

Transfer of Development Rights For GHG Reduction

PURPOSE

To provide bonus densities for developers in and around existing town and city centers, requiring in exchange, that the development include transit, bicycle and pedestrian amenities, as well as on-site workforce housing. Increased density reduces vehicle miles travelled, resulting in reduced greenhouse gas emissions.

HOW IT WORKS

Transfer of Development Rights (TDR) is a planning tool that can protect important habitats and ecosystems while promoting economic growth and denser development in less sensitive areas.

Most TDR programs designate a “Sending Area” and a “Receiving Area” with established boundaries. Sending Areas can include the community’s priority areas for land protection, such as farmlands, river corridors, water supply areas and wildlife habitat areas. Receiving Areas can include areas designated by the community to receive higher density development, such as areas in and around city/town centers, designated

SENDING



RECEIVING



growth centers, areas served by existing infrastructure/transit and brownfields ready for redevelopment. The TDR program enables landowners in the sending area to sell development rights to landowners or developers in the receiving area.

The TDR process uses a Special Permit from the Planning Board for all TDR transactions. Applicants are developers of land in “Receiving Areas” seeking additional density or reduced lot size, parking, or height requirements. Applicants must identify a willing seller of development rights in the “Sending Area”. They must file development plans for both the Sending Area and Receiving Area parcels affected. The plans must illustrate the lots to be transferred from the Sending Area, and the lots to be created or increased density or reduced parking proposed in the Receiving Area. The Planning Board reviews the Special Permit application and approves or denies the application based on detailed criteria in the ordinance.

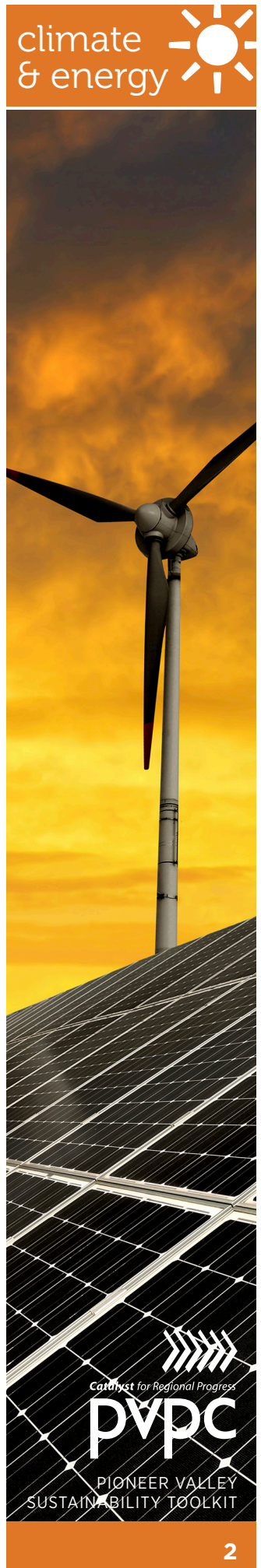
In some cases, TDR bylaws/ordinances are set up to enable developers to make cash payments, equal to the value of needed development rights, to the city/town in lieu of purchasing development rights from another landowner. This option simplifies the TDR process for developers and enables more participation in the program. Communities then use the cash payments to either buy development rights directly for priority parcels, or leverage state/federal funds to make larger purchases.

While TDR has been used extensively across the United States to preserve farmland, its use to reduce greenhouse gas emissions has little track record to date. The King County, Washington TDR program described below is one area where this approach is proposed.

EXAMPLES OF WHERE STRATEGY HAS BEEN ADOPTED

Pioneer Valley Region: The Pioneer Valley Planning Commission has a model TDR bylaw/ordinance that is unique in the United States, in that it enables the transfer of development rights from farmland to commercial or industrial properties. The PVPC model has been adopted, to date, in three communities: Hadley, Easthampton and Westfield, Massachusetts. In Hadley, the TDR bylaw has been particularly effective, and has resulted in the payment of \$338,000 in TDR cash payments to the town, which have in turn leveraged \$3.8 million in state/federal funds, and used to preserve nine farms and 239 acres of important farmland.

King County, Washington: This TDR program has been very effective and has preserved 92,000 acres of valuable open space and fish and wildlife habitat since 2000. The county has provided increased housing and infrastructure improvements in urban areas around the county’s municipalities. The newly adopted 2008 King County Comprehensive Plan stipulates that TDRs are an option available to developers to mitigate for project-related



greenhouse gas (GHG) emissions that exceed a set threshold. That is, developers who use TDRs for increased density can also capture the GHG reducing benefits that TDRs create to meet emission reduction requirements. The requirements, which are forthcoming in 2009, will be in accordance with the State Environmental Policy Act. The idea is that TDRs carry with them a GHG reduction “value” which is based on the vehicle miles that will not be traveled as a result of restricting future development on rural TDR sending sites and relocating the development potential onto projects within existing urban areas – areas known to require less driving and commuting.

Montgomery County, Maryland: This TDR program was established to preserve farmland and curb sprawl originating from Washington D.C. The county has promoted development in areas that are readily served by public services such as transportation, wastewater, and public water supply. Montgomery County is touted as having one of the most successful TDR programs in the nation. Since its inception in 1980, the county has protected over 50,000 acres of farmland and open space. Montgomery County’s achievement is due in large part to its success in forming a market for development rights.

LINKS TO MODEL BYLAWS OR MORE INFORMATION

PIONEER VALLEY PLANNING COMMISSION:

http://www.pvpc.org/val_vision/html/toolbox/index.html

KING COUNTY, WASHINGTON TDR PROGRAM:

See <http://dnr.metrokc.gov/wlr/tdr/>.

MONTGOMERY COUNTY, MARYLAND PROGRAM:

www.mcparkandplanning.org/community/plan_areas/rural_area/planning_process/about_the_process/tdr.shtm

FOR MORE INFORMATION, PLEASE CONTACT

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