

Structuring a TDR Program For Land Preservation

Martin Landers, AICP Plan Tools, LLC

Presentation Outline

- *Planning Framework*
- *Defining Terms*
- *Identifying Sending & Receiving Areas*
- *Criteria for Sending & Receiving Sites*
- *Procedures for Applicants*
- *Documenting the Program*

Program Definitions

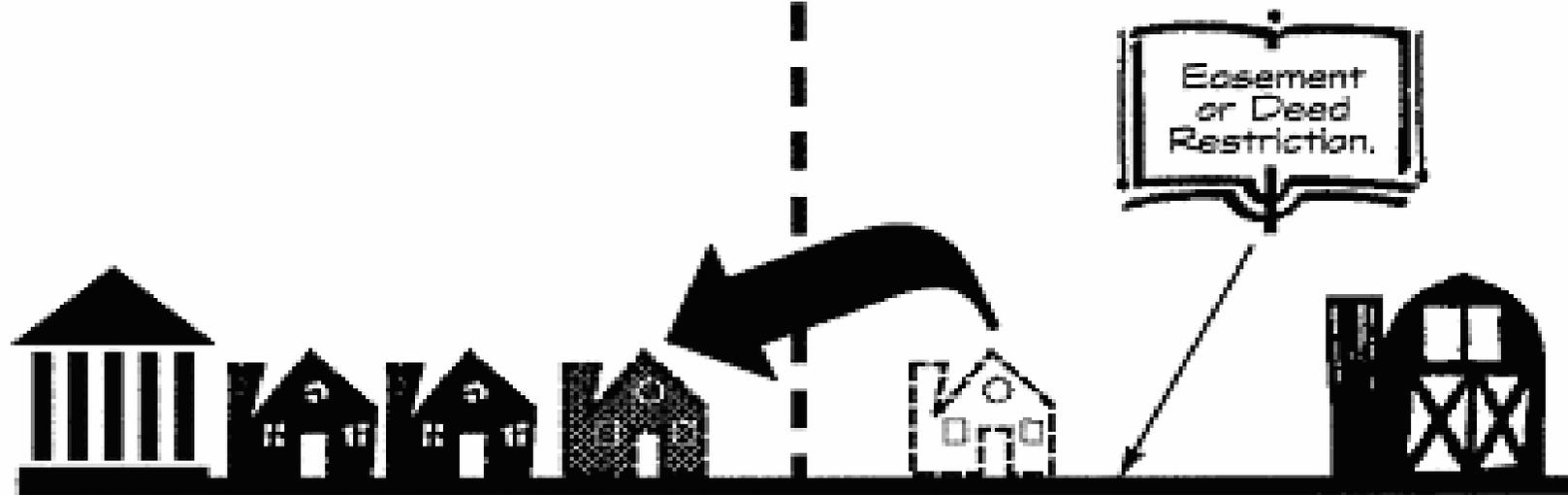
- *Base Density*
- *Bonus Density*
- *Sending Area & Site*
- *Receiving Area & Site*
- *Transferable Development Right*
- *Transfer Ratio*

RECEIVING AREA

Ability to increase density over the base density.

SENDING AREA

Ability to build one dwelling unit

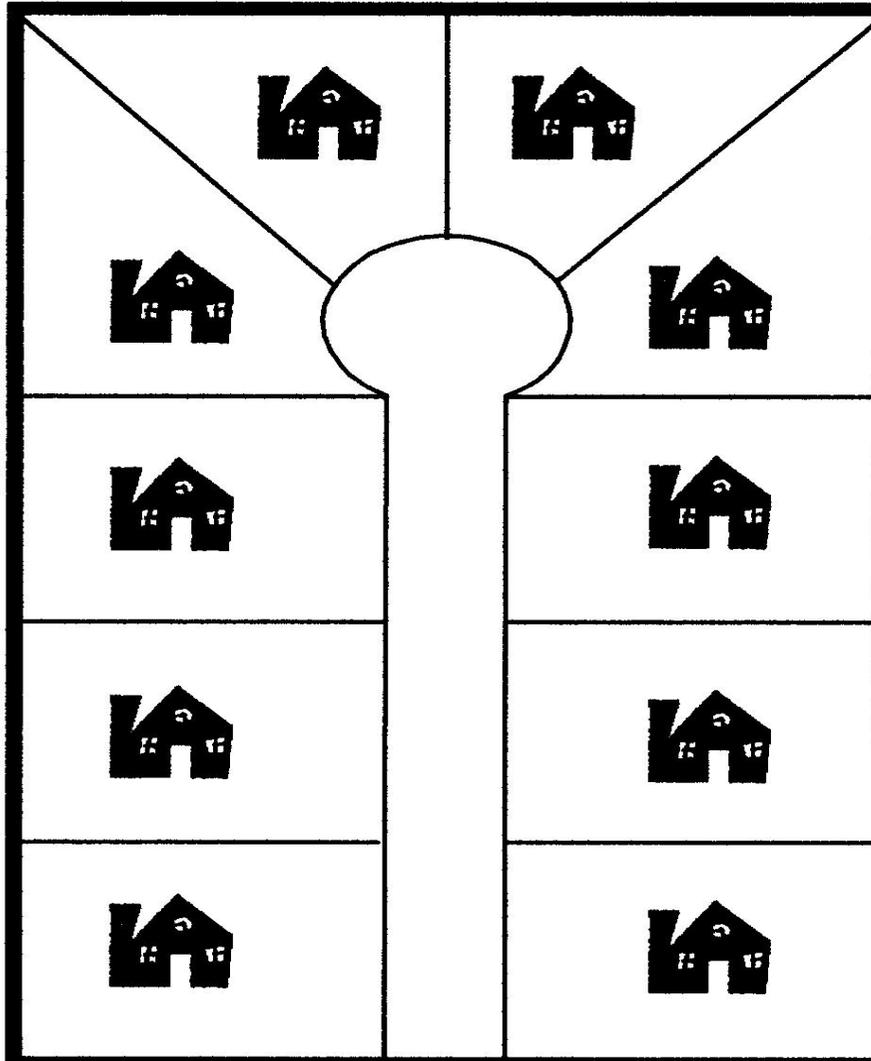


Urban area or listed rural community.

Rural areas outside of listed rural communities.

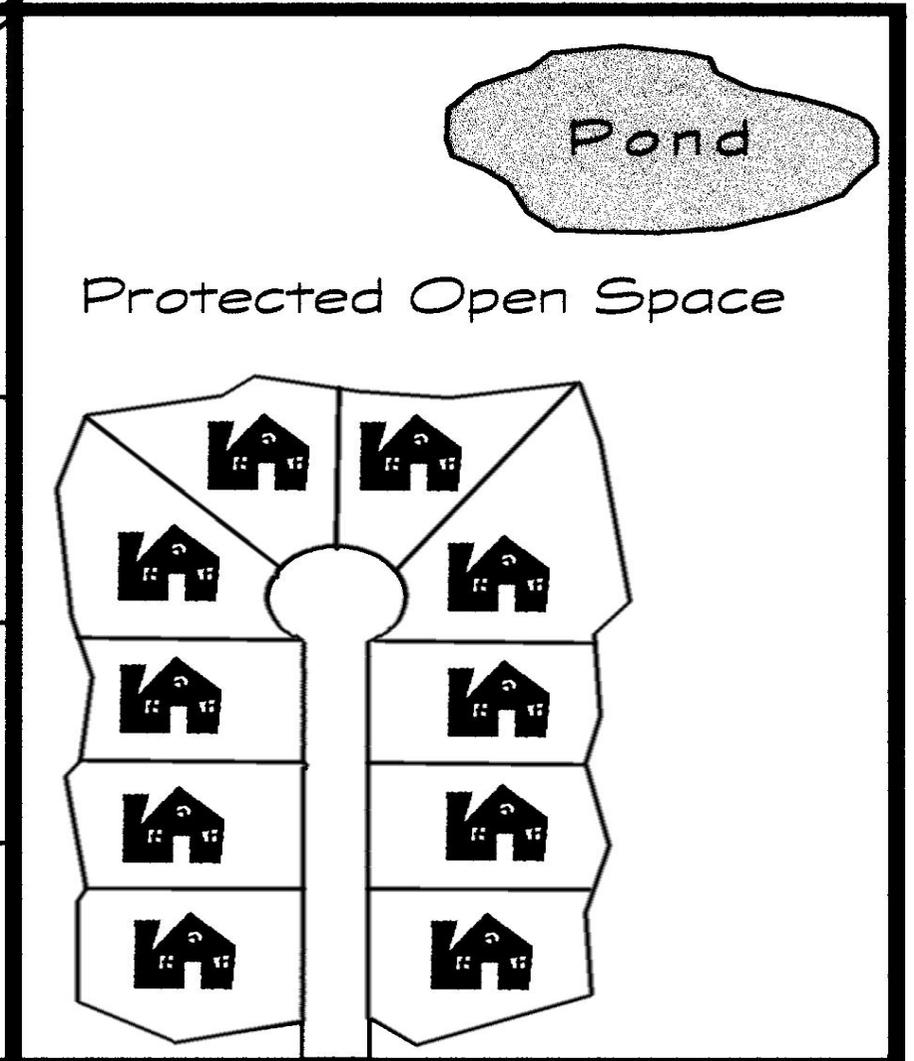
Transferable Development Rights/Credits

Standard Development



Street ROW

Cluster Development



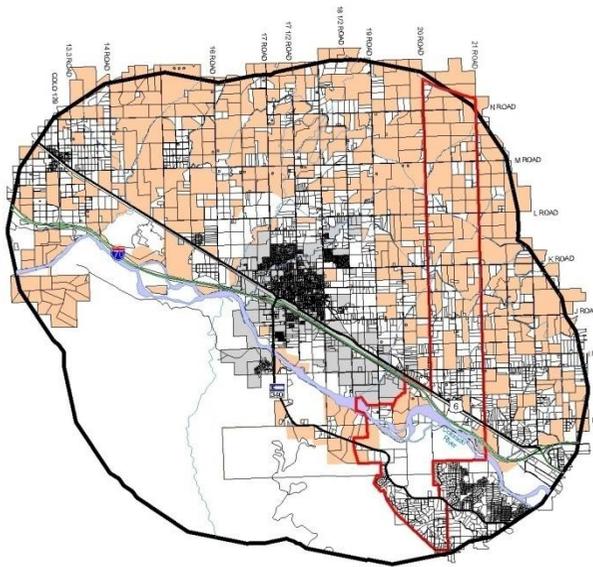
Pond

Protected Open Space

Cluster Development

Identifying Sending & Receiving Areas

TDR Sending Areas



This MAP is for general planning purposes only, and is subject to update and change. Any user should check with the City of Frisco prior to the use to be sure that the data shown is current. Because of the scale of this map, no user should not rely on it for the exact definition of any boundary or distance line shown on this map.

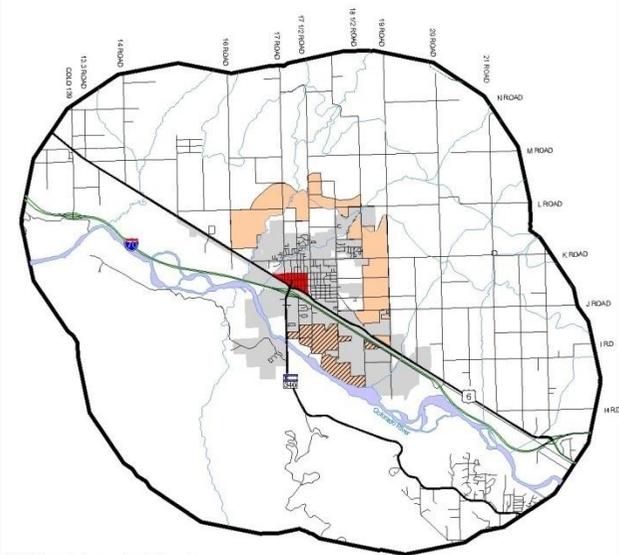
This MAP is based on information from numerous sources and the accuracy of which is not guaranteed by the City of Frisco. The City of Frisco is not responsible and shall not be liable in the case for damages of any kind arising from the data or information shown on this map.

LEGEND

- Local Road
- US/State Highway
- Interstate Highway
- Steam/River
- Colorado River
- City of Frisco
- 3 Mile Buffer
- Cooperative Planning Area
- TDR Sending Areas (City of Frisco and Council of TEs)



TDR Receiving Areas

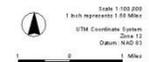


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LEGEND

- Local Road
- US/State Highway
- Interstate Highway
- Steam/River
- Colorado River
- City of Frisco
- 3 Mile Buffer
- TDR Receiving Areas
- Electricity Design District
- Rural Roadside
- South Frisco Residential



Criteria for Sending Sites

- 1. Eligibility*
- 2. Minimum Lot Size*
- 3. Calculation of Development Rights*
- 4. Deed Restriction*
- 5. Rezoning of Protected Property*
- 6. Cluster Development*
- 7. Waiver*
- 8. Determination of Transfer Ratio*

Criteria for Receiving Sites

- 1. Eligibility*
- 2. Rezoning to Higher Density*
- 3. Determination of Bonus Density*
- 4. Development Plan*
- 5. Waiver*

Procedures for Applicants

- *Procedures for Landowners of Sending Sites*
- *Procedures for Developers of Receiving Sites*

Documenting the Program

- *Master Plans*
- *Intergovernmental Agreements*
- *Development Code Amendments*
- *TDR Manual*
- *TDR Certificates*
- *Deed Restrictions*

Conservation Easements

Five Basic Components:

- 1) Preamble describing purposes***
- 2) Administrative provisions***
- 3) Affirmative rights of the easement holder***
- 4) Extinguished rights or prohibited uses***
- 5) Reserved uses and rights***

Conservation Easements

Reserved Right or Extinguished Right?

- ***All current uses of the property***
- ***Ranching, farming & agricultural activities***
- ***Maintaining structures, ditches, wells, etc.***
- ***Horseback riding & ATV use***
- ***Hunting, trapping & predator control***
- ***Timber harvesting & forest management***

Conservation Easements

Reserved Right or Extinguished Right?

- ***Selling, leasing or transferring property***
- ***Subdividing property***
- ***Additional dwelling units***
- ***Home occupations***
- ***Cell towers, WECS***

Additional Resources

- Transferable Development Rights Programs; Roddewig & Inghram; 1987
- What Makes TDR's Work? Success Factors from Research and Practice; Pruetz and Standbridge; 2009

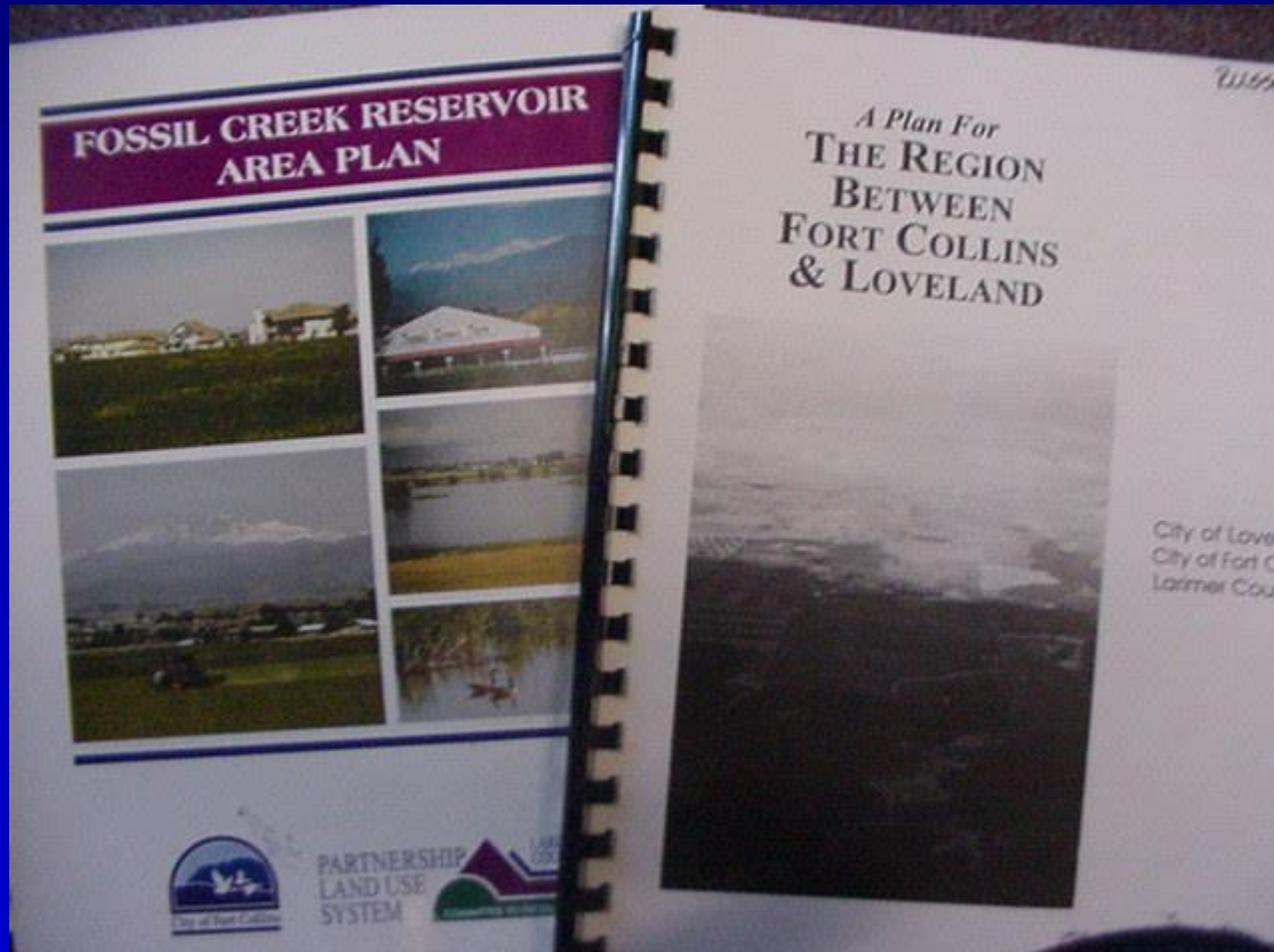
TDR'S in Colorado: Selected Case Histories

Martin Landers, AICP Plan Tools, LLC

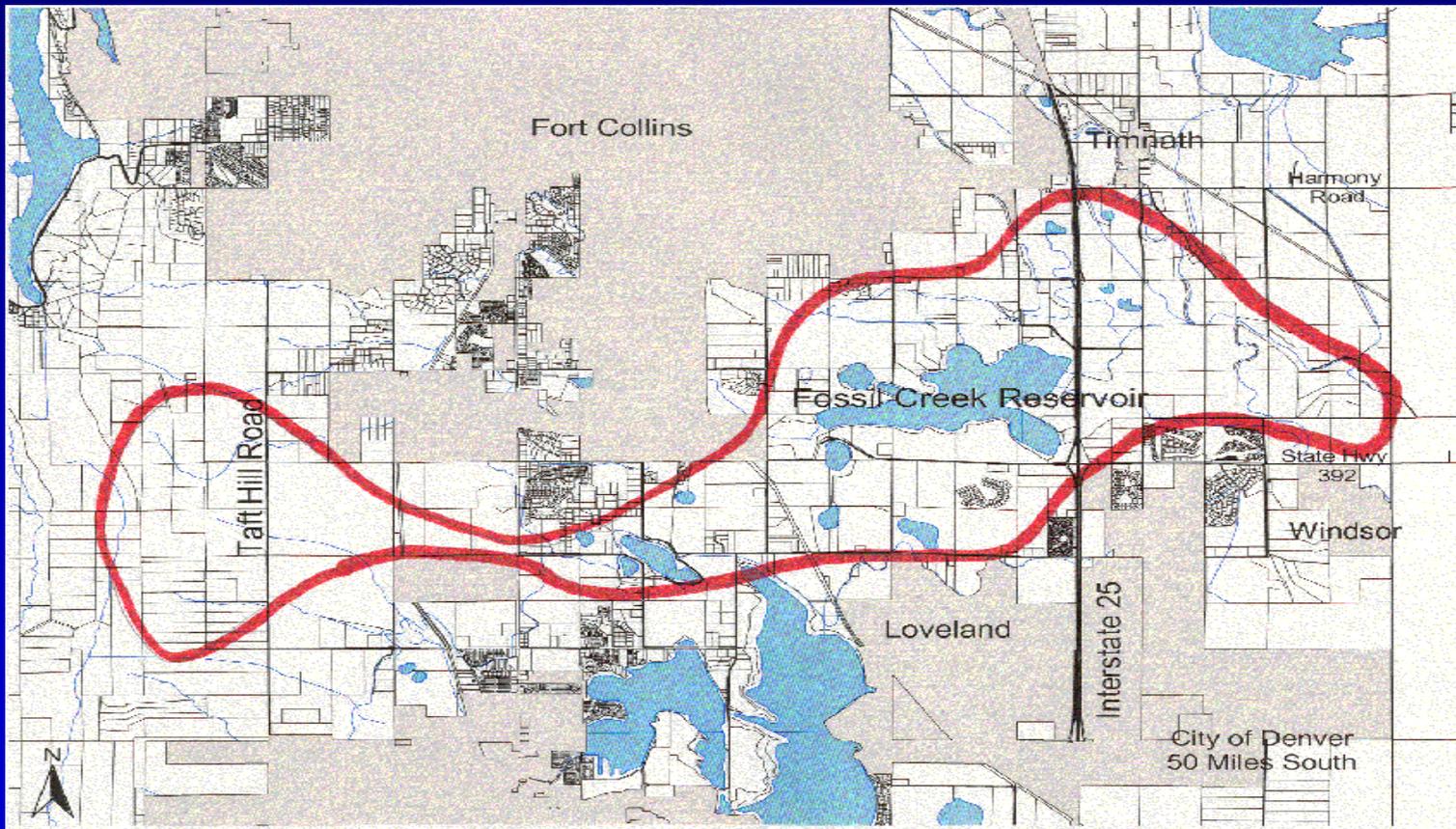
Fossil Creek Reservoir TDU Program Larimer County/Fort Collins



Fossil Creek Reservoir TDU Program Larimer County/Fort Collins



Fossil Creek Reservoir TDU Program Larimer County/Fort Collins



Fossil Creek Reservoir TDU Program Larimer County/Fort Collins



Upper Blue Basin TDR Program Summit County/Breckenridge



Upper Blue Basin TDR Program Summit County/Breckenridge



Upper Blue Basin TDR Program Summit County/Breckenridge



Upper Blue Basin TDR Program Summit County/Breckenridge



Upper Blue Basin TDR Program Summit County/Breckenridge

Transfer of Development Rights Certificate



**ISSUED PURSUANT TO SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS' RESOLUTION 2000-86
CREATING AN UPPER BLUE BASIN TRANSFER OF DEVELOPMENT RIGHTS PROGRAM UNDER THE SUMMIT
COUNTY LAND USE CODE SECTION 3202.03C AND PURSUANT TO THE INTERGOVERNMENTAL AGREEMENT
BETWEEN THE COUNTY OF SUMMIT AND THE TOWN OF BRECKENRIDGE CONCERNING TRANSFERRED
DEVELOPMENT RIGHTS AUGUST 14, 2000**

Upon execution and recordation of this certificate, _____ development rights are hereby conveyed to the purchaser and, in accordance with the Upper Blue Basin Transfer of Development Rights (TDR) Regulations, are available for use on a TDR receiving site in the Upper Blue Basin, Summit County Colorado. This certificate is non-transferable without the approved consent of the Board of County Commissioners. The purchaser may sell the development rights represented by this certificate to another private individual, provided that as part of that sale transaction, a new TDR certificate is issued by Summit County.

Issued to _____ Date issued _____

Purchaser's Signature

Summit County Planning Director

Town of Breckenridge Comm. Dev. Director

Chair, Board of County Commissioners

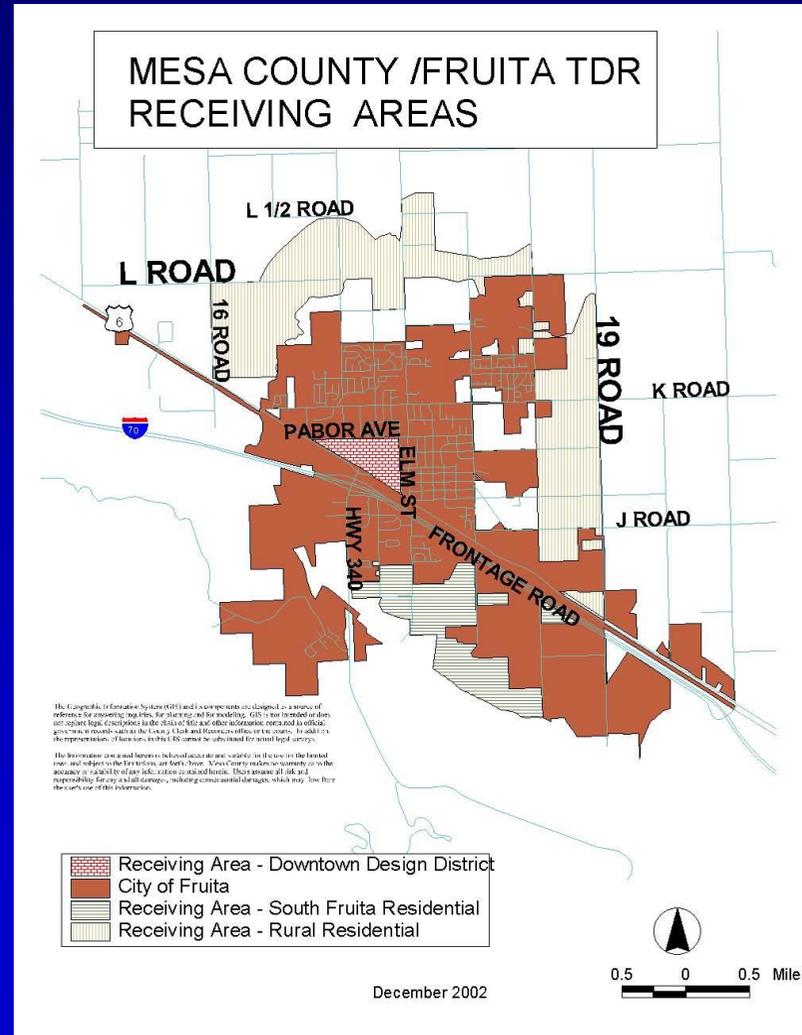
TDR Certificate No. _____

Upper Blue Basin TDR Program Summit County/Breckenridge



TDR/C Program

Mesa County/City of Fruita



TDR/C Program

Mesa County/City of Fruita

**Transferable Development Right
Certificate**

This Certificate is issued for and represents ONE Transferable Development Right out of a total of _____ Transferrable Development Rights recognized for and derived from the following real property in Mesa County (hereafter, "the Sending Site"):
at Book No. _____ Page No. _____

and is also identified as Mesa County Parcel No. _____, and Tax Identification No. _____. Upon execution and recordation of this Certificate in the real property records of Mesa County, in accordance with the Mesa County Transferrable Development Right Regulations, the ONE Transferable Development Right associated with the Sending Site as represented by this Certificate shall be completely severed and extinguished from the Sending Site, and shall not be eligible for any use related to development on the Sending Site but may be transferred to a receiving site as the City of Fruita may approve pursuant to the City's TDR Regulations.

Issued to _____ Date Issued _____

Certificate Owners Signature

Mesa County Planning Director

Chair, Board of County Commissioners

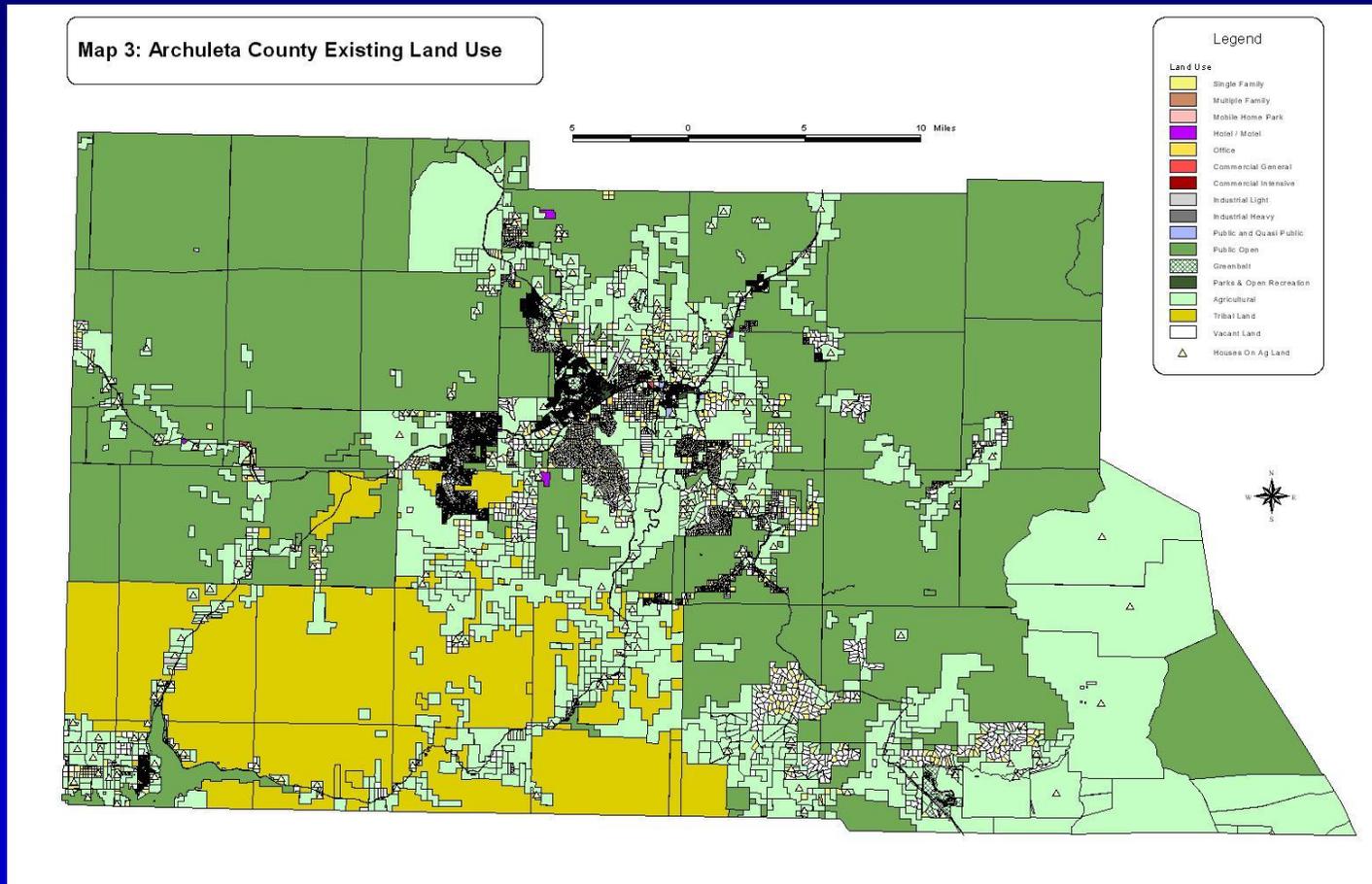
Notary Public

My Commission Expires



(Notary Seal)

Land Use Regulations Archuleta County

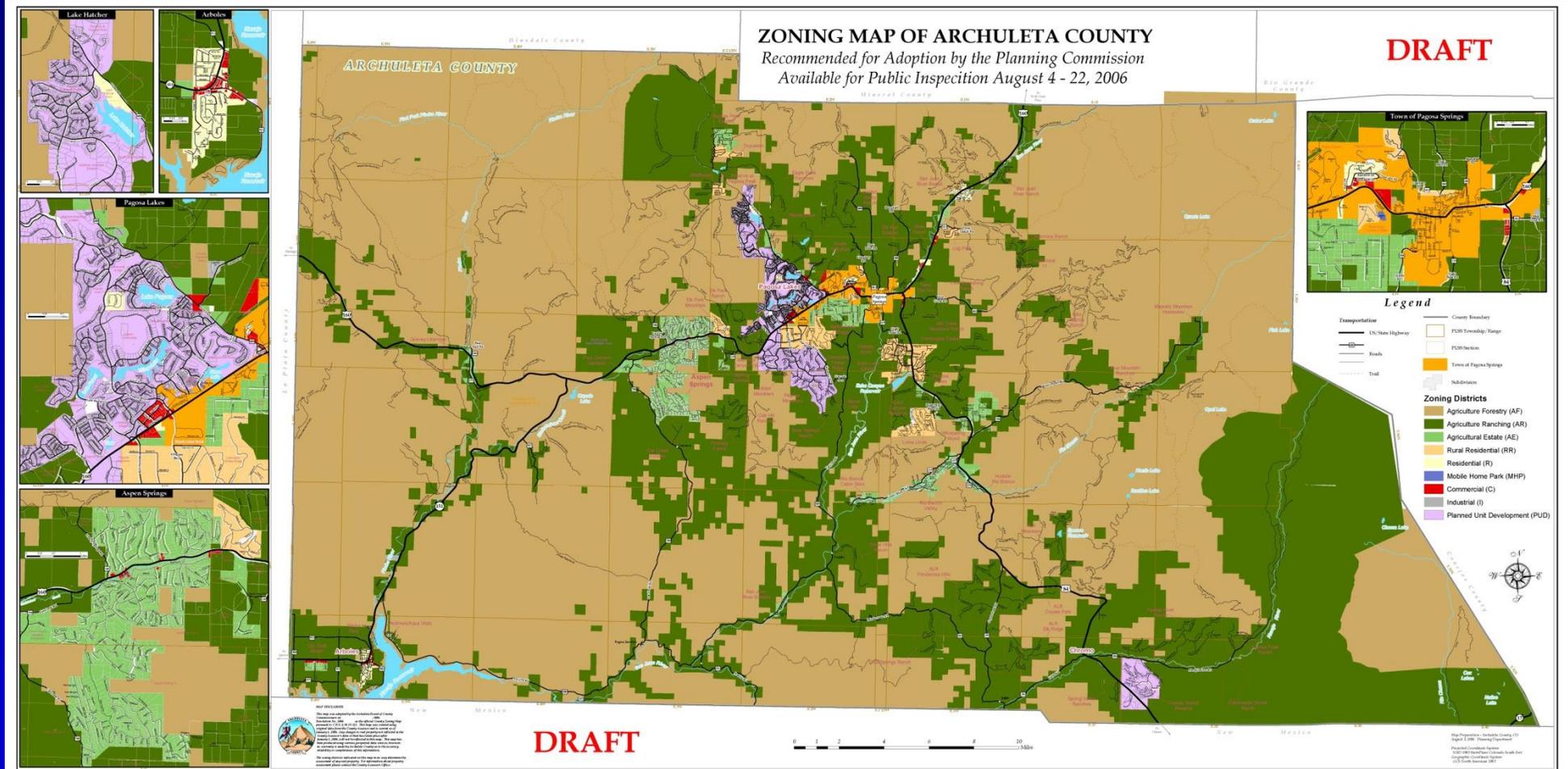


Land Use Regulations Archuleta County

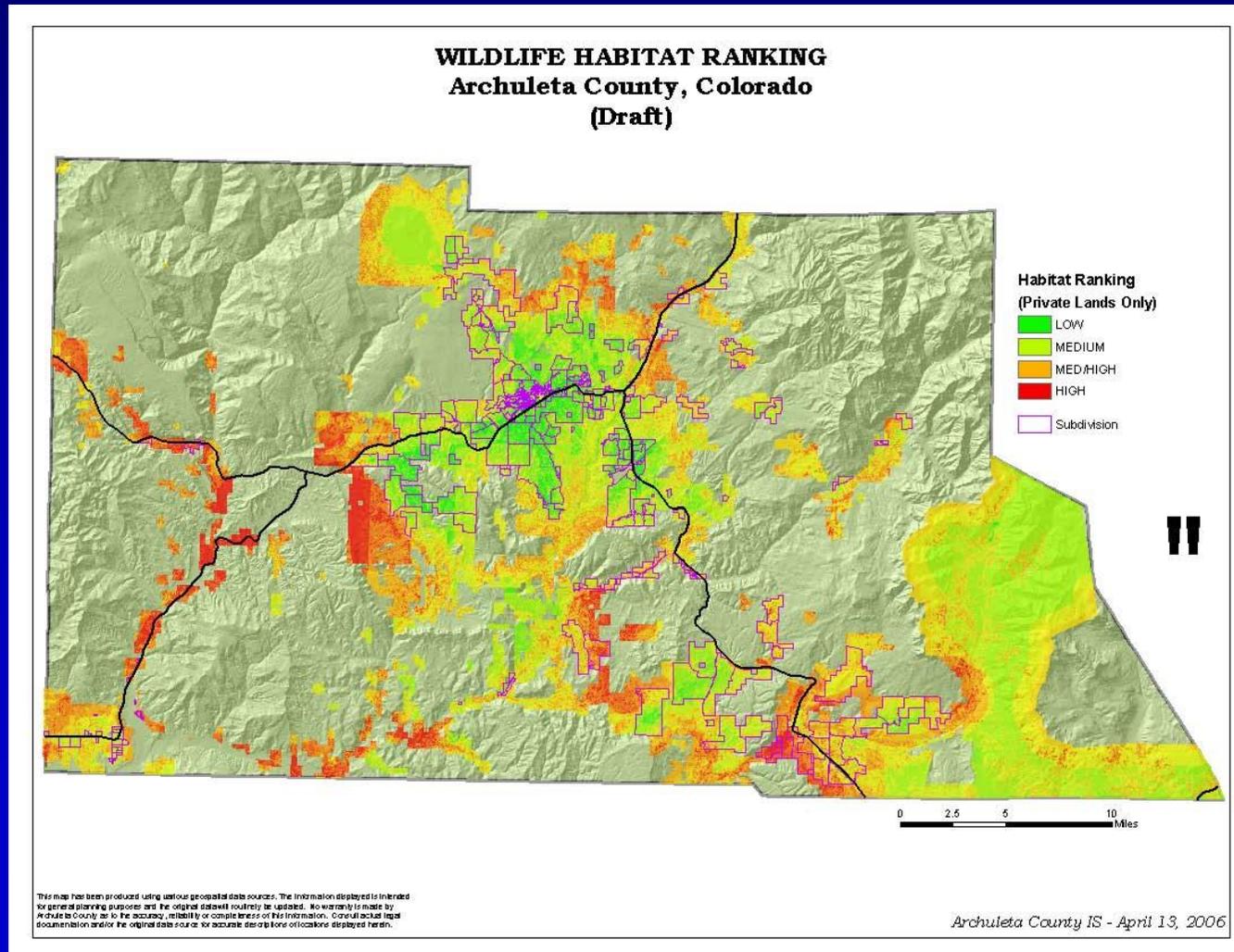
ZONING MAP OF ARCHULETA COUNTY

Recommended for Adoption by the Planning Commission
Available for Public Inspection August 4 - 22, 2006

DRAFT



Land Use Regulations Archuleta County



Land Use Regulations

Archuleta County

