules of the pilot TDR program but they cannot be used under the rules of the countywide TDR program or in any regional program.))~~ REPEALED BY ORDINANCE NO. 17-\_\_
- 14.D.3 ~~((TDR credits issued under the countywide TDR program may be transferred and used under the rules of the countywide TDR program or any regional program but they cannot be used under the rules of the pilot TDR program.))~~ REPEALED BY ORDINANCE NO. 17-\_\_
- 14.D.4 ~~((The policies established for the countywide TDR program will also apply to any regional program but they will not apply to the sending and receiving areas established under the pilot TDR Program.))~~ REPEALED BY ORDINANCE NO. 17-\_\_
- 14.D.5 ~~((Land that is designated as a sending area under both the pilot TDR program and the countywide TDR program may choose to participate in either program, but cannot participate in both programs.))~~ REPEALED BY ORDINANCE NO. 17-\_\_
- 14.D.6 ~~((To promote and encourage use of the TDR program, the county shall be authorized to buy, hold, and resell TDR credits. The purchase and sale of TDR credits shall be subject to a competitive process, pursuant to chapter 30.35A SCC, which ensures that the county receives fair market value for the sale of TDR credits and~~

~~that decisions concerning potential purchases are based on the goals of this chapter.))~~ REPEALED BY ORDINANCE NO. 17-

**Objective LU 14.E      Develop and implement a Purchase of Development Rights (PDR) program utilizing available funding sources for the purpose of permanently preserving natural resource lands.**

- LU Policies**
- 14.E.1      A PDR program may, at the option of the county, be used for the purpose of permanently preserving natural resource lands.
  - 14.E.2      The PDR program shall be coordinated with, and be designed to complement, the TDR program.
  - 14.E.3      Agricultural and forest lands as defined in RCW 36.70A.170 shall be eligible for conservation through the PDR program. Other lands having high natural resource, environmental or open space values may also be determined eligible for conservation.
  - 14.E.4      An application process, application forms and review criteria shall be developed and utilized to consider landowner proposals to sell developments rights.
  - 14.E.5      A public outreach and education process, focusing on sending area landowners, shall be implemented to inform potential program participants and to encourage participation in the PDR program.
  - 14.E.6      Sources of funding for any PDR program shall be identified. The use of county Conservation Futures fund monies, grant, and local bond revenues should be considered. Where appropriate, applications for grant monies should be prepared and submitted.
  - 14.E.7      The effectiveness of the PDR program shall be evaluated and adjustments made to the program as determined appropriate:
    - a. indicators or measures of program success shall be developed;
    - b. the level of development rights sales shall be monitored; and
    - c. based on an assessment of the measures of program success, changes to the PDR program shall be considered and implemented, when appropriate.

# Future Land Use Map

## Interpreting the Future Land Use Map

The Future Land Use Map (FLUM) provides generalized urban and rural residential, commercial, and industrial land use designations.

The map includes urban growth area (UGA) boundaries and specific designations of urban, rural, and resource land uses.

### **Implementing Zoning**

The appropriate implementing zoning classifications for the FLUM designations are identified in the following subsections.

The county completed areawide rezones in rural areas to make the zoning map consistent with the rural plan designations and their density and lot size requirements. Within urban residential plan designations, the county will continue to adopt zoning to ensure consistency with future land use map designations. Property owners may individually request rezones to higher urban residential densities consistent with the GPP policies and the GPP Future Land Use Map. Within UGAs, implementing zoning may be further limited in the designations described below.

Forestry and Recreation (F & R) is not identified as an implementing zone within the applicable General Policy Plan designations. Property owners may request this zoning classification, and their requests will be considered as provided for under existing policies and regulations.

Mineral Conservation (MC) zone is not identified as an implementing zone for any FLUM designations. Properties already zoned MC may develop as provided for under applicable GPP policies and Title 30 SCC.

## **URBAN PLAN DESIGNATIONS**

### **Urban Residential Designations**

These designations encompass residential lands within the unincorporated UGA and are intended to provide for urban housing opportunities. The density ranges are defined by zoning classifications that implement the FLUM. The allowable density for a development will be determined by the provisions of Title 30 SCC, except that the minimum density in UGAs may not be less than 4 dwelling units per net acre except as specified in Policy LU 2.A.1.

**Urban Low Density Residential (ULDR: 3 dwelling units per acre).** This designation allows detached housing developments on larger lot sizes. This designation is applied only in the Darrington and Gold Bar Urban Growth Areas due to the absence of sanitary sewers. Implementing zones: R-20,000 and R-12,500.

**Urban Low Density Residential (ULDR).** This designation allows mostly detached housing developments on larger lot sizes. Implementing zones: MHP, R-7,200, PRD-7,200, R-8,400, PRD-8,400, R-9,600, PRD-9,600 and WFB. Except within the Lake Stevens UGA, areas containing critical areas that are large in scope, with a high rank order value, and are complex in structure and function, the implementing zoning shall be R-9,600.

**Urban Medium Density Residential (UMDR).** This designation allows a combination of detached homes on small lots, townhouses, and apartments in medium density, multi-family residential developments. Implementing zones: MHP,

LDMR, PRD-LDMR, Townhouse, R-7,200, PRD-7,200 and WFB.

**Urban High Density Residential (UHDR).** This designation allows high density residential land uses such as townhouses and apartments generally near other high intensity land uses. Implementing zones: MHP, MR, PRD-MR, LDMR, and PRD-LDMR.

### **Commercial and Industrial Designations**

The Urban Commercial (UC) and Urban Industrial (UI) designations of the GPP provide for a wide range of implementing zones and, in some cases, provide specific locational criteria or recommendations as to how the zones should be applied within the designation.

**Urban Commercial (UC).** This designation identifies commercial designations within the UGA which allow a wide range of commercial as well as residential uses. Implementing zones: Neighborhood Business, Planned Community Business, Community Business, General Commercial, Freeway Service and Business Park. In the Southwest County UGA, no rezones to General Commercial shall be approved outside of the State Route 99 corridor.

**Urban Industrial (UI).** This designation identifies industrial and manufacturing areas in UGAs. Implementing zones: Business Park, Light Industrial, Heavy Industrial and Industrial Park. In the Lake Stevens UGA, the implementing zoning is limited to Business Park and Heavy Industrial and in the Snohomish UGA, the implementing zoning is limited to Business Park and Industrial Park.

### **CENTER DESIGNATIONS**

The Future Land Use Map identifies the specific locations for Urban Centers, Transit

Pedestrian Villages, Urban Villages and Manufacturing and Industrial Centers.

Additional Centers may be designated in the future through amendments to the comprehensive plan.

**Urban Center.** This designation identifies a higher density area that contains a mix of residential and non-residential uses, and whose location and development are coordinated with the regional high capacity transportation system. The implementing zone is Urban Center.

**Transit Pedestrian Village.** This designation identifies a compact, walkable area around an existing or planned high capacity transit station. The county shall prepare and adopt a conceptual or master plan showing how the area could enhance and support the high capacity transit station. The implementing zone is Urban Center.

**Urban Village.** This designation identifies a mixed-use area with higher density residential development located within neighborhoods. Urban Villages are smaller than Urban Centers. The implementing zones are Neighborhood Business and Planned Community Business.

**Manufacturing/Industrial Center (MIC).** This overlay identifies the unincorporated portion of major regionally-designated employment areas. MICs are intended to include intensive, concentrated manufacturing and industrial land uses which are not easily mixed with other uses. Notwithstanding the Vision 2040 guidelines for MIC designations, land uses and zoning of Paine Field continue to be governed by the Snohomish County Airport Paine Field Master Plan and Title 30 SCC consistent with federal aviation policies and grant obligations.

## OTHER URBAN DESIGNATIONS

**Public/Institutional Use (P/IU).** The Public/Institutional Use designation can be applied to existing or planned public and privately owned and/or operated properties including churches, schools, parks, government buildings, utility plants and other government operations or properties within UGAs or adjacent to UGAs. The P/IU designation can be applied to existing areas within a UGA, as well as areas being added to a UGA concurrent with a re-designation to P/IU. When applying the P/IU designation, the following requirements apply:

- (1) Use of P/IU designation for existing areas within a UGA.

The P/IU designation is appropriate for existing or planned government owned and/or operated properties, including schools, parks, government buildings, utility plants, and other government operations or properties as requested. There are no specific implementing zones for this designation since zoning will vary from site to site. However, only zones that allow schools, parks, government buildings, utility plants or other government operations either outright or conditionally may implement this designation. Implementing zoning should be consistent with surrounding zones. When a school district surpluses property that was in the UGA before it was designated P/IU and notifies the county that the school district no longer needs the land for school district purposes, the designation should be changed to a designation corresponding to the underlying zone

as a technical correction in the next comprehensive plan update cycle.

- (2) Use of P/IU designation in conjunction with a UGA expansion.

All residential, commercial, or industrial UGA expansions are subject to the requirements of LU 1.A.10. Institutional UGA expansions are allowed subject to the requirements of LU 1.A.10, provided that the land added to a UGA is designated P/IU concurrent with or prior to the UGA expansion. Subsequent re-designations of land added to a UGA under the P/IU designation are subject to the applicable requirements of LU 1.A.10 for residential, commercial, or industrial UGA expansions. Where land added to a UGA is designated P/IU, the implementing zone will be R-7,200, R-8,400, or R-9,600. When applied to land designated P/IU concurrent with or prior to a UGA expansion, these implementing zones shall allow only churches, schools, parks, government buildings, utility plants and other government operations or properties unless the land is re-designated to urban commercial, residential, or industrial in compliance with the UGA expansion requirements of LU 1.A.10.

**Urban Horticulture (UH).** This designation is intended for low density, low impact, non-residential land uses adjacent to agricultural areas that do not require extensive structures or development. Examples of UH uses include agricultural operations, sales of farm products, and sales of landscape materials.

Implementing zoning for areas designated UH is Agriculture-10 acre.

**Overlapping Designations.** There may be sites within the UGA where more than one land use designation is appropriate to permit a greater range of potential implementing zones. In particular, some sites meeting the criteria enumerated in Policy LU 2.C.1 may be appropriately developed or redeveloped for a land use permitted in the implementing zones for either designation. In these situations, the county may utilize overlapping land use designations for particular sites or areas on the Future Land Use Map. On sites having overlapping land use designations, a change of zoning from an implementing zone in one designation to an implementing zone in the other designation may be requested through a rezone application without the need for a comprehensive plan amendment.

## **PLAN DESIGNATIONS UNIQUE TO THE TULALIP RESERVATION**

**Reservation Commercial (RC).** This designation identifies a unique commercial designation that is limited only to fee-simple lands under county jurisdiction that are located within the exterior boundaries of the Tulalip Reservation in an area bordered on the west and north by Quilceda Creek, on the south by Ebey Slough and on the east by Interstate-5. This area of the reservation is served by urban infrastructure including public sewer and water and contains existing urban development under county and Tulalip Tribes jurisdiction. The implementing zone for new development on vacant or under-utilized property designated Reservation Commercial is General Commercial, subject to approval of an official site plan according to the requirements of Chapter 30.31B SCC.

**Local Forest (LF).** This designation includes productive fee simple forest lands which are an integral part of the Tulalip Tribes' designated forest lands and are intended to contribute to the preservation of a large contiguous area of land within the interior of the Tulalip Reservation for management of sustainable natural resources. Local Forest lands and adjacent tribal forest lands collectively provide timber production, surface and ground water resources, fisheries and wildlife habitat, and recreation opportunities. The Local Forest designation provides landowners a means of residing on their property while providing protection from rural residential activities that could conflict with forest practice operations. The implementing zone for the Local Forest designation is the Forestry (F) zone (1 dwelling unit per 20 or more acres). The rural cluster subdivision technique may be used in the Forestry zone.

## **RURAL PLAN DESIGNATIONS**

### **Rural Residential Designations**

These designations encompass residential land outside of UGAs and are intended to provide rural housing opportunities while preserving the rural character of these lands. Land in the six rural residential designations may be served by public water supplies but development may not be connected to sanitary sewers except for necessary public facilities or when public health emergencies exist.

**Low Density Rural Residential (LDRR: 1 dwelling unit per 20 acres).** This designation includes lands that have been zoned Forestry but are not designated as Commercial Forest Land in the GPP. This designation is intended to be a partial basis for a future Rural Resource Transition designation which could provide

for transition areas between rural residential lands and natural resource lands of long-term commercial significance. Future GPP amendments will determine the feasibility of such a designation as well as its extent and future minimum lot size requirements. The existing Forestry zone will continue to remain in place until any GPP amendments and implementing regulations for this designation are adopted.

**Rural Residential-10 (Resource Transition) (RR-10-RT: 1 dwelling unit per 10 or more acres).** This designation includes lands which were included in Forestry designations on pre-GMA subarea plans but not zoned Forestry and includes: (1) lands on the Tulalip Reservation adjacent to or in close proximity to lands designated for forestry or agriculture use by the GPP and the Tulalip Tribes' Comprehensive Plan, and (2) lands adjacent to the estuary of Quilceda Creek. The implementing zone is the RRT-10 zone.

Existing zones within this designation, except where located on the Tulalip Reservation, may remain, but zoning regulations shall limit the minimum lot size in new subdivisions within this designation to 10 acres with an option for using the rural cluster subdivision technique. On the Tulalip Reservation only, lands designated RR-10-RT are zoned RRT-10. The RRT-10 zone requires a minimum lot size of 10 acres for each house in a new subdivision. The rural cluster subdivision technique may be used in the RRT-10 zone.

**Rural Residential-10 (RR-10: 1 dwelling unit per 10 or more acres).** This designation includes lands which have been previously designated agriculture in pre-GMA subarea comprehensive plans or zoned Agriculture-10 Acre. The existing Agricultural-10 Acre zone will continue to remain in place until the GPP

is amended in the future and implementing regulations for this designation are adopted.

This category provides for an alternative rural lot size and possible set of uses which can accommodate a wider variety of rural uses and lots, be used where hazardous and critical areas require lower density and be applied as a transition category between resource lands/critical areas and rural residential/urban areas.

**Rural Residential-5 (RR-5: 1 dwelling unit per 5 or more acres).** This designation includes lands that were designated Rural on pre-GMA subarea comprehensive plans and zoned Rural 5. As the result of a joint planning effort between the county and the Tulalip Tribes, the RR-5 designation also applies to certain lands on the Tulalip Reservation that were previously designated Rural Residential. The implementing zone in this designation will continue to be the R-5 zone.

**Rural Residential (RR: Base density of 1 dwelling unit per 5 or more acres).** This designation includes lands which were designated as Rural or Residential Estates on pre-GMA subarea comprehensive plans. The implementing zones within this designation are the Rural-5 Acre zone and other zones with a minimum lot size requirement larger than 5 acres.

**Rural Residential RD (RR- RD: 1 dwelling unit per 5 or more acres).** This designation applies only to the rural residential areas that were designated as Rural Diversification in the pre-GMA Darrington Area Comprehensive Plan. This designation will continue to allow a mix of rural residential housing and small home-based, rural industrial/commercial uses. The implementing zone is the Rural Diversification zone.



## **RURAL COMMERCIAL AND INDUSTRIAL DESIGNATIONS**

**Clearview Rural Commercial (CRC).** This designation generally allows for neighborhood, community, and rural commercial uses including, but not limited to, small grocery stores, restaurants, service stations, hardware stores, art galleries, antique stores, and nurseries to serve the needs of the rural population. The implementing zone within the Clearview Rural Commercial designation consistent with LU 6.H.6 and LU 6.H.7 is the Clearview Rural Commercial zone.

**Rural Freeway Service (RFS):** This designation includes land that has previously been designated or zoned as Rural Commercial land at the rural Interstate 5 interchanges in north Snohomish County. The designation and implementing zones require rural development standards that make rural freeway service development compatible with adjacent rural residential uses.

**Rural Industrial (RI).** This designation includes existing industrial zones and industrial plan designations on subarea comprehensive plan maps in rural areas. These designations allow rural industries which need locations close to the natural resources in rural areas. They are located in areas where urban services, particularly sanitary sewers, will not be provided. The designation is implemented through GPP policies and Title 30 SCC to ensure industrial development is compatible with surrounding rural residential land uses.

## **RESOURCE PLAN DESIGNATIONS**

### **Agricultural Designations**

The designations listed below include land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, fruit, or animal products. These designations were based on the Interim Agricultural Conservation Plan.

**Local Commercial Farmland (LCF).** This designation includes farmland areas outside of the floodplain or shoreline areas which are generally characterized by a mixture of prime farmland and other soils as defined by the Soils Conservation Service.

**Upland Commercial Farmland (UCF).** This designation includes farmland areas on the Tulalip Reservation and outside of the floodplain or shoreline area and is generally characterized by having nearly continuous prime farmland soils and more than fifty percent of the land area in parcels of ten acres or larger. New subdivisions in this designation may not create lots smaller than ten acres. The UCF designation also provides protection for the drainage basin of the West Fork of Quilceda Creek within the Tulalip Reservation. The Agricultural-10 Acre (A-10) zone is the implementing zone for the UCF designation.

**Riverway Commercial Farmland (RCF).** This designation includes farmland areas generally characterized by being in a river valley, floodplain or shoreline area, having continuous prime farmland soils, and having approximately fifty percent or more of the land area in parcels of forty acres and larger. The Agricultural-10 Acre zone is the implementing zone.

**Recreational Land (RL).** This designation applies only to lands designated Recreational Land in accordance with RCW 36.70A.170(1). The designation is

implemented through Title 30 SCC and ensures the recreational use does not affect surrounding agricultural lands of long term commercial significance designated under 36.70A.170(1). The implementing zone is the Agricultural-10 Acre (A-10) zone.

### **Forest Land Designations**

The designations listed below include state and private forest lands. These designations are based on the Interim Forest Land Conservation Plan and the Forest Advisory Committee Findings and Conclusions on the Designation of Commercial Forest Lands, January 5, 1995. The text of these documents is incorporated into this document by reference. Designated Commercial Forest lands within the Mt. Baker-Snoqualmie National Forest and other selected forest lands will be further evaluated for their ability to meet the criteria described in Policy 8.A.2 and the County's GMA Comprehensive Plan Future Land Use map will be amended as necessary.

**Commercial Forest (CF).** This designation includes primarily large forest land tracts that may not be subdivided for residential development. This designation also includes smaller forest land tracts that are permanently protected from residential development through the Transfer of Development Rights program. These lands may be segregated only into tracts of eighty acres or larger. The Forestry zone is the implementing zone for this designation.

**Forest Transition Area (CF-FTA).** This designation is an overlay to the Commercial Forest (CF) designation. The FTA consists of a one quarter mile wide band of Commercial Forest land on the edge of the Commercial Forest Land designation bordering non-resource lands but it does not apply to forest

lands that are permanently protected from residential development through the Transfer of Development Rights program. The use of FTA lands is the same as Commercial Forest lands, unless adjacent land uses prevent normal forest practices, in which case limited low density development options also apply.

### **Mineral Resource Overlay (M) (Map 2)**

This designation is an overlay to the Future Land Use Map. Designated Mineral Resource Lands include those lands identified through a comprehensive inventory and assessment process as not being characterized by urban growth and as having long-term significance for the extraction of minerals. The designation includes bedrock, sand/ gravel and precious metals mineral resources. The implementing zone in this designation is dependent on the underlying zone.

## **OTHER GMA COMPREHENSIVE PLAN MAPS OR OVERLAYS**

### **Municipal Urban Growth Areas (Map 3)**

This map identifies municipal urban growth areas (MUGAs) within the Southwest UGA. A MUGA contains all the land within a city's current incorporated limits, plus adjacent, unincorporated territory which the city and county have identified as potentially appropriate for annexation at some time in the future. The map is also reflected in the countywide planning policies (CPP) Appendix B which is adopted through Snohomish County Tomorrow. The MUGA will be used by Snohomish County in planning for future population and employment growth.

### **Open Space Corridors and Wildlife Areas Map (Map 4)**

The countywide Open Space Corridors and Wildlife Areas Map geographically depicts

various types of largely “open” land in Snohomish County that, taken in the aggregate, can serve as greenbelts to help structure land development patterns. This map is incorporated herein by this reference. Many of the land categories listed under Policy LU 10.A.1 have been included in this map.

The purpose of the map is to provide a geographical framework to guide present and future implementation strategies for preserving open space and wildlife habitat and developing open space and wildlife corridors within and between urban growth areas.

The map is a long-range planning tool that does not, by itself, create any regulatory impact. Certain underlying designations, such as forestry and agricultural land designations, may have regulatory implications. This map, however, is not intended to be used in the review of development applications, nor does it imply or anticipate public ownership of, or public access to, these lands.

The several categories of lands depicted on the map include both public and privately owned parcels. In some cases (i.e., utility corridors) the lands may not be held in fee simple ownership by the primary user. Not all lands appearing on this map - either public or private - will become a part of a permanent open space system. Similarly, lands not presently shown on this map may later become permanent open space as the result of future public action or acquisition.

Except for clearly defined trail corridors already identified for county acquisition, parcel-specific public land acquisitions planned by Snohomish County (or other public agencies) are not identified on the

map. This approach avoids the possibility of jeopardizing such acquisitions by calling them out in advance, thereby potentially inflating their asking price and narrowing options.

Although certain types of parks and other categories of open space lands within city limits have been depicted on the map, the plans of the respective cities should be considered the primary source of open space information within their municipal boundaries.

The scope and scale of this countywide map necessitate a size threshold for excluding categories and parcels that might otherwise be shown. Consequently, small scale neighborhood parks, subdivision detention or recreation sites, and the like have not been included on this map.

Finally, the accuracy and completeness of this map is dependent on data from many sources, some of which may be dated and/or incomplete. It is the intent of Snohomish County to regularly review and refine this data to reflect changes in ownership and underlying use, and to produce continual improvement in the accuracy and completeness of this map. This regular review shall occur as needed pursuant to the requirements of the Growth Management Act.

#### **Lands Useful for Public Purpose (Map 5)**

A countywide map depicting “lands useful for public purpose” is included (Map 5 in the map portfolio) to show various types of public land that presently accommodate public facilities. This map is incorporated herein by this reference. It is a long-range planning tool that will be regularly updated as future land acquisitions occur.

The purpose of the “Lands Useful for Public Purpose” map is the identification of site locations for existing and potential future public facilities. The primary focus is on the identification of public lands in the unincorporated areas - which consist primarily of county and state properties, but also include some city and federal properties. Map 5 also includes the Public/Institutional Use data set from the Future Land Use Map (Map 1). This data set includes both publicly and privately held properties. Inclusion of private institutions on Map 5 does not imply that these properties are “useful for public purpose” and in no way imparts any right of public access to private property.

Public roads, however, are not highlighted on this map, but are identified on the maps included with the Transportation Element. Similarly, public land used for resource management, wildlife refuge, or other open space uses are not included on this map, but are shown on the Open Space Map.

Except for clearly defined trail corridors already identified for county acquisition, parcel-specific public land acquisitions planned by Snohomish County (or other public agencies) are not identified on the map. The reason for this is to avoid the possibility of jeopardizing such acquisitions by calling them out in advance, thereby inflating their asking price and narrowing siting options. As new sites for public facilities are added through conventional acquisition or by use of the common siting process, they will be added to this map.

Although certain types of parks and other public lands within city limits have been depicted on the map, the plans of the respective cities should be considered the primary source of information within their municipal boundaries.

The scope and scale of this countywide map necessitate a size threshold for excluding categories and parcels that might otherwise be shown. Consequently, small neighborhood parks, subdivision scale stormwater detention or recreation sites, and the like have not been included on this map. It is the intent of Snohomish County to regularly review and refine the source data to produce continual improvement in the accuracy of this map. This regular review shall occur as needed pursuant to the requirements of the Growth Management Act.

**Rural/Urban Transition Area (RUTA).** This designation is intended to reserve a potential supply of land for future addition into the UGA. Developments utilizing rural cluster subdivision will have the option of redeveloping required open space tracts upon inclusion within an urban growth area.

**~~((TRANSFER OF DEVELOPMENT RIGHTS DESIGNATIONS))~~**

**~~((Transfer of Development Rights Sending Area Overlay.))~~**

~~((This designation is part of the county's Transfer of Development Rights (TDR) pilot program in partnership with the City of Arlington. The designation overlays other Future Land Use Map designations in order to provide clarity on applicable land use policies and regulations beyond the TDR program. It applies to lands that allow the voluntary sale and transfer of development rights to designated receiving areas pursuant~~

~~to the county's TDR pilot program in partnership with the City of Arlington. The sending area designation does not limit or otherwise affect development rights or zoning. Specific sending area provisions are established by implementing regulations.~~

~~Sending areas for the countywide TDR program are designated by policies LU 14.A.2, LU 14.A.3, and LU 14.A.4, and are not shown on the Future Land Use Map. Receiving areas for the countywide TDR program are designated by policy LU 14.A.7 and are not shown on the Future Land Use Map.))~~

**Exhibit G**  
**Amended Ordinance No. 17-050**  
**GPP4 – Adopting Technical Corrections**  
**Amendments to the Area-Wide Zoning Map**

AMENDED ORDINANCE NO. 17-050  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING TECHNICAL  
AMENDMENTS TO THE GENERAL POLICY PLAN OF THE SNOHOMISH COUNTY  
GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN AND TITLE 30 OF  
SNOHOMISH COUNTY CODE (GPP4 – TECHNICAL CORRECTIONS)