

"NEW CHAPTER"

**CHAPTER 2.101**

**TRANSFER OF DEVELOPMENT RIGHTS COMMITTEE**

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**2.101.010 Creation.**

A Transfer of Development Rights Committee is hereby created and shall hereinafter be referred to as the TDR Committee.

**2.101.020 Purpose.**

The purpose of the TDR Committee is to administer and implement the Transfer and Purchase of Development Rights Program in conjunction with the TDR Administrator as adopted in Chapter 18G.10. The issues that may be addressed by the TDR Committee include, but are not limited to, establishing and adjusting a conversion rate for the conversion of a development right to density credits, ranking and selecting sending sites to be purchased by the Development Rights Bank, determining density credits required in Comprehensive Plan amendments, monitoring the markets for development rights and density credits and making necessary adjustments to the prices for and numbers of density credits in the Bank to avoid disparities between the public and private markets, and otherwise oversee the operation of the Development Rights Bank, and develop techniques to determine whether the policy goals of the TDR/PDR program are being effectively achieved. All decisions of the TDR Committee may be reviewed by the County Council, which may require modifications through an adopted resolution issued within 30 days of receipt of written notice of the Committee's decision.

**2.101.030 Composition.**

The TDR Committee shall consist of a total of 11 members, which includes 6 ex-officio members and 5 appointed members. Members of the TDR Committee shall serve without



1 compensation and represent the various stakeholders in Pierce County holding an interest in  
2 permanent resource conservation efforts.

3 A. **Ex-Officio Members.** The 6 ex-officio members shall include:

- 4 • the TDR Administrator,
- 5 • one representative from the County Council,
- 6 • one representative from the Planning and Land Services Department,
- 7 • one representative from the Public Works and Utilities Department,
- 8 • one representative from the FARM Board, and
- 9 • one representative from the Pierce Conservation District.

10 On an annual basis, the affected Departments/Offices shall assign a specific person to be  
11 the representative and assign one alternate. All ex-officio members of the TDR  
12 Committee, except the TDR Administrator, are voting members.

13 B. **Appointed Members.** The 5 appointed members shall be appointed by the County  
14 Executive and confirmed by resolution by a majority of the County Council. The 5  
15 appointed members shall include one representative from each of the following:

- 16 • building industry,
- 17 • local land trust,
- 18 • real estate profession,
- 19 • real estate appraiser, and
- 20 • the general public.

21 The 5 appointed members of the Board shall serve without compensation.

22  
23 **2.101.040 Duties.**

24 A. **TDR Administrator.** The TDR Administrator, which can be an outside party under  
25 contract or a County employee, shall support the TDR Committee. Duties include, but  
26 are not limited to:

- 27 1. Managing the TDR and PDR programs;
- 28 2. Making recommendations to the TDR Committee on TDR program and  
29 Development Rights Bank issues on which the TDR Committee must take action;
- 30 3. Facilitating development rights transfers through marketing and outreach to the  
31 public, community organizations, developers and cities;
- 32 4. Identifying potential receiving sites;
- 33 5. Developing proposed TDR agreements with cities;
- 34 6. Assisting in the implementation of TDR Committee policy in cooperation with  
35 other departments and partners;
- 36 7. Ranking certified sending sites for consideration by the TDR Committee;
- 37 8. Negotiating with cities to establish city receiving areas with the provision of  
38 amenities;
- 39 9. Preparing agendas for TDR Committee meetings;
- 40 10. Recording TDR Committee meetings;
- 41 11. Preparing administrative rules in accordance with the Pierce County Code to  
42 implement this Chapter;
- 43 12. Making recommendations to the County Council on the TDR program and  
44 Development Rights Bank issues for which the Council may take action; and
- 45 13. Preparing annual reports on the progress of the TDR program to the Pierce County  
46 Council with assistance from other departments.



- 1 B. **TDR Committee.** The **TDR** Committee duties are defined in Chapter 18G.10 and  
2 include, but are not limited to:
- 3 1. Establish the rate of conversion from a development right (sending site) to density  
4 credits (receiving site) to be referred to as the "conversion rate";
  - 5 2. Determine the sale price of density credits sold from the Development Rights Bank;
  - 6 3. Set amount of density credits that are required for Comprehensive Plan  
7 Amendments;
  - 8 4. Authorize amenity funding expenditures consistent with the annual Budget  
9 approved by the County Council and contained in an approved city-County TDR  
10 agreement;
  - 11 5. Define terms of the TDR/PDR conservation easements;
  - 12 6. Review and approve sending site applications;
  - 13 7. Develop ranking criteria and prioritize certified sending sites;
  - 14 8. Recommend TDR agreements and the provision of TDR amenities, if any, to be  
15 forwarded to the Pierce County Council;
  - 16 9. Identify future funding for amenities in the annual budget process;
  - 17 10. Enter into written agreements necessary to facilitate density transfers by the  
18 Development Rights Bank;
  - 19 11. May waive or modify density credit requirements;
  - 20 12. May establish a program for the voluntary acquisition and use of density credits in  
21 exchange for reduced development standards, provided that all elements thereof  
22 which affect existing PCC provisions must be adopted by Ordinance of the County  
23 Council; and
  - 24 13. Monitor program activities and results to determine if changes in the regulations are  
25 needed to provide for more efficient operation, to meet program goals, and/or to  
26 correct unintended consequences, including but not limited to the consideration of  
27 adjustments to address commercial uses, transfer and purchase of development  
28 rights for historic preservation sites, and the encouragement of urban agriculture.

29  
30 **2.101.045 Urban Subcommittee and Participating Cities.**

31 The TDR Committee shall be responsible for establishing, through participatory agreements,  
32 a committee to be known as the Urban Subcommittee. The Urban Subcommittee shall be an  
33 advisory body to the TDR Committee and shall consist of appointees designated by each  
34 participating city holding an agreement with the County. Its purpose and function shall be to  
35 advise the TDR Committee and Administrator as to all transactions and activities under the  
36 program proposed to take place in a participating city. In particular, the Urban Subcommittee  
37 shall make recommendations to the TDR Committee on proposed purchases of land within or  
38 transfers of densities into a participating city.

39  
40 **2.101.050 Coordination.**

41 The County shall coordinate all matters relating to the TDR Committee's performance of its  
42 duties, including administration of the meetings, providing required notice, requesting  
43 appointments and reappointments, keeping records of meetings and decisions, documenting the  
44 TDR Committee's rules of procedure, keeping records of the TDR Committee decisions, and  
45 providing information needed to conduct its review and analysis.

46



1 **2.101.060 Vacancies.**

2 Vacancies of appointed members occurring for any reason other than the expiration of a term  
3 of office shall be filled by appointment for the remainder of the term, in accordance with the  
4 appointment and confirmation procedures of the Pierce County Charter. An appointed member  
5 vacating a position shall notify the County Executive of his/her intentions as soon as the  
6 intention to vacate is known.

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8 **2.101.070 Removal from Office.**

9 The Executive may remove any appointed member of the TDR Committee for inefficiency,  
10 neglect of duty, malfeasance, or three unexcused absences.

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12 **2.101.080 Officers.**

13 The TDR Administrator shall serve as Chairman of the TDR Committee and is a non-voting  
14 member. The TDR Committee members shall elect a Vice Chair and a Secretary.

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16 **2.101.090 Rules and Records.**

17 The TDR Administrator shall propose to the TDR Committee rules and procedures which are  
18 necessary for conducting meetings and conducting the required responsibilities of the TDR  
19 Committee. The TDR Committee shall adopt rules and procedures. The TDR Committee may  
20 also adopt rules governing its own internal affairs. No rule or procedure adopted by the TDR  
21 Committee governing its meetings or internal affairs shall be in conflict with any federal, state,  
22 or County law. The TDR Committee shall record or keep a written summary of business  
23 transactions.

24  
25 **2.101.100 Quorum.**

26 A quorum of the TDR Committee for the purpose of conducting business shall be six  
27 members and excludes the TDR Administrator.

28  
29 **2.101.110 Voting Privileges.**

30 Each member of the TDR Committee shall be entitled to one vote on any matter duly before  
31 the TDR Committee excluding the TDR Administrator. All meetings shall be open to the public  
32 and comply with the Open Public Meetings Act – Chapter 42.30 RCW. The action taken by six  
33 or more members at any given meeting shall constitute a recommendation or decision by the  
34 TDR Committee. All votes must be polled and recorded.

