

Determining eligibility of a development right for sale through TDR

For March 13 Advisory Committee discussion

Please review pages 10-11 of the following document for a summary of the committee's previous discussions of this issue: [Summary of TDR Discussions to Date](#). Memo also posted on TDR project website under May 9, 2013 Committee meeting)

Proposed rule:

- If it can be built, it can be sold through TDR
- If it can't be built, it's not eligible for sale through TDR.

Some test cases:

1. *Areas where development is prohibited:*

- Floodway: residential development is not allowed.
- Industrial Forest –NRL outside of a fire district. Residential development is not permitted.

Development rights from these areas would not be eligible for sale through TDR.

2. *Areas where development is constrained:*

- Ag-NRL: Residential development is allowed only as accessory use to farming.
Test: must prove 3-years' farm income from property.

Comment: The number of residential permits on Ag-NRL has declined since this rule was implemented, but some are still being issued to those who meet the 3-year farm income test.

- Skagit River basin (outside of areas with piped water): Residential development on new wells is only allowed with a state-recognized water right or state-approved mitigation plan or alternative water source.

Comment: There is likely a pathway to development for all landowners in the basin. For some it will be easier and less expensive; for others more difficult and more expensive.

Development rights from these areas would be eligible for sale through TDR if they are located in a designated TDR sending area.