

DEVELOPMENT RIGHT CERTIFICATE APPLICATION AND CHECKLIST



CITY OF BLACK DIAMOND

Community Development Dept.

24301 Roberts Drive / PO Box 599
Black Diamond, WA 98010
(360) 851-4447

ABOUT TRANSFER OF DEVELOPMENT RIGHTS:

Transfer of Development Right (TDR) is a zoning technique used to permanently protect land with conservation value (such as farmland, community open space, or other natural or cultural resources) by redirecting development that would otherwise occur on this land (the sending area) to an area planned to accommodate growth and development (the receiving area).

The program essentially provides compensation—at a rate determined by the market—for property owners to either place a conservation easement on their property or for outright transfer of their property to the City, depending on site qualifications. TDR programs allow landowners to release and sell development rights from designated properties and sell them to purchasers who want to increase the density of development in areas as determined by the City.

Parcels zoned community commercial prior to January 1, 2004, shall have three TDRs transferable for each one-fourth acre within the TDR sending area. All other parcels shall have one TDR transferable for each one-fourth acre within the TDR sending area. Provided, parcels designated as low density residential on the TDR program map must retain at least one development right per one acre or portion thereof.

PROCESS:

The TDR program was established in the early 2000s. Property owners received letters that identified part or all of their property as potentially participating in the TDR program. Parcel owners receiving a final letter of notification may request a development right certificate (DRC) from the city administrator. A DRC certifies that a specific number of development rights are available for severance from a parcel and authorizes the rights to be sold or transferred to an eligible receiving site. Upon receiving the request for a DRC, the city administrator will calculate the number of development rights attached to the parcel pursuant to the provisions of the TDR program. The DRC is valid for a period of five years following its issuance.

In order to sever development rights from a TDR sending area parcel for transfer to a receiving site, a conservation easement must be placed on the TDR sending area parcel permanently restricting development of the site to the uses allowed by the remaining development rights attached to the parcel, if any, and protecting/preserving the environmental/resource values associated with the TDR sending area.

The process for transferring and applying TDRs to an eligible receiving site is stated in [BDMC 19.24.100](#).

A pre-application meeting with the Community Development Director is **strongly** recommended.

Code References

Zoning and Procedures
Title 18 BDMC

Transfer of Development
Rights Program
[BDMC Chapter 19.24](#)

Resources

King County iMap
Black Diamond Zoning Map
TDR Explanation

Questions?

Planning Division
Permit Status

City of Black Diamond

24301 Roberts Drive
Black Diamond, WA 98010
www.blackdiamondwa.gov



To apply, please submit all documents listed under
Submittal Requirements to permits@blackdiamondwa.gov.

SITE INFORMATION

Site Address: _____

Tax Parcel Number(s): _____

Number of Development Rights you wish to certify for possible transfer: _____

Describe any changes made or further studies done to the property (dredging, clearing, development, wetland/stream study
etc.) to the property since the Final Letter of Notification was issued: _____

OWNER INFORMATION

Name: _____ Company Name (if applicable): _____

Address: _____

Phone: _____ Email: _____

OWNER INFORMATION

Name: _____ Company Name (if applicable): _____

Address: _____

Phone: _____ Email: _____

SUBMITTAL REQUIREMENTS

1. ☐ Completed Development Right Certificate Application Form
2. ☐ Copy of the Parcel Deed and Title
3. ☐ Title report confirming the applicant is the owner of the parcel and has unrestricted legal right to transfer development.
4. ☐ Legal description and parcel numbers of the properties being applied for.
5. ☐ Mortgage and/or Lien Holder Subordination and Release. The mortgage and/or lien holder must provide an acknowledgment that a conservation easement will be placed on the parcel and that they agree to subordinate their interest in the parcel to the conservation easement.



6. ☐ Acknowledgement of intent to grant to the City of Black Diamond a conservation easement in a form provided by the city permanently restricting development uses to those allowed by the remaining development rights attached to the parcel, if any, and preserving the parcel's environmental/ resource value.
7. ☐ Description of the area on the parcel that you'd like to include within the TDR program (based on the area that is being asked to be included in the program, a site survey and map showing the area of the property for inclusion into the program may be required). Also, describe any changes in the parcel occurring since the final letter of notification was issued.
8. ☐ Acknowledgement of intent to grant a fee simple deed to the parcel or a public trail easement if bonus development rights are requested.
9. ☐ Application fee in the amount set forth in the current Fee Schedule, to be paid after application has been processed.

ACKNOWLEDGEMENTS & SIGNATURES

- _____ a) I/we acknowledge my/our intent, at the time we sell or otherwise transfer the development rights for which a Development Right Certificate (DRC) is issued, to grant to the City of Black Diamond a conservation easement permanently restricting development uses on the above parcel to those allowed by the remaining development rights attached to the parcel, if any, and preserving the parcel's environmental/ resource value.
- _____ b) I/we request that the City consider issuing bonus density rights and/or expanding the base development right allocation on the above parcel.
- _____ c) If bonus development rights are requested, I/we intend to grant to the City a fee simple deed to the parcel for a public trail easement. (Initials required to be considered for bonus density).
- _____ d) I/we acknowledge that upon issuance of the DRC, at the expense of the owner, a notice will be recorded which indicates issuance of the DRC and sets forth the number of development rights that have been certified for transfer.
- _____ e) I/we acknowledge that all information in this application will become public record and will be accessible to the public for inspection and copying.

All owners of record of their representative(s) must sign below.

Name: _____

Title: _____

Signature: _____

Date: _____

Name: _____

Title: _____

Signature: _____

Date: _____