

TRANSFER OF DEVELOPMENT RIGHTS PROGRAM GUIDE

Guide Overview

This guide provides an overview of Sammamish’s TDR programs and processes to better inform landowners and developers that may be interested in participating.

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Questions?

Submit Project Guidance

Visit the Permit Center

City of Sammamish
801 228th Ave SE
Sammamish, WA 98075
www.sammamish.us

ABOUT TRANSFER OF DEVELOPMENT RIGHTS (TDR)

A Transfer of Development Rights (TDR) is a market-based tool that utilizes the demand associated with development to conserve environmentally sensitive lands, open space, and other lands with public benefits.

The TDR program allows landowners to sell development rights from their land (a "sending site") to a developer who then can use these rights to increase density on their project property (a "receiving site").

In exchange for selling its development rights, a "sending site" property will have a conservation easement placed on it that ensures that the land will be preserved for the public benefit. The receiving site will gain the ability to increase density on a development site beyond what is otherwise allowed by the City’s zoning code.

SAMMAMISH TDR PROGRAMS

The City’s TDR program allows owners of undeveloped or partially developed properties in certain areas of the City to transfer the development rights of that land to the Town Center area. Sammamish has three distinct TDR programs:

SAMMAMISH TDR PROGRAMS	
INTERLOCAL PROGRAM WITH KING COUNTY	Authorizes the sale of 75 TDR credits from unincorporated King County to the Sammamish Town Center’s A, B, and C zones.
IN-CITY PROGRAM	Authorizes the sale of TDR credits from properties within the Thompson or Inglewood sub-basins, erosion hazards special district overlay, or the wetland management areas special district overlay to the Sammamish Town Center’s B and C zones.
TOWN CENTER D-ZONE PROGRAM	Authorizes the City of Sammamish to sell 240 TDR credits from the Town Center D-zone to developments in the Town Center A-Zone.

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ELIGIBLE SENDING SITES

The City determines whether a property is eligible to be considered a “sending site” based on the information provided by the applicant. TDR sending sites must have intact development potential and a potential public benefit.

As part of the in-city TDR program, owners of properties located within the Thompson or Inglewood sub-basins, erosion hazards special district overlay, or the wetland management areas special district overlay are eligible to sell TDR credits. [A general map of these sending site areas is available on the City’s website.](#) A property within these areas is only eligible if it has intact development potential and provides a defined public benefit as defined in [SMC 21.06.070\(C\)](#).

THE SENDING SITE MUST:
Have enough area to create at least one development right pursuant to SMC 21.06.070(E) .
Be contiguous, except for division by public rights-of-way
Must still have development rights or development capacity that is not exhausted through any of the following: <ul style="list-style-type: none"> – Existing development on the site – Agriculture, recreation, or open space easements – Conservation of environmentally sensitive areas and their buffers through means including, but not limited to, an open space easement or native growth easement – Alteration by a conservation easement or through any agreement

THE SENDING SITE MUST ALSO HAVE <u>AT LEAST ONE</u> OF THE FOLLOWING:
Open space adjacent to/connected with a City park or open space lands
Wildlife habitat for threatened and/or endangered species listed by the federal government or the state of Washington
Be located such that preservation will provide additional protection for sensitive sub-basins or environmentally critical areas
Farmland
Forestland

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HOW TO OBTAIN & SELL A TDR

STEP 1 – SUBMIT PROJECT GUIDANCE

Fill out and submit the [Project Guidance form online](#). The City will provide a response to Project Guidance requests within 5 working days of an applicant filing the request online.

STEP 2 – ATTEND A PREAPPLICATION CONFERENCE

Depending on the conditions of the site and if environmentally critical areas are present, a Preapplication Conference may be required.

STEP 3 – APPLY FOR SENDING SITE CERTIFICATION

In order to sell a TDR, a property owner must first apply for sending site certification from the City. The City will review the application and, if approved, will issue a non-transferable TDR Certificate Letter of Intent.

STEP 4 – OBTAIN A TDR CERTIFICATE LETTER OF INTENT

The TDR Certificate Letter of Intent expires 10 years from the date that its issued. The letter has no value and cannot be transferred or used to obtain increased development rights within receiving areas. The letter includes the number of development rights made available by the sending site and an agreement by the City to issue a corresponding number of TDR certificates once a conservation easement restricting the deed has been recorded with King County and notice placed on the title of the sending parcel. A summary of the expected terms of use for the sending site as well as draft conservation easement language will also be provided to the applicant.

STEP 5 – RECORD CONSERVATION EASEMENT & SUBMIT PROOF TO THE CITY

Once the letter has been issued, the property owner is responsible for placing the appropriate conservation easement on the sending site property. The owner must also submit proof that the easement has been recorded to the City.

STEP 6 – OBTAIN THE TDR CERTIFICATE

The City will then have 90 days to conduct, at its discretion, a review of the sending site records and/or a site inspection before issuing a TDR certificate to the property owner that can be sold. There is no set price for a TDR; it is dependent on market conditions, with the cost ultimately being determined by the buyer and seller.

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NUMBER OF TDRs PER PROPERTY

The number of development rights eligible for sale on a sending site located in the in-City preservation sending site category shall be determined pursuant to [SMC 21.04.030\(G\)](#) and [SMC 21.04.030\(H\)](#).

The City offers a density calculations worksheet to assist property owners in determining the maximum number of units allowed on their property. A property owner may place a conservation easement on a portion of their property, leaving some of its development potential intact, but the portion of the property to be conserved must be made a separate legal lot.

No development rights may be assigned to land already encumbered by a conservation easement.

PURCHASING TDRS

Purchases of TDRs through the in-City TDR program by eligible receiving site properties take place between property owners and without the involvement of the City. However, the City will maintain a list of property owners who have certified TDRs and are interested in selling.

The bonus density associated with each TDR purchased as part of the in-City program may be applied to the Town Center subarea's B and C zones and for additional Town Center commercial space based on the following incentive table, pursuant to [SMC 21.06.070\(I\)\(2\)](#).

TDR RECEIVING SITE	TDR SENDING SITE		
	R-1 ZONE	R-4 ZONE	R-6 ZONE
TOWN CENTER COMMERCIAL	7,716 sf	3,560 sf	2,600 sf
TOWN CENTER B-ZONE	7 units	3 units	2 units
TOWN CENTER C-ZONE	4 units	2 units	1 unit

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