



# Transfer of Development Rights (TDR) Application Packet

Dear applicant:

Thank you for your interest in the Transfer of Development Rights program. Snohomish County's farmlands are the foundation of a vibrant agricultural industry and a cherished way of life for generations of farm families. Scenic landscapes of green, productive fields are an important part of what makes this county a desirable place to live and work. By participating in the TDR program, you will help preserve our farming heritage while contributing to the overall quality of life for each and every Snohomish County resident.

In the first portion of this packet you will find a TDR application. This application has been designed to provide the County with a clear understanding of your property and its potential as a TDR sending site. To prevent delays in the processing of your application, please answer all questions completely and remember to attach all required documents before submitting it to Planning and Development Services.

## **TABLE OF CONTENTS**

The TDR application packet should contain the following:

- (1) The TDR application, including a fee schedule
- (2) A sample TDR Calculation Worksheet
- (3) PDS Bulletin #69: "Transfer of Development Rights"
- (4) A copy of Snohomish County Code 30.35A
- (5) A sample letter of intent to issue TDR certificates
- (6) A conservation easement template

## **TDR APPLICANT CHECKLIST**

Before you submit your TDR application, please make sure you have included the following:

- Completed application, signed by the landowner(s)
- Legal description of the property
- Title report issued no more than 30 days prior to submittal of application
- Survey maps of the property
- TDR fee payment
- Copies of lot status certifications (if applicable)
- Affidavit of compliance with state reforestation requirements (if applicable)
- Official copies of the zoning maps covering the subject property



## Snohomish County

### Planning and Development Services

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## **FILING INSTRUCTIONS**

### **TRANSFER of DEVELOPMENT RIGHTS (TDR) PROGRAM**

### **CERTIFICATION OF DEVELOPMENT RIGHTS APPLICATION**

TDR Certification of Development Rights Application Packets can be submitted at the PDS Customer Support Center (CSC), which is located in Everett at 3000 Rockefeller Avenue, on the 2<sup>nd</sup> floor of Administration Building West.

#### **FORMS/CHECKLISTS**

You may download the required application forms, template documents, and checklists by visiting our Forms and Bulletins web page: <http://www.snoco.org/Departments/PDS/Services/FormsBrochures>. Once the web page is open, scroll down to “Transfer of Development Rights.” You may also pick up the necessary TDR application materials in person at the PDS Customer Support Center in Everett.

#### **FEES**

Applications will not be accepted without the required fees. A fee schedule is included in the TDR application packet. Please call (425) 388-3311 if you have questions regarding fees.

#### **FURTHER INSTRUCTIONS TO THE APPLICANT**

- Please answer all questions completely. PDS cannot process incomplete applications.
- You may attach additional sheets of paper if necessary to fully respond to the question(s).
- Prior to submitting your application, be sure to attach copies of **all required documents**, including deeds, survey maps, and lot status certifications which describe the property. Please see the TDR Applicant Checklist on the previous page for the complete list of required documents.
- If any item or question is not applicable, please mark it “N/A.”
- Remember, this is an application to obtain certification of development rights. After you sell certified development rights and the conservation easement on your property is approved and recorded, the only permitted use of your land will be agricultural.
- Please contact Tom Niemann, PDS Principal Planner, at (425) 388-3311 ext. 2214 if you have general questions regarding the TDR Program or this application.

## TDR CERTIFICATION OF DEVELOPMENT RIGHTS APPLICATION

### PART 1: GENERAL INFORMATION

1. Applicant information:

Name: \_\_\_\_\_ Primary phone: \_\_\_\_\_  
Alternate phone: \_\_\_\_\_ Fax number: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Email address: \_\_\_\_\_

2. Relation of applicant to the property (check one):

- Owner  
 Contract purchaser  
 Lessee  
 Other (specify) \_\_\_\_\_

3. Primary contact person, if different from the applicant.

Name: \_\_\_\_\_ Primary phone: \_\_\_\_\_  
Alternate phone: \_\_\_\_\_ Fax number: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Email address: \_\_\_\_\_

4. All persons/firms having an ownership interest in the property:

Name: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Name: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Name: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
Phone: \_\_\_\_\_

5. Farm name or corporate/business name: \_\_\_\_\_

6. Type of legal entity:

- Individual/sole proprietor  
 Corporation incorporated in the State of Washington  
 General partnership created in the State of Washington  
 Limited partnership created in the State of Washington  
 Limited liability company created in the State of Washington  
 Other (specify) \_\_\_\_\_

7. Legal counsel representing applicant:

Name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax number: \_\_\_\_\_

8. Accountant information (optional):

Name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax number: \_\_\_\_\_

9. Are there any material facts or circumstances (e.g., pending litigation, bankruptcy, etc.) affecting the property or any of the parties involved in the proposed TDR transaction that could potentially impact the approval process for this application?

Yes  No

If yes, please explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART 2: PROPERTY INFORMATION**

1. General location of the property (including nearest intersection):

\_\_\_\_\_  
\_\_\_\_\_

2. To qualify as a TDR sending site, the property must be:

- (1) Privately owned
- (2) Within a designated TDR sending area
- (3) Zoned Agricultural-10
- (4) Designated commercial farmland in the county Comprehensive Plan

Does the property meet these four requirements?  Yes  No

3. The proposed sending site must follow established lot lines and must include any adjacent lots that have substandard area under current zoning (i.e., lots smaller than 10 acres). Does the property meet these requirements?  Yes  No

4. Does the property consist of one or more parcels that are divided by a zoning boundary?  Yes  No

If yes, please attach official copies of the quasi-judicial decision, administrative approval, or legislative enactment establishing the zoning boundary for each parcel.

5. Is the property the subject of ongoing code enforcement action by the county?

If yes, what steps have been taken to resolve the code violation(s)?

\_\_\_\_\_  
\_\_\_\_\_

6. Have any portions of the property been cleared or graded pursuant to a Class II, III, or IV special forest practices permit, as defined by state law, within the last six years?  Yes  No

If yes, please attach an affidavit of compliance with the reforestation requirements of RCW 76.09.050, WAC 222-34-010, and any additional reforestation conditions of the forest practice permit.

7. Please attach (1) a legal description of the property and (2) a title report issued no more than 30 days prior to the application.

Documents attached?  Yes

8. For each land parcel, please list the assessor tax account number (14 digits), the parcel number, the acreage, and the section, township, and range.

Assessor tax account #	Parcel #	Acreage	Sec_____	Twp_____	Range_____
_____	_____	_____	Sec_____	Twp_____	Range_____
_____	_____	_____	Sec_____	Twp_____	Range_____
_____	_____	_____	Sec_____	Twp_____	Range_____
_____	_____	_____	Sec_____	Twp_____	Range_____
_____	_____	_____	Sec_____	Twp_____	Range_____
_____	_____	_____	Sec_____	Twp_____	Range_____
_____	_____	_____	Sec_____	Twp_____	Range_____

9. Total acreage of property: \_\_\_\_\_

10. Is any portion of the property in the floodway?  Yes  No

If yes, how many square feet of land are in the floodway? \_\_\_\_\_

11. Is any portion of the property already subject to an easement (for access, utilities, conservation, or other purpose) or to any other recorded encumbrance restricting development?  Yes  No

If yes, how many square feet of land are unbuildable? \_\_\_\_\_

Please describe each easement or encumbrance and provide the auditor file recording number(s) below:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. Please attach copies of survey maps of the property showing (1) the locations of existing or proposed structures, (2) the 10 acres associated with each single family dwelling unit, and (3) the locations of easements or other encumbrances described in the previous question.

Survey maps attached?  Yes

13. Are any lot status certifications proposed to be used in calculating the number of Certified Development Rights?  Yes  No

If yes, please attach copies of lot status certifications and provide the number of lots certified: \_\_\_\_\_

14. Are there any liens or mortgages on the property?  Yes  No

If yes, please list all lienholders. Lienholders will be required to subordinate their mortgage or deed of trust to the conservation easement.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

15. Source of water supply and name of water district, if any:

\_\_\_\_\_  
Method of sewage disposal and name of sewer district, if any:

**PART 3: LAND USE INFORMATION**

1. Present zoning and use(s) of the property:

\_\_\_\_\_  
Please describe the agricultural uses of the property, including the number and types of livestock, a general description of crops, forest products, specialty crops, etc:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Please break down the property by acreage:

- Tillable cropland \_\_\_\_\_
- Nursery/orchard \_\_\_\_\_
- Pasture \_\_\_\_\_
- Woodland \_\_\_\_\_
- Other \_\_\_\_\_

3. Please identify all soil and water conservation practices and plans in effect on the property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Please describe and provide the number of residences and other structures (barns, etc.) on the property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Please indicate the percentage of "prime soil," as defined by the USDA Natural Resource Conservation Service, on the property:

- 0-49%
- 50-75%
- 76-100%

6. Please complete and attach the TDR Calculation Worksheet. Attached?  Yes

**PART 4: OTHER INFORMATION**

1. Total number of acres to be included in the TDR conservation easement: \_\_\_\_\_

2. Total number of vested development rights: \_\_\_\_\_

3. Is the property classified as Ag – Open Space?  Yes  No

4. Are any properties adjacent to your land subject to existing conservation easements, variance or plat restrictions, or public-owned open space?

- Yes
- No
- Don't know

5. Are there any anticipated or pending offers to purchase the property and convert it to a non-agricultural use, or is there any other reason to believe that your land is under immediate threat of conversion?

- Yes  No

If yes, please describe:

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**E. EXECUTION OF THE APPLICATION**

It is understood that the above information is submitted in good faith, based on present expectations of the applicant, to aid in the conservation of Snohomish County agricultural land through the certification of transferable development rights and the execution of a conservation easement.

It is declared that the sending site for which TDR certificates are sought contains only undivided legal lots and that no substandard lots outside of the sending site are held in common ownership with the sending site.

The information in this application and supporting documents is true and complete to the best of my/our knowledge and is submitted for the purpose of certifying development rights. I/We understand that this application is subject to review for consistency with selection policies and criteria approved by the TDR Executive Committee in order to properly evaluate and process this application. I/We agree to allow PDS staff entry to our property with advance notice.

Dated at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(City) (State)

\_\_\_\_\_  
Name and Signature of Landowner

\_\_\_\_\_  
Name and Signature of Landowner

\_\_\_\_\_  
Name and Signature of Landowner

**SNOHOMISH COUNTY PLANNING & DEVELOPMENT SERVICES  
TDR FEE SCHEDULE**

**(Effective March 15, 2005)**

Fees are charged to cover the costs of application processing. PDS cannot accept your application until all fees are paid in full.

**Table 30.86.135 – TDR FEES**

<b><u>Activity</u></b>	<b><u>Fees</u></b>
Processing and review of application for TDR certificates and issuance of TDR certificate letter of intent pursuant to SCC 30.35A.050(1)(a)	\$600
Issuance of TDR certificates pursuant to SCC 30.35A.060(3)	\$150
Review of conservation easement pursuant to SCC 30.35A.060(2)	\$250
Review of deed of transferable development rights pursuant to SCC 30.35A.070(3)	\$150
Site inspection pursuant to SCC 30.35A.050(1)(b)	\$250