

Transfer of Development Rights: A Climate Change Adaptation Tool for Rhode Island

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Statewide Planning Program

Climate Change in RI

- ◆ The Problem:
Predicted 3 to 5 foot rise in sea level by 2100.⁽¹⁾
- ◆ The Impact: RI's ecological, economic, and cultural assets threatened.

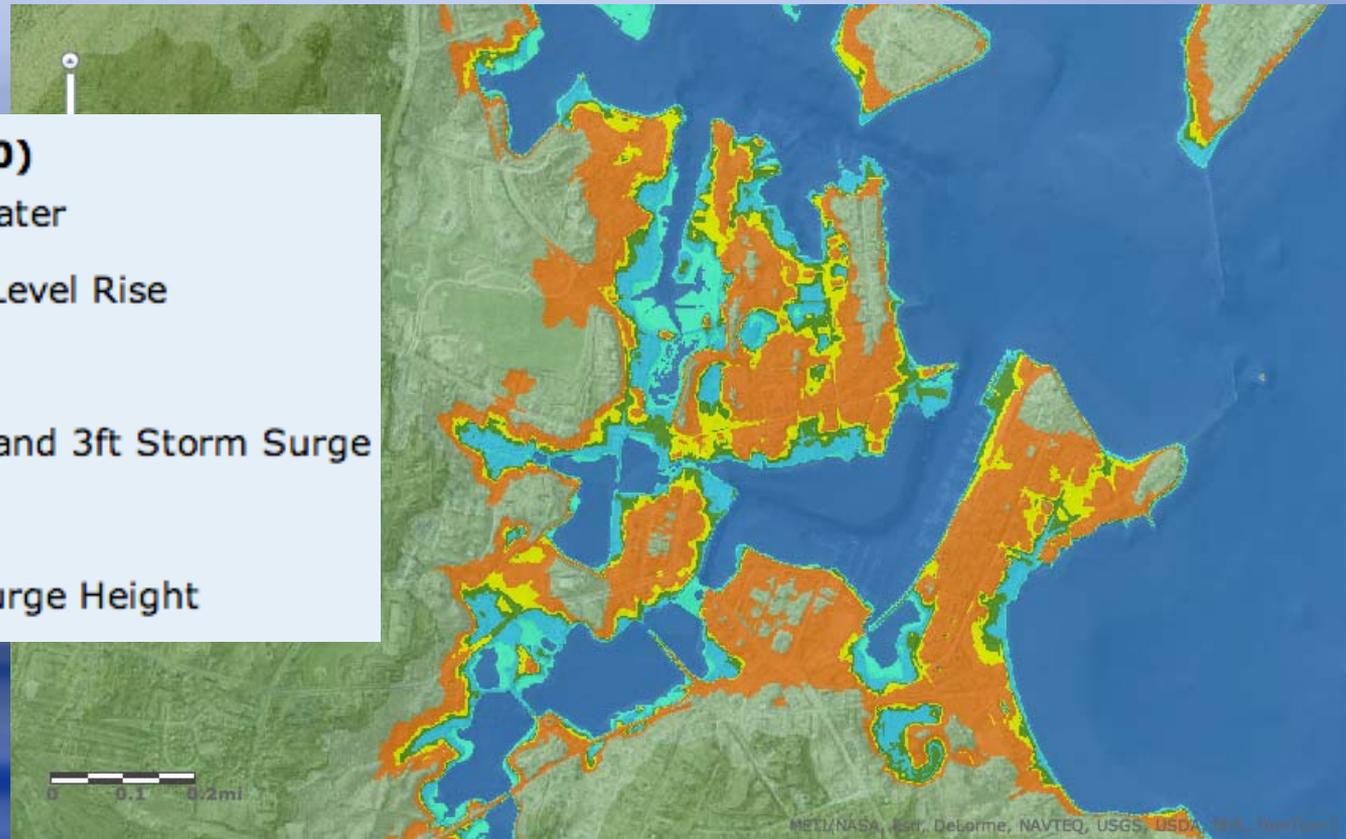


Westerly, RI Oct. 31, 2012, Providence Journal

(1) Section 145, Coastal Resources Management Council (CRMC) Red Book

Light and Radar (LiDAR) Analysis

Simulated Inundation Surfaces for Wickford Village, North Kingstown RI



All Inundation Zones (0)

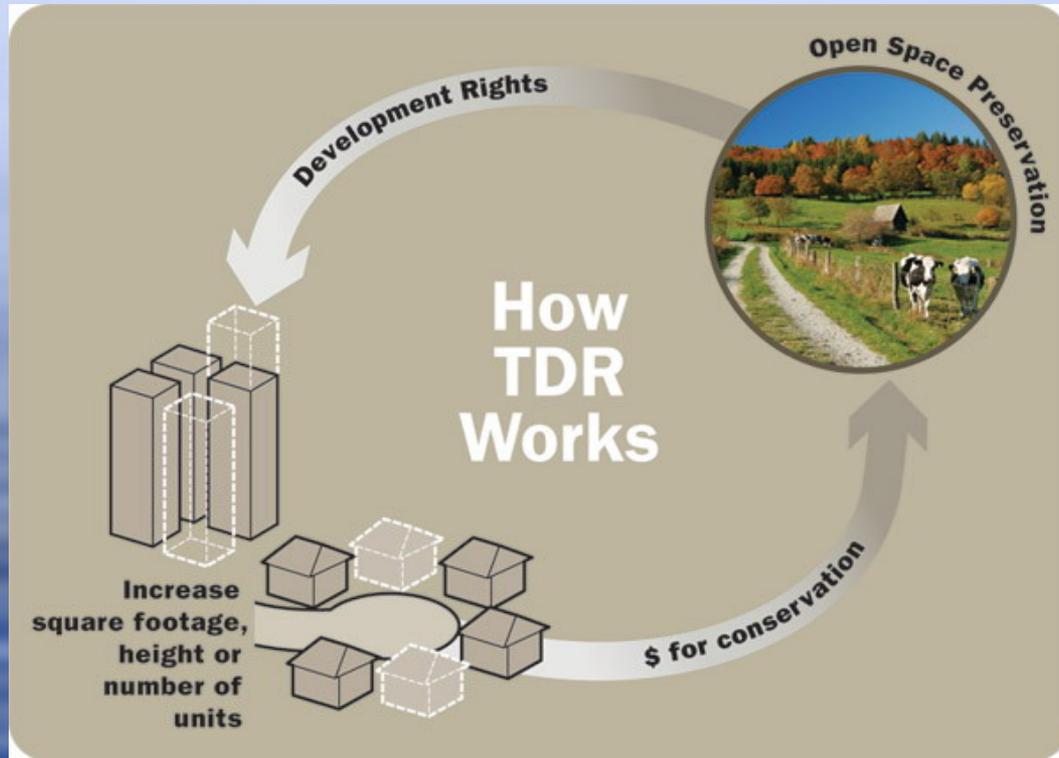
- Mean Higher High Water
- MHHW plus 1ft Sea Level Rise
- MHHW plus 3ft SLR
- MHHW plus 1ft SLR and 3ft Storm Surge
- MHHW plus 5ft SLR
- Hurricane of 1938 Surge Height

Selected Options

- ◆ Do nothing: Laissez-faire.
 - ◆ Advantage: Less paperwork.
 - ◆ Disadvantage: RI's coastline looks like post-Sandy NY and NJ. Repetitive losses, expensive.
- ◆ Buyback plan: Take properties with eminent domain powers.
 - ◆ Advantage: Coastline becomes natural buffer for inland assets
 - ◆ Disadvantage: Extensive litigation ensues. Expensive.

Transfer of Development Rights (TDR)

- ◆ Definition: a voluntary and market-based tool used to direct development away from environmentally sensitive “sending” areas and into “receiving” areas with the desire and capacity for more development.



- ◆ Incentive for sending area: preserve land and protect resources.
- ◆ Incentive for receiving area: develop growth center and attract investment.
- ◆ Voluntary.
- ◆ Long-term planning tool.

Top Ten TDR Success Factors

- 1 Demand for Bonus Development
- 2 Customized Receiving Areas
- 3 Strict Sending Area Regulations
- 4 Few Alternatives to TDR
- 5 Market Incentives
- 6 Certainty of TDR Use
- 7 Strong Public Preservation Support
- 8 Simplicity
- 9 Promotion & Facilitation
- 10 TDR Bank

TDR 101 Presentation,
March 2013



Transfer of Development Rights in Rhode Island

Mini-Conference: March 27, 2013



DODSON & FLINKER
Landscape Architecture and Planning



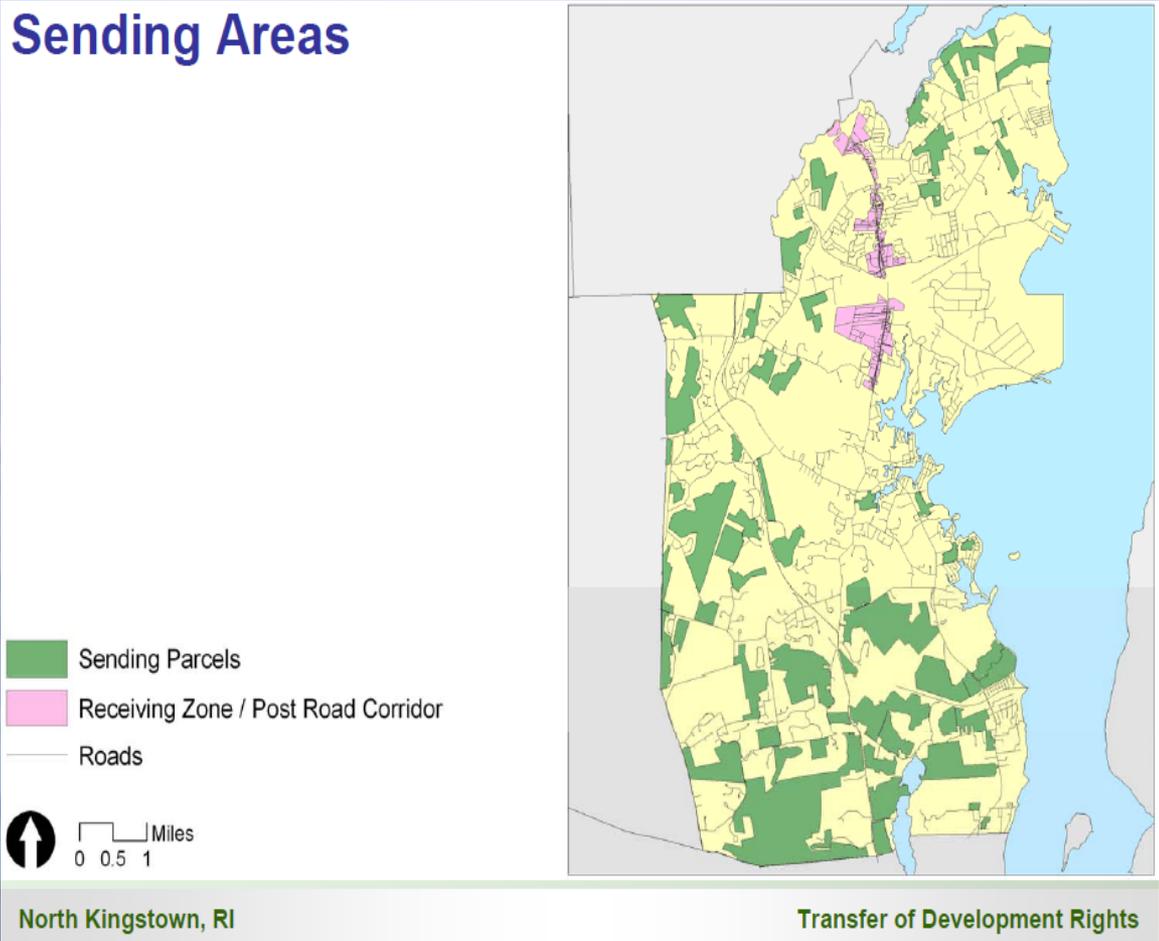
Horsley Witten Group
Sustainable Environmental Solutions

Rick Pruetz, FAICP

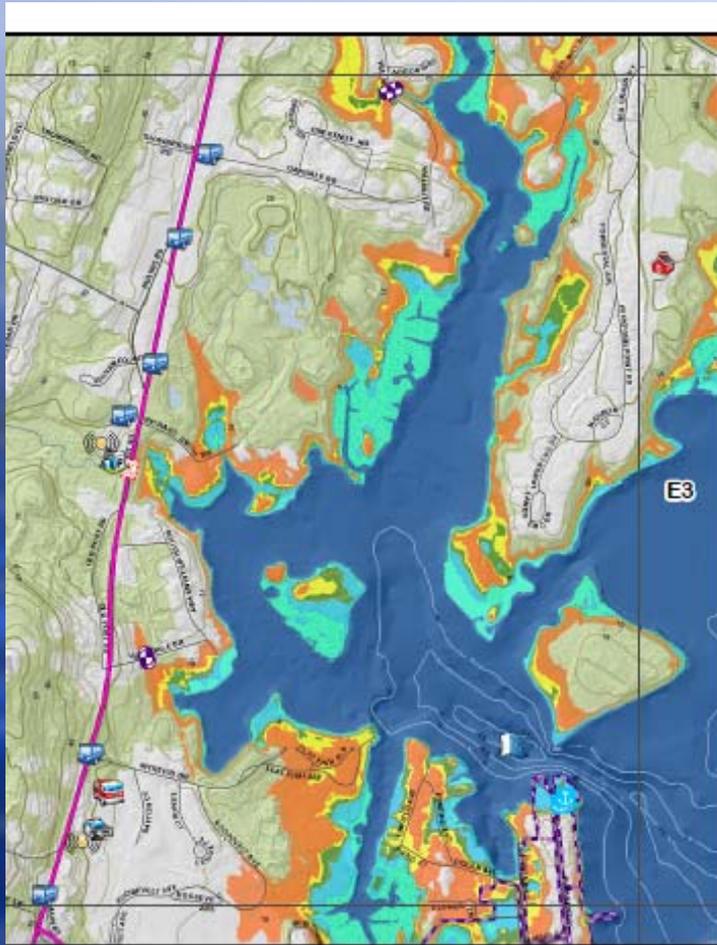
TDR in RI

- ◆ RI General Law § 45-24-33 enables TDR in RI's municipal zoning.
- ◆ § 45-24-46.2 enables TDR in North Kingstown (NK), § 45-24-46.3 in Exeter. Inter-municipal transfers allowed only between NK and Exeter.
- ◆ SPP Planning Challenge Grants.
- ◆ Young program. Receiving areas have been identified in NK, but no transfers actually made.
- ◆ TDR program coincided with bad economy.

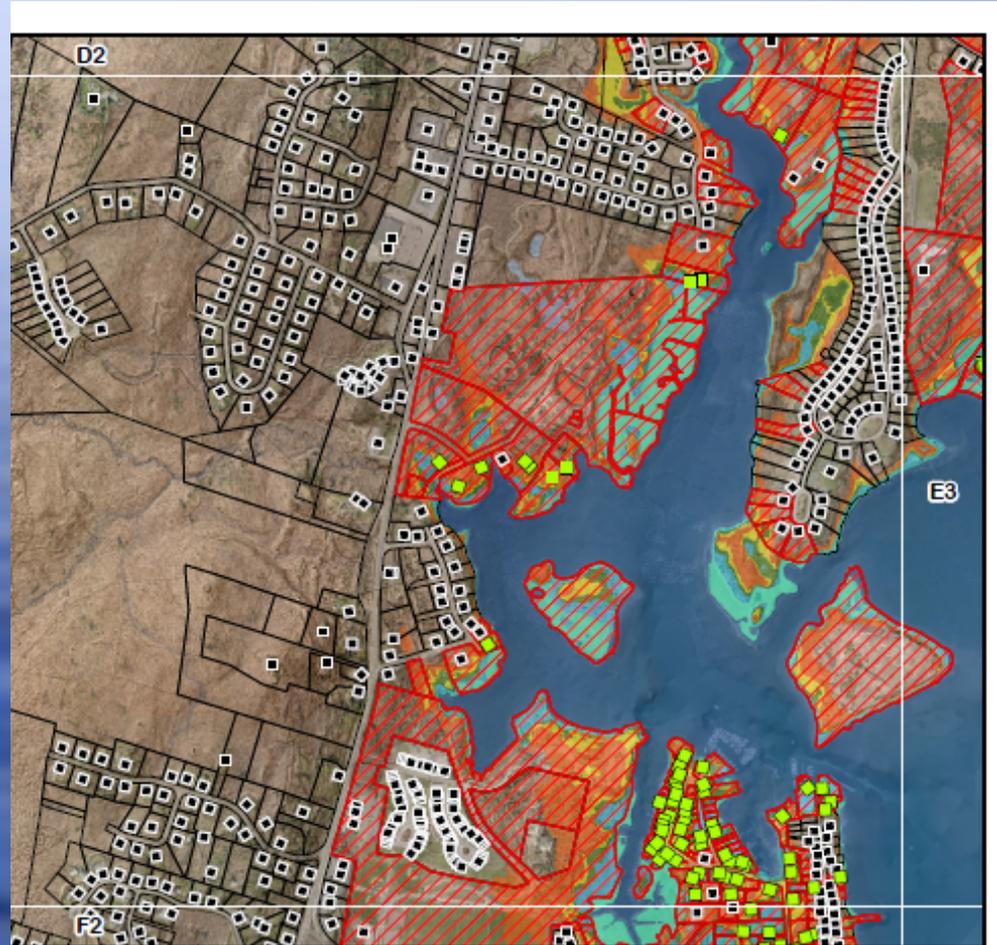
Sending Areas



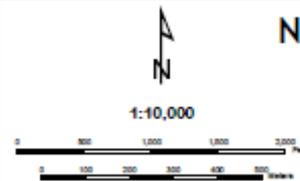
Vulnerable Assets



North Kingstown Vulnerability Analysis:
Facilities and Infrastructure



North Kingstown Vulnerability Analysis:
Real Property



Coordinate System: Rhode Island State Plane
Datum: North American 1983
Units: U.S. Feet

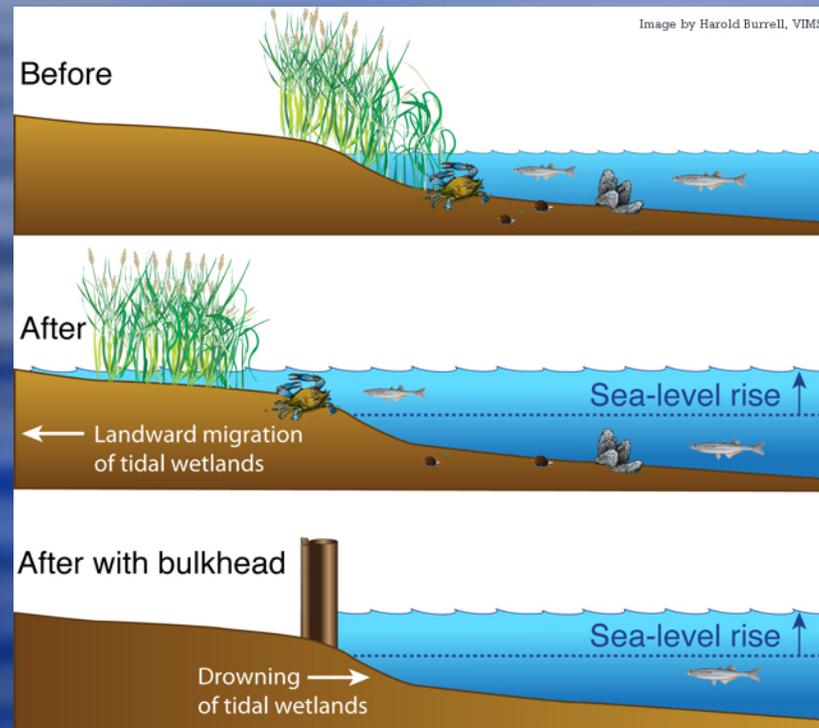
Coastal Development

- ◆ Coastal Properties will flood consistently as sea levels rise.
- ◆ Home to RI's citizens, businesses, and culture.



Coastal Wetlands/Marshes

- ◆ As sea levels rise, wetlands/marshes will migrate inland onto properties.
- ◆ Important natural buffers to storms.



Virginia Institute of
Marine Sciences,
2009

How Might Coastal TDR Work? (Preconditions)

- ◆ Recognition of environmentally sensitive land on the coast (visible with LiDAR).
- ◆ Capacity, market, and desire for development inland.
- ◆ Statewide TDR Bank, inter-municipal transfers between all communities.
- ◆ Higher Insurance Premiums (Biggert-Waters Act 2012), more detailed Flood Insurance Rate Maps, coastal homes with less value ("sweet spot").

Drawbacks

- ◆ TDR is inherently complex.
- ◆ Typical sending areas are vacant, undeveloped properties. Many coastal sending areas have reached development capacity.
- ◆ No documented attempts of TDR used for climate change adaptation on the coast.
- ◆ Federal insurance subsidies remove impetus for participation. Also, self-insured owners can afford to rebuild, nourish beaches.



Watch Hill, Westerly.

“Report: Taylor Swift Buys Rhode Island Mansion In Cash” Forbes. May 1, 2013.

Challenges

- ◆ Does it make sense to offer TDR to coastal homeowners whose properties will, eventually, be uninhabitable?
- ◆ How would we value coastal development rights in an inland context?
- ◆ How do we get municipalities to accept more development from other municipalities? What would the impact of services costs be on receiving areas?
- ◆ What happens to structures that are left behind?
- ◆ How do we increase citizen awareness of the costs of different adaptation options?

Next Steps

- ◆ Coordinate agencies: statewide TDR program and legislation.
- ◆ Finish report on coastal TDR.



Block Island Beaches, Destination360

Thank You!

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