

**RCW 43.362.040 Designation of sending and receiving areas—
Inclusion of certain lands in programs for agricultural or forestland
conservation.** (1) Counties shall use the following criteria to guide
the designation of sending areas for participation in the regional
transfer of development rights program:

(a) Land designated as agricultural or forestland of long-term
commercial significance;

(b) Land designated rural that is being farmed or managed for
forestry;

(c) Land whose conservation meets other state and regionally
adopted priorities; and

(d) Land that is in current use as a manufactured/mobile home
park as defined in chapter 59.20 RCW.

Nothing in these criteria limits a county's authority to
designate additional lands as a sending area for conservation under a
local county transfer of development rights program.

(2) Upon purchase of a transferable development right from land
designated rural that is being farmed or managed for forestry, a
county must include the land from which the right was purchased in any
programs it administers for conservation of agricultural land or
forestland.

(3) The designation of receiving areas is limited to incorporated
cities or towns. Prior to designating a receiving area, a city or town
should have adequate infrastructure planned and funding identified for
development in the receiving area at densities or intensities
consistent with what can be achieved under the local transfer of
development rights program. Nothing in this subsection limits a
city's, town's, or county's authority to designate additional lands
for a receiving area under a local intrajurisdictional transfer of
development rights program that is not part of the regional program.

(4) Cities and towns participating in the regional transfer of
development rights program shall have discretion to determine which
sending areas they receive development rights from to be used in their
designated receiving areas.

(5) Designation of sending and receiving areas should include a
process for public outreach consistent with the public participation
requirements in chapter 36.70A RCW. [2009 c 474 s 4.]