TRANSFER OF DEVELOPMENT RIGHTS

A look at Williston's current program and possible improvements

Transfer of Development Rights

19.5 Transfer of Development Rights

- **19.5.1 What is the transfer of development rights?** A transfer of development rights occurs when the right to develop on one parcel of land is used on a noncontiguous parcel. The parcels involved may be in the same or different ownerships.
- **19.5.2 Is the transfer of development rights permitted in Williston?** Yes. Residential development rights may be voluntarily transferred from lands in the ARZD or from conservation areas shown in the Open Space Plan in other zoning districts to lands within the growth center. Development rights may be transferred one-to-one up to the maximum density permitted in the receiving zoning district by Tables 19.A and 19.B.

Transfer of Development Rights in Williston

How does Transfer of Development Rights function in Williston?

- Since implemented, the provision has only been leveraged a few times.

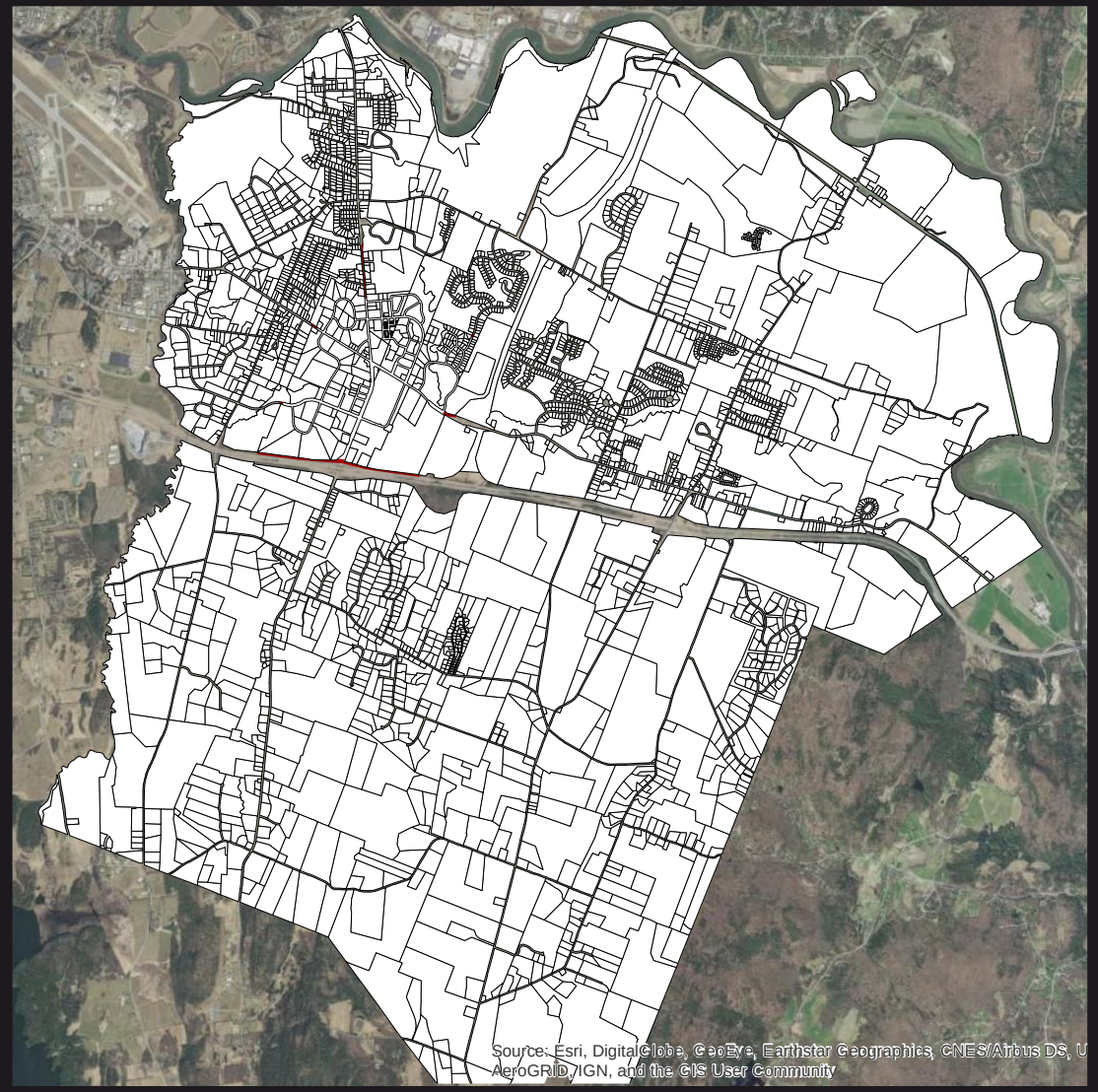
Development	TDRs purchased	Acres Protected	Value
Taft Corners	??	295	$75,000
Finney Crossing	??	28	
Cottonwood Crossing	??	14	$25,000

The question marks in the table above indicate the lack of adequate documentation.

Williston's existing regulatory means of protecting open space

Parcel size in acres

Since the adoption of the September 2004 interim regulations set the standard for promoting open space in the ARZD, approximately 256 acres of open space has been protected by Williston's 75% open space requirement. An additional 358 acres of open space has been protected in all of the other zoning districts.



Transfer of Development Rights in Williston

How can we make it work better?

Williston Comprehensive Plan Chapter 3 - Land Use:

3.2.3 Develop a more robust and refined Mechanism for Transferring Development Rights to help Preserve Williston's Rural Character and Important Open Space Areas.

Transferring the development rights from one piece of land to another can be an effective tool for preserving important agricultural lands and other environmentally sensitive landscapes. The town has used this mechanism to a limited degree but the process for doing this has been defined only in outline form. The town should consider developing a more robust set of standards for transferring development rights from land areas that the town wishes to preserve, such as those stated in Policy 13.1.11, to those portions of town where the town wishes to encourage development, such as the Growth Center.

How many TDRs are possible in the Growth Center?

Undeveloped parcels are shown in light orange and labeled with the number of possible TDRs (the right to develop 1 dwelling unit transferred from a “sending area” to a “receiving area”)

1,206 TDRs are available for undeveloped parcels in the Growth Center.* If all of these were utilized, 2,200+ acres of high-priority lands could be permanently protected.

This doesn’t count parcels that have redevelopment potential where TDRs could be used (such as Maple Tree Place, Home Dpeot and Walmart parcels).

* Available TDRs were determined by calculating allowable density on unconstrained lands, and then subtracting the number of existing dwelling units.

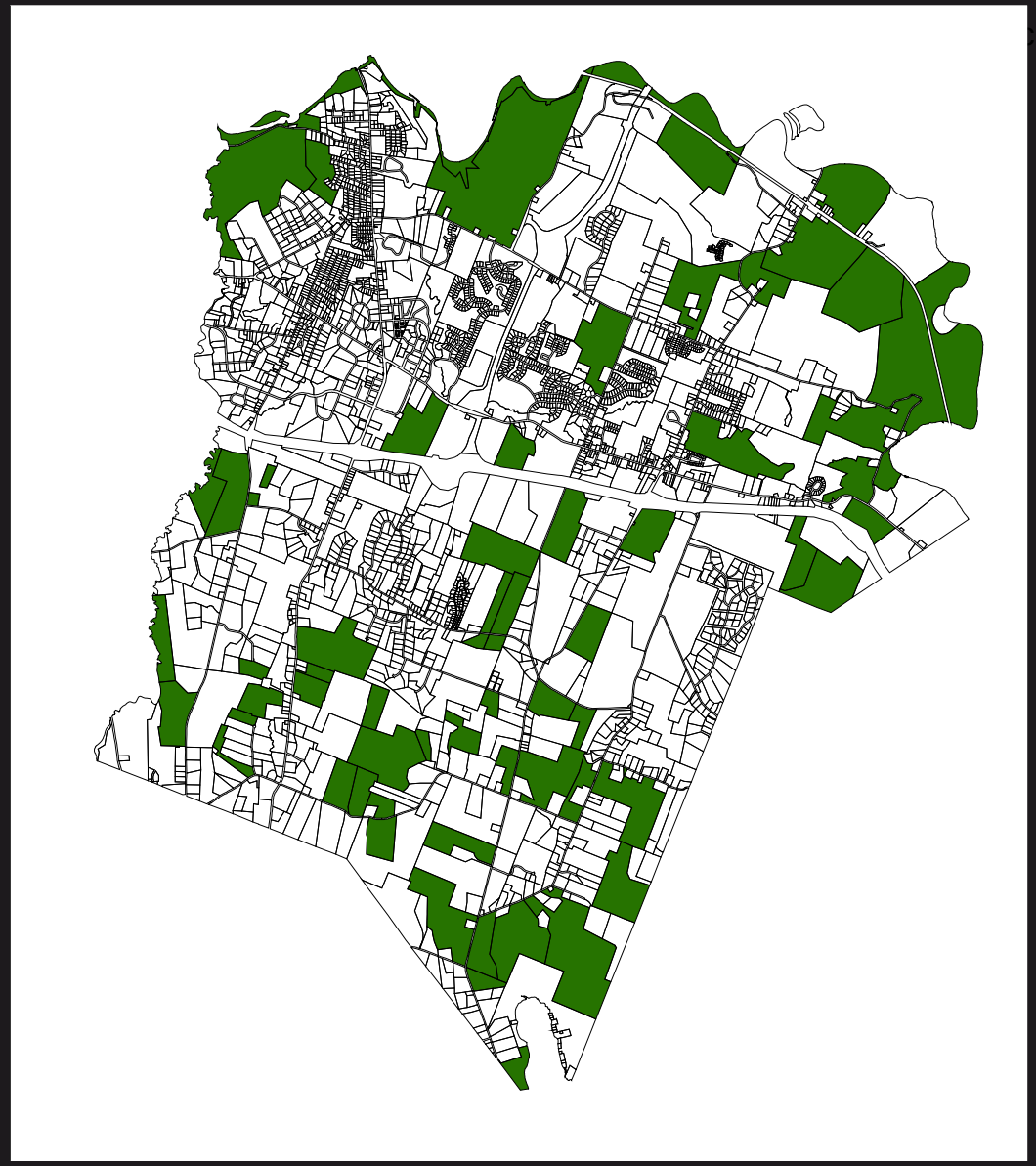
How many TDRs are available in other parts of town?

High priority parcels for conservation are shown in green.

There are 4,950 acres of high priority land.

Of this, 2,378 acres are unconstrained.
1,766 acres are totally constrained (no development allowed).
806 acres are partially constrained (15 – 29% slopes, development allowed at a density of 1 DU/10 acres).

A total of 1371 TDRs are available for purchase on high priority parcels in Williston.



Considerations of a TDR Program

- Currently the sending areas as defined in Chapter 19 include parcels in the ARZD. Should sending areas include all high-priority parcels in other zoning districts?
- Should there be minimum acreage thresholds or minimum # of TDRs applied and if so, what?
- How to go about creating a list of eligible "sending" parcels? Suggest...
  - Start with informational mailing to all "high-priority" landowners
  - Assess potential interest in participating and follow up with informational meeting
- How to get the word out to developers that TDR program exists?

Administrative Requirements of a TDR Program

- Town is required to maintain a map of lands from which development rights have been severed, including reference to land records where associated easements have been filed
- Town should formally document the attachment of transferred development rights to a property and the density bonuses obtained (and therefore the TDR is no longer available to be used somewhere else)
- Policies for taxation of land without development rights, as well as for the unused development rights held by another party