Transfer of Development Rights

Oregon Department of Land Conservation and Development

The Brandywine Conservancy
Can Reduce Rural Sprawl
Basics of a TDR Program

- State enabling legislation
- Amendments to the comprehensive plan and zoning ordinance
- Deed restrictions or conservation easements
- Intermunicipal agreements
Senate Bill 763

- General enabling legislation
- Allows intermunicipal programs
- Receiving areas may be in UGBs or Urban Reserves
- Open-ended incentives available for landowners & developers
La Pine TDC program

- Water quality protection
- County-owned receiving area
- Receiving area must use TDCs
- 150 development credits transferred
- Expanded to allow transfer of credits to upgrade septic systems
Successful TDR Programs

- King County, WA 135,000 ac.
- New Jersey Pinelands, NJ 48,000 ac.
- Montgomery County, MD 47,000 ac.
- Palm Beach County, FL 43,000 ac.
- Dade County, FL 18,000 ac.
- Calvert County, MD 13,000 ac.
- Boulder County, CO 5,900 ac.
- San Luis Obispo County, CA 5,600 ac.

Source: Rick Preutz, 2007 & King County, WA, Planning
TDR Success Factors

- Market for development
- Landowner & developer incentives
- Balance in sending & receiving area capacity
- Agreement on regional transfers
- Coordination with land trusts & others
- Good county record-keeping
- TDR registry & publicity
- Program monitoring & adjustment
TDR Provides…..

- Another choice for landowners
- New opportunities for developers
- Permanent protection of farm & forest land & other natural resource values
- Compatibility for adjacent resource lands
M49 Authorization for TDR

• “…Metro, cities and counties may enter into cooperative agreements…to establish a system for the purchase and sale of severable development interests…for the purpose of allowing development to occur in a location that is different from the location in which the development interest arises.”

• Section 11(8), chapter 424 Oregon Laws 2007
Clackamas County Measure 49 Claims

Authorized Measure 49 claims in relation to conservation and development areas in a portion of Clackamas County
M49 TDR Work Tasks

- Qualifying M49 properties
- Landowner incentives/ transfer ratios
- Methods of land protection
- Workable receiving areas/ developer incentives
- Intermunicipal transfer of rights
- TDR registry & record-keeping
- Model ordinance, intermunicipal agreement, conservation easement, deed restriction & development credit deed
- Future M49 claims