Transfer Development Rights
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What are TDR’s?

“T"ransfer 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).

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 parcel of land owned by a landowner, they 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.


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 unbuild able areas have been excluded from the calculation.

Source:BREDIN

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


Cases, Statutes, Examples, and a Model
John B. Bredin, Esq.
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King County:Website, Definitions -Transfer of Developemnt Rights http://dnr.metrokc.gov/wir/tdr/definitions.htm

