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Commissioners supportive of transfer of development rights program

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MOUNT VERNON — Skagit County commissioners expressed support Wednesday for moving forward on a transfer of development rights program after hearing a presentation on the report from county Senior Planner Kirk Johnson.

The program would allow rural landowners wishing to protect their property from residential development the ability to sell their development rights either to the county or to a developer — depending on how the program was set up — who could then use those rights to increase density on their own project in a more suitable place for development.

The report, released last month by the county's Planning and Development Services, was the product of more than two years' work with a TDR Advisory Committee to decide whether a variation of the program would work — and benefit — Skagit County. Participation in the program, if implemented, would be entirely voluntary.

Overall, the majority of the committee recommended moving forward with work on a transfer program, but didn't think it would see much use immediately. However, some rural landowners, including one committee member, said after the presentation that the program is not only unnecessary, but could have unintended negative consequences. "TDRs will not work in rural areas where there is little or no pressure for development on the rural land areas," said Ellen Bynum, a member of Friends of Skagit County, during public comment after the presentation. "They can be very complex; they can be hard to administer."

Bynum presented an array of research she had compiled that she said neither the county nor the advisory committee — comprised of representatives from a variety of city, county and citizen groups — had ever seen before. She said the evidence showed that a transfer of development rights program would not work in Skagit County.

All three commissioners made comments in support of such a program, but recognized that it may not be a simple process.

"This TDR program is a voluntary program; the concern I have is the receiving areas," said Commissioner Ron Wesen. "The words can be changed along the way to make it work."

Committee member Bruce Lisser, with Lisser & Associates, said he saw little reason to stall the program, despite the fact that it may not see much use right away.

"Is it going to be used right away? I doubt it," Lisser said. "Putting it on the books makes a lot of sense. Until you start pounding out the code, you're not going to be answering the difficult questions."

The reason the program may not see much use immediately is that while a number of areas in the county were identified as viable for sending development rights — rural lands that might seek conservation — very few areas look good for receiving those extra development rights. And new growth projections show most growth centered in Mount Vernon, where a transfer of development rights program already exists.

Ed Stauffer, a county rural resident who sat on the advisory committee, suggested the whole process to study the program was wasteful, as past studies have shown the county didn't need a transfer program.

The study was funded by grants from the state Department of Commerce.

Stauffer also questioned the commissioners on how much land they wanted to see conserved.

"If forest lands give up their development rights, that would put us closer to 80 percent (of rural lands conserved)," he said. "What is your target for conservation? You want us out? All out?"

Commissioner Sharon Dillon appeared frustrated with Stauffer and said she was confused as to what he wanted.

“Do you want the ability to sell off your land and have buildings all around it or do you want to invest in programs (to conserve rural land?)” she asked him.

Despite Bynum’s charge that the committee had failed to review all the available information about transfer of development rights programs, committee member Allen Rozema, also executive director of Skagitonians to Preserve Farmland, said the study was a thorough process.

“The county was careful to bring data to the committee,” Rozema said. “We looked at information that was both supportive and critical of TDRs. This process was, at times, painstakingly democratic.”

The commissioners still have to make a formal decision on whether to move forward and actually begin drafting the policy and code for such a program, which would then go through a legislative process with the planning commission, the public and again with the County Commissioners.

Johnson suggested the commissioners make that decision within the next few weeks.

If they choose to move forward, it would only mean the beginning of drafting an ordinance.

Actual implementation of a transfer program would still be a long way off.

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Wesen



Dillon