

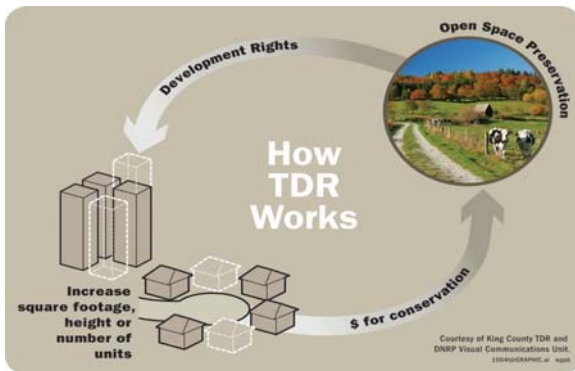
# Transfer of Development Rights in Your Neighborhood

## A Citizen's Guide to TDR Receiving Areas

Under a transfer of development rights (TDR) program, development rights may be shifted into city neighborhoods from county rural, farm, and forest lands, or other rural open space lands of value to the community. This guide helps you, the citizen, understand what you need to know to engage in the TDR and growth management planning process.

### What is TDR?

Transfer of development rights (TDR) is a market-based land use tool that cities and counties use to grow in compact communities while conserving natural resource and open space lands. A TDR program contains several elements. A community identifies areas that it wants to conserve, such as privately owned farms, forestland, open space, or other lands depending on the local program. These lands, known as “sending areas,” provide jobs, food, outdoor recreation, timber, and open space.



Through voluntary transactions, landowners in sending areas sell their right to build homes on their land to developers in urban areas. Landowners receive money from the sale and continue to own and use their land, while developers in urban areas pay for the right to build more homes or commercial space than zoning would otherwise allow. These “receiving areas” designated for development rights are identified by the community as being better suited for locating additional growth, and are often located in cities. Planning for more compact development in receiving areas should result in more walkable communities with access to transit, a variety of shops and services, amenities such as open space and street trees, and a reduced need to drive.

Under some programs, development rights can be converted to additional building height or commercial floor space, or revised parking or stormwater requirements. Receiving areas should have, or should be planning for, the infrastructure capacity and services to meet the needs of increased growth.

### Why should you be involved in planning for TDR in your neighborhood?

Under TDR programs, developers may build more densely than base zoning allows, and the community expects, in exchange for conserving natural resource and open space lands. Designating receiving areas requires deciding which neighborhoods are appropriate for growth, and what kind of additional growth should be allowed. You should look for the following:

- **Amount and type of growth that is being considered with use of TDR in the receiving area:** Receiving area cities or counties can consider a number of uses for TDR based market interest, and what will fit with the community’s vision for the neighborhood. In a commercial area, additional building height or square footage may be appropriate.
- **Vision of the neighborhood with use of TDR:** TDR can be used to encourage the kind of development a community envisions with incentives for building that supports a planned mixed of uses or access to transit.
- **Local benefits for TDR receiving areas:** TDR can support existing plans for the neighborhood, such as plans for open space and parks, trails, transit, and watershed protection. For example, concentrated development can support transit, take advantage of existing infrastructure, and move development out of areas critical for watershed protection.
- **Regional benefits for TDR receiving areas:** Conserving land in sending areas provides many benefits, such as protecting your drinking water sources, providing natural flood prevention, protecting endangered salmon in their creek or watershed, protecting adjacent agricultural land, and ensuring local production of food.
- **Ratios:** Also referred to as exchange rates, transfer ratios, or multipliers, receiving area ratios establish how much additional density a TDR may be used for in the receiving area. You should pay attention to receiving area ratios that would be based on an analysis of what the development market is interested in building and what a developer is willing to pay.





- **Adequate capital facilities:** An effective TDR program requires adequate resources be devoted to the program's design and implementation, including planning, funding, and implementation for capital facilities in receiving areas. Capital facilities include water, sewer, roads, transit, recreation, community services, and schools.
- **Use of TDR once receiving area is designated and adopted:** Contact your planning department to receive notice of any permit applications that use TDR. Find out what the public participation opportunities in the permit process are for use of TDR. Permit applications will be reviewed for consistency with the TDR regulations. Therefore, you should remember that the most important time to participate in the planning process is when the TDR regulations are being developed.

## How can you engage in the planning process for TDR receiving areas?

The basis for TDR programs is in local land use policies and zoning regulations. Land use planning laws involve elected and appointed officials, planning staff, a broad range of citizen groups, and individuals such yourself.

- **Planning staff:** Planners bring technical expertise and knowledge to land use planning. They conduct studies, manage planning regulations like zoning, subdivision and TDR ordinances, and serve as a public resource on planning. Planning staff will conduct any early public participation activities to develop TDR policies and regulations.
- **Optional Tools for early and continuous public involvement:** Here are some of the tools commonly used by local government to engage with citizens; you can request your jurisdictions to engage in any and all of these options.
  - Workshops
  - Display/Reader Boards
  - Citizen Advisory Committees
  - Neighborhood Surveys
  - Newsletters
  - Websites/Blogging
  - Brochures
  - Cable Access
- **Planning commissioners:** Planning commissioners are non-partisan appointed volunteers who review comprehensive plan policy amendments and development regulations. Most cities and counties have a planning commission where proposed planning decisions such as TDR policies and regulations are formally presented by planning staff. The planning commission may conduct a work session where the TDR proposal is presented and commission members can ask questions. The planning commission must conduct a public hearing or hearings for the public to offer testimony. The planning commission will then make a recommendation to the city council, county council, or county board of commissioners. [Note: King County does not have a planning commission or planning department. Initial public hearings are held by King County staff.]
- **City councils, county councils and executives, and boards of county commissioners:** Elected officials set the rules, and make final decisions on comprehensive plan policies and development regulations. They will receive the planning commission's recommendations (or staff recommendations if there is no planning commission) regarding the TDR proposal. The elected officials may have a work session and a public hearing on the proposal where citizens may testify. The vote is the final decision on the proposal, unless the county has a council, and then the county executive has to signature or veto. [Note: King, Pierce, Snohomish and Whatcom Counties have councils and executives. Others have three commissioners.]
- **Citizens or public:** Citizens are the backbone of land use planning issues, but not a single entity. "Citizens" include individual citizens, citizen's advisory committees, neighborhood associations, the development community, chambers of commerce, and members of local environmental organizations. Often, citizens' perspectives vary widely and local neighborhood leaders can help coalesce opinions to create equitable solutions.
- **Open Public Meetings Act:** The Open Public Meetings Act states that: "All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter." The Act applies to planning commissions, city councils, county council, and county boards of commissioners. Basic meeting requirements include adequate notice, and final action may not be taken on any item not on the agenda.

Every city and county planning under the State Growth Management Act is required to have a public participation program. Contact your local planning department to learn about local public participation requirements.

**Now that you have read this guide, you have the tools you need to ensure your neighborhood benefits from TDR.**



Learn More About the Regional TDR Alliance at: [www.commerce.wa.gov/tdr](http://www.commerce.wa.gov/tdr)

*The Regional TDR Alliance's partners include King, Pierce and Snohomish Counties, the Washington State Department of Commerce, Puget Sound Regional Council, and the Cascade Land Conservancy.*