

Transfer Development Rights

Noelle Higgins



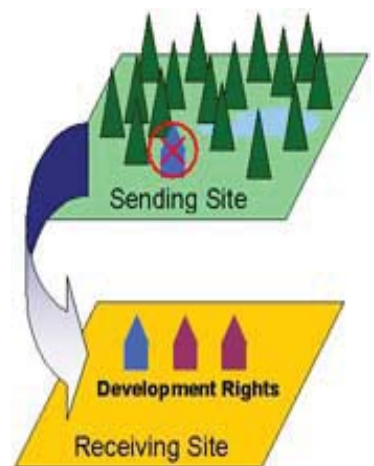
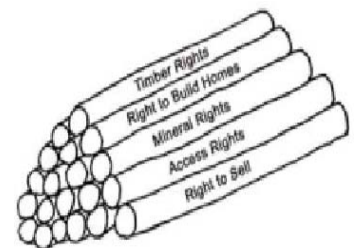
Examples: National TDR Programs

New York, NY became the first community in the United States to adopt TDR provisions when it approved its Landmarks Preservation Law in 1968. According to John Bredin, writing in the November 1998 issue of the PAS Memo, the City adopted a new TDR program in 1998 designed to prevent the demolition or conversion of live-performance theaters in the Broadway theater district.

Montgomery County, MD has the most successful TDR program in the country. County had permanently preserved over 38,000 acres of farmland using TDRs.

New Jersey Pinelands, NJ, adopted in 1980, is the most ambitious TDR program in the country, encompassing one million acres of land and allowing transfers between 60 different municipalities. The total area preserved through severance increased to 15,768 acres as of the end of 1997.

source: (Source. Bredin,2000)



What are TDR's?

“Transfer of development rights (TDR) is a market based technique that encourages the voluntary transfer of growth from places where a community would like to see less development (called sending areas) to places where a community would like to see more development (called receiving areas). The sending areas can be environmentally-sensitive properties, open space, agricultural land, wildlife habitat, historic landmarks or any other places that are important to a community. The receiving areas should be places that the general public has agreed are appropriate for extra development because they are close to jobs, shopping, schools, transportation and other urban services.” (Source:Pruetz, AICP, 1999).



farmlands



environmentally sensitive sites



cultural sites

Definitions

Development Rights

Land ownership is commonly described as consisting of a bundle of different rights. Usually when someone purchases a parcel they purchase the entire bundle of rights that might be associated with the land. Owning a development right means that you own the right to build a structure on the parcel. Development rights may be voluntarily separated and sold off from the land.

Sending Sites

Parcels that have productive agricultural or forestry values, provide critical wildlife habitat or provide other public benefits such as open space, regional trail connectors or urban separators. Preservation of these types of areas has been identified as a goal of King County. By selling the development rights, landowners may voluntarily achieve an economic return on their property while maintaining it in farming, forestry, habitat or parks and open space in perpetuity.

Receiving Site

Development rights that are “sent” off of a Owning a development right means that you own the right to build a structure on the receiving parcel. Development rights may be voluntarily separated and sold off from the land (sending site) and placed on a receiving site. A receiving site is a parcel of land located where the existing services and infrastructure can accommodate additional growth. Landowners may place development rights onto a receiving site either by transferring them from a qualifying parcel they own, by purchasing the development rights from a qualified sending site landowner, or purchasing them from the King County TDR Bank. With transferred development rights a landowner may develop the receiving site at a higher density than is otherwise allowed by the base zoning.

Source : <http://dnr.metrokc.gov/wlr/tdr/definitions.htm>

Local Precedents

Seattle (4/19/2004) City Council approved the sale of TDR's at \$1.6 million for low-income housing and to pay off \$147,630 worth of existing debt for Benaroya Hall. In exchange The Washington Mutual Bank and the Seattle Art Museum are allowed increased density in the new office tower and an expansion to the Seattle Art Museum at 2nd and Union. Washington Mutual Tower will achieve 420,000 square feet of additional density.

Source: Seattle.gov website <http://www.seattle.gov/news/detail.asp?ID=4264&Dept=28>

King County-The County currently uses two different transfer of residential density credit ordinances to encourage private property owners to preserve open space, wildlife habitat, woodlands, shoreline access, community separators, trails, historic landmarks, agricultural land and park sites.

Redmond -located just outside of Seattle, has a TDR program in which the sending areas are lands zoned Agriculture or Urban Recreation or lands classified as critical wildlife habitat. When a sending site is not classified as critical habitat, the transferable development is simply the amount of development allowed by the site's zoning once wetlands and other unbuildable areas have been excluded from the calculation.

Source: Pruetz

BASIC ELEMENTS OF SUCCESSFUL TDR PROGRAMS

A clear and valid public purpose for applying a TDR program, such as open space preservation, agricultural or forest preservation, or the protection of historic landmarks.

Clear designation of the sending areas and the receiving areas, preferably on the zoning map.

Consistency between the location of sending and receiving areas and the policies of the local comprehensive plan, including the future land-use plan map.

Recording of the development rights as a conservation easement, which will inform future owners of the restrictions and make them enforceable by civil action.

Uniform standards for what constitutes a development right, preferably based on quantifiable measures like density, area, floor-area-ratio, and height, should be used to determine what development right is being transferred.

Sufficient pre-planning in the receiving area, including provisions for adequate public facilities.

Source: BREDIN

SOURCES

Rick Pruetz, AICP, 1999, APA National Planning Conference, Chief Assistant Community Development Director/City Planner City of Burbank, California
<http://www.asu.edu/caed/proceedings99/PRUETZ/PRUETZ.HTM>

Tools for quality growth_Transfer Development rights
<http://outreach.ecology.uga.edu/tools/tdr.html>

Cases, Statutes, Examples, and a Model
John B. Bredin, Esq.

Session: April 18, 2000, 2:30-3:45 p.m.

<http://www.asu.edu/caed/proceedings00/BREDIN/bredin.htm>, John B. Bredin, Esq. 2000, APA National Planning Conference, Transfer of Development Rights:

King County: Website, Definitions -Transfer of Development Rights
<http://dnr.metrokc.gov/wlr/tdr/definitions.htm>

Seattle.gov website, City of Seattle News Advisory, 4/19/2004
CITY GAINS HOUSING, DEBT FUNDING THROUGH SALE OF TRANSFERABLE DEVELOPMENT RIGHTS, <http://www.seattle.gov/news/detail.asp?ID=4264&Dept=28>

<http://www.rivercenter.uga.edu/education/etowah/documents/pdf/tdr.pdf>

Seattle, Office of Housing, Transferable Development Rights (TDR) & Bonus Programs, Seattle.gov, website, <http://www.seattle.gov/housing/2001/TDR-BonusPrograms-2001.htm>