

## Session 2: Use of TDR as part of a local and regional/development strategy

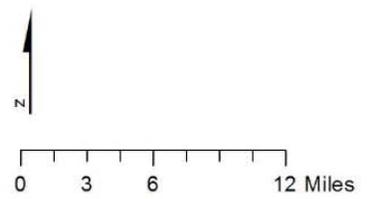
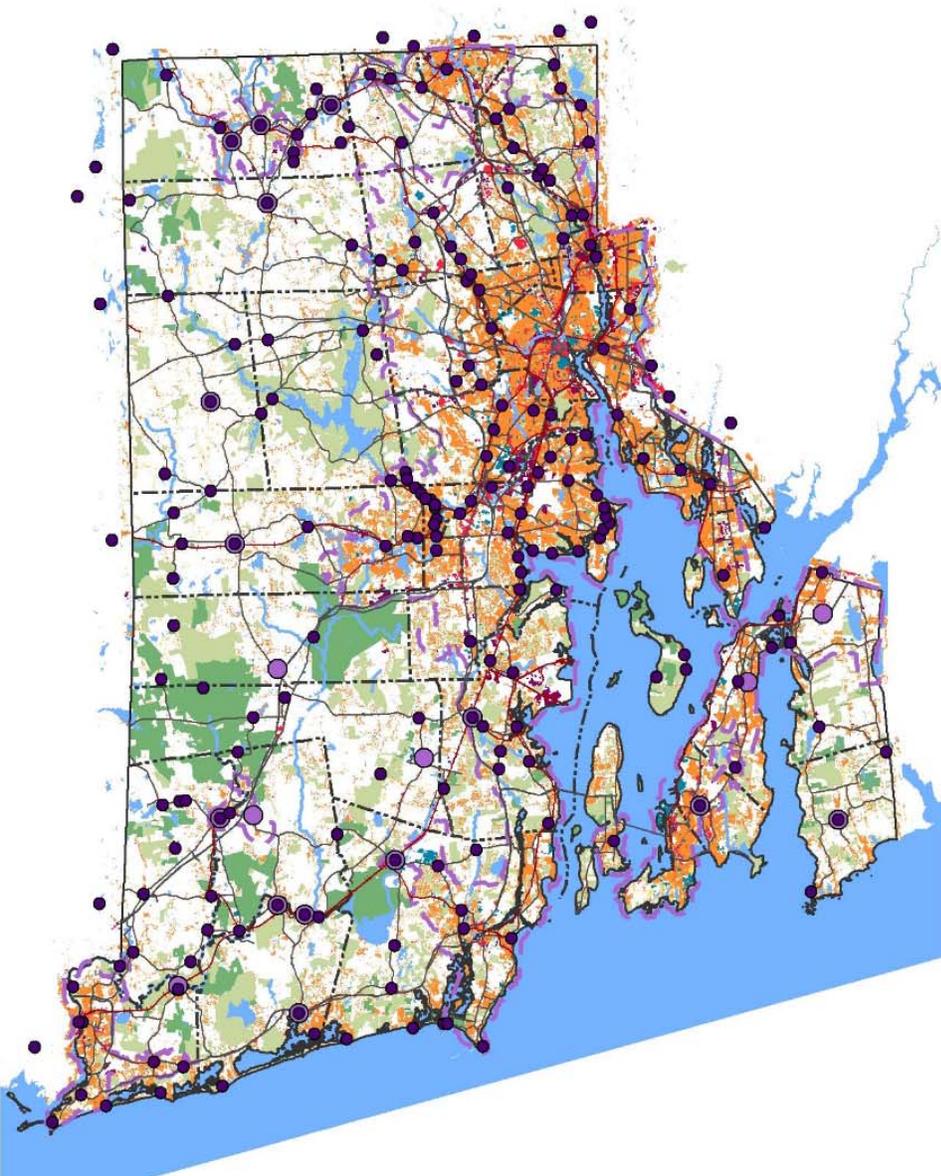
# Rhode Island Towns & Villages

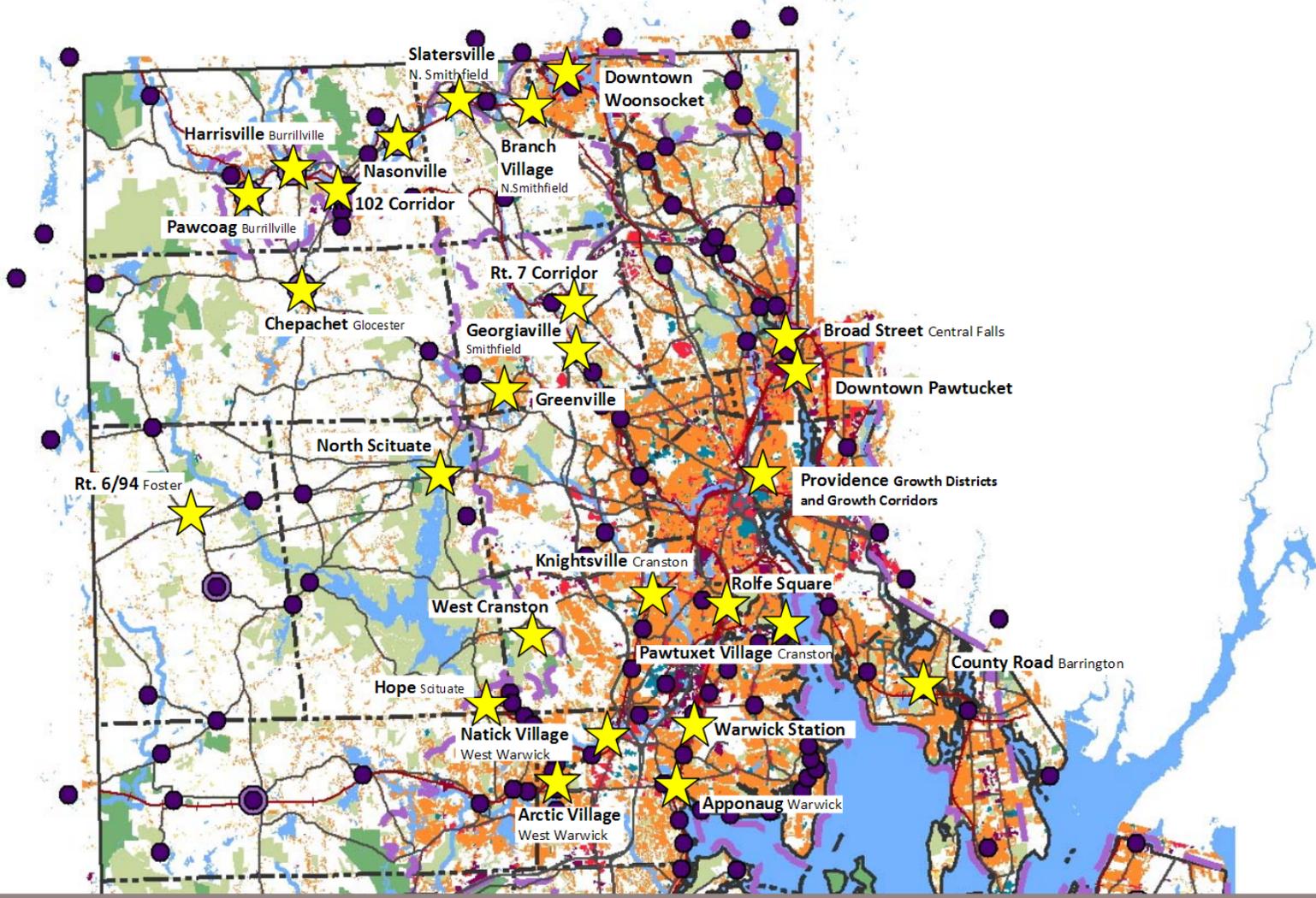
## Land Use and Villages

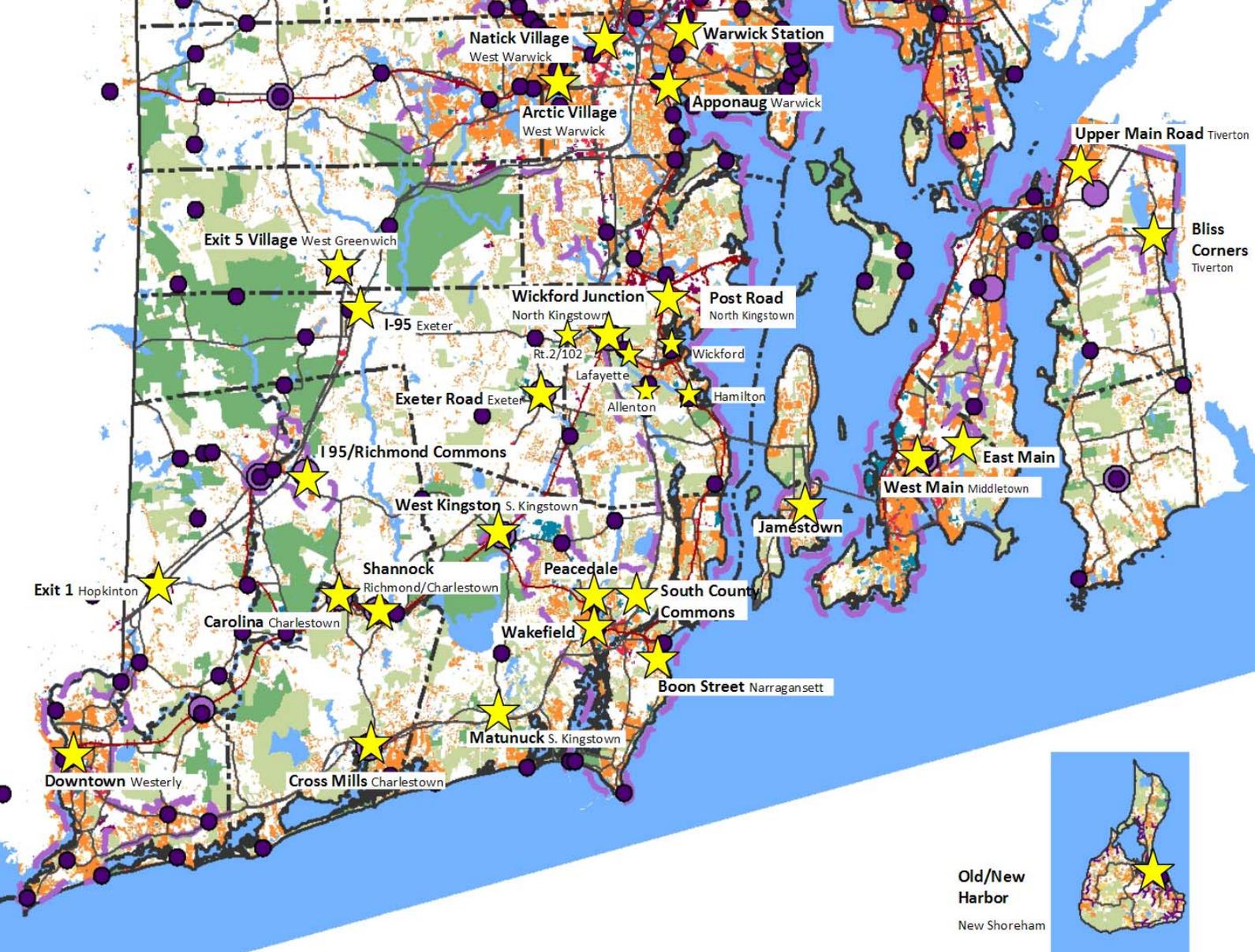
Prepared by Dodson & Flinker  
Jan 02, 2013

### LEGEND

- |                            |  |
|----------------------------|--|
| ● Villages                 |  |
| ● Growth Centers           |  |
| ▭ Urban Service Boundary   | ■ Commercial and Mixed Use                           |
| — Railroad                 | ■ Industrial (manufacturing, design, assembly, etc.) |
| — Major Roads              | ■ Institutional (schools, hospitals, churches, etc.) |
| ▭ State Boundary           | ■ Low Density Residential (>2 acre lots)             |
| --- Town Boundary          | ■ Medium to High Density Residential (<2 acre lots)  |
| — Major Rivers             |  |
| ■ Lakes & Ponds            |  |
| ■ Local Conservation Areas |  |
| ■ State Conservation Areas |  |







# Village Typology

## Historic Villages

- Harrisville, Nasonville and Pascoag – Burrillville
- Carolina – Charlestown
- Cross Mills – Charlestown
- Chepachet - Glocester
- Knightsville, Pawtuxet Village and Rolfe Square - Cranston
- Jamestown
- New/Old Harbor – New Shoreham
- Allenton, Hamilton, Lafayette and Wickford - North Kingstown
- Branch Village and Slatersville – North Smithfield
- Georgiaville and Greenville - Smithfield
- Matunuck, Peacedale, Wakefield and West Kingston – South Kingstown
- Shannock – Richmond/Charlestown
- North Scituate and Hope Village - Scituate
- Apponaug - Warwick
- Natick and Arctic – West Warwick

## Main Streets

- County Road – Barrington
- West Main Street – Middletown
- Boon Street – Narragansett
- Providence Growth Corridors
- Upper Main Road - Tiverton

## Downtowns

- Broad Street - Central Falls
- Pawtucket
- Providence Growth Centers
- Westerly
- Woonsocket

## Commercial Strips

- Rt. 102 Corridor – Burrillville
- Rt 6/94 - Foster
- Bliss Corners -Tiverton
- Post Road – North Kingstown
- Wickford Junction - North Kingstown
- I-95/Richmond Commons – Richmond
- Rt. 7 Corridor – Smithfield
- Warwick Station - Warwick

## New Villages

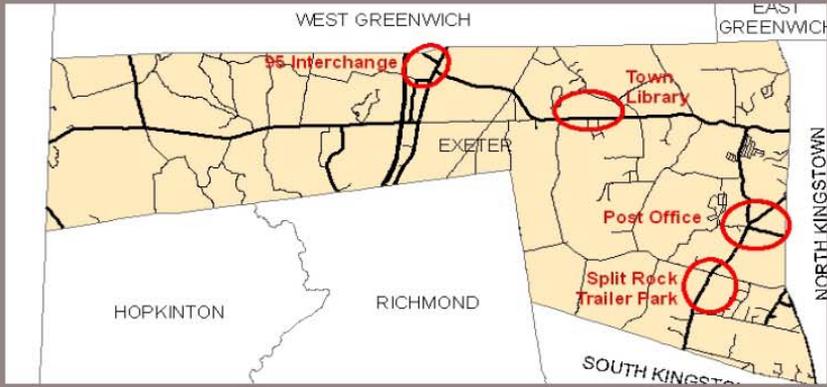
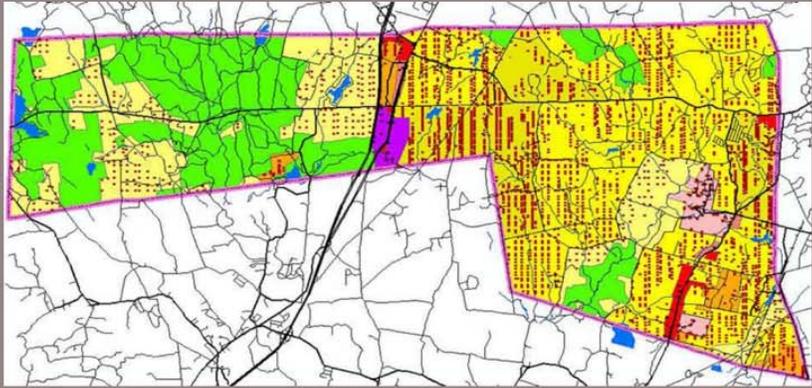
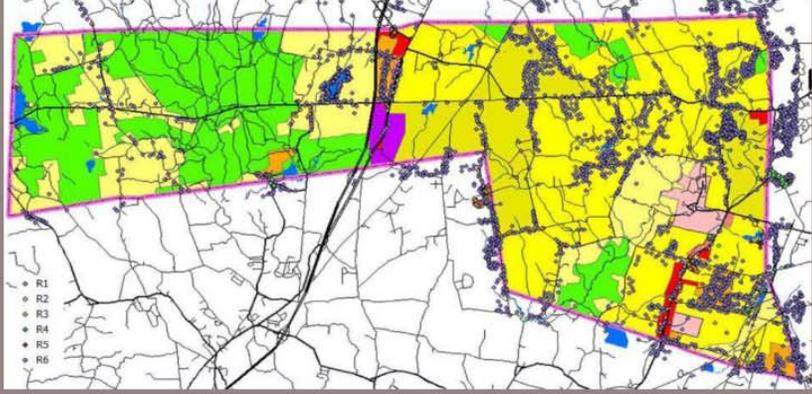
- West Cranston Village – Cranston
- I-95 Interchange – Exeter
- Exeter Road – Exeter
- Exit 1 - Hopkinton
- East Main Street - Middletown
- Rt. 2/102 - North Kingstown
- Exit 5 Village – West Greenwich

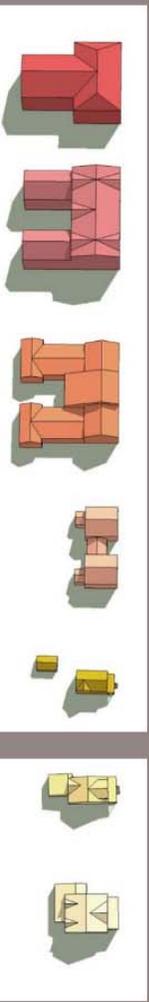


# A Vision for Exeter

## A Game Plan for Our Future







Mixed-Use

Apartments

Townhouses

Duplexes

Cottages

Village Core

Village Edge





Village Core 8du/Acre



Cottage 12du/acre



Village Edge 4du/acre



Apartment and Townhouse  
15-25 du/acre

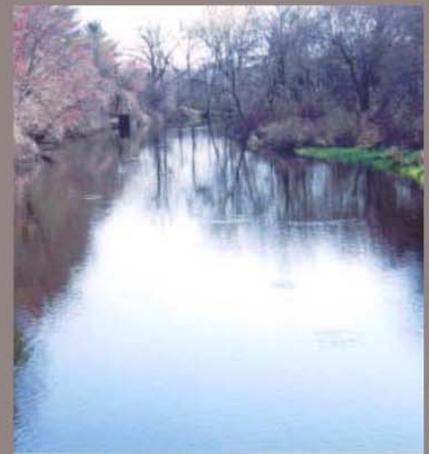
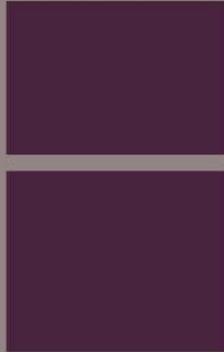




## Planner Interviews: Transfer of Development Rights

- Rural towns would like more funding for conservation, but worried about losing tax base.
- Rural towns suspicious of density.
- Suspicion of developers' hidden agendas.
- Difficult to find receiving sites that can accommodate significant additional density.
- Inner suburbs generally interested in bringing in density from more rural areas.
- Conflicts with other means of achieving density.
- Most are open to it, but not expecting to pursue in the short term.

# TDR and other Conservation Tools



## Other Conservation Tools

- Purchase of development rights (PDR)
- Assessing an in-lieu fee for conservation/restoration
- Mitigation land banking
- Development agreements
- Clustering/conservation development
- Utilization of the value of ecosystem services
- Creating an incentive zoning menu
- Zoning amendments such as downzoning sensitive areas



## TDR and Other Conservation Tools

- A TDR Bank could complement conservation nonprofits by targeting preferred sites
- TDR can be used to permanently conserve land in use-based tax saving programs
- TDR sending areas may include resource protection zones
- In-lieu fee can be used buy TDRs, cover administration costs, finance receiving-area amenities, etc.



## TDR and Other Conservation Tools--PDR

- TDR could complement PDR programs at low cost
- Different funding sources, same goal
- Ensure PDR uses revenues quickly for market consistency
- Builds on a PDR Framework



## TDR and Other Conservation Tools—Mitigation Bank

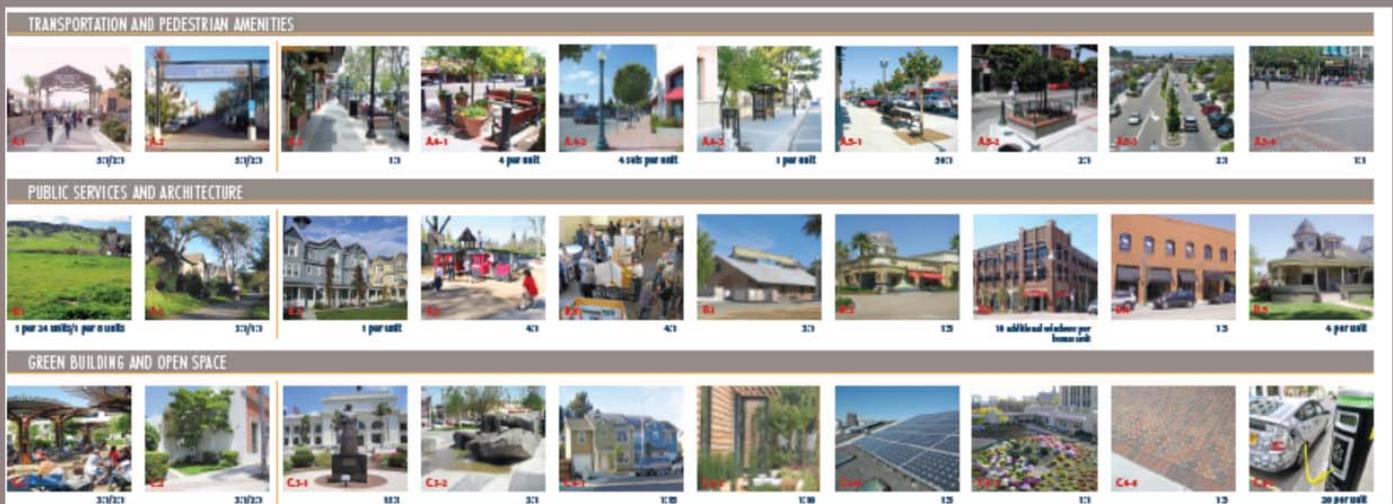
- Use TDR before a “receiving-area project” is built. Through a bank that buys the land, restores it, and then sells credits and/or development rights and to be used in new projects.(Lake Tahoe)

OR

- Use TDR after a “receiving-area project is built”. Through new projects paying an in-lieu fee that accrues capital and eventually gets used for restoration and/or development rights.(King County, WA)

# TDR and Other Conservation Tools— Incentive Zoning Menu

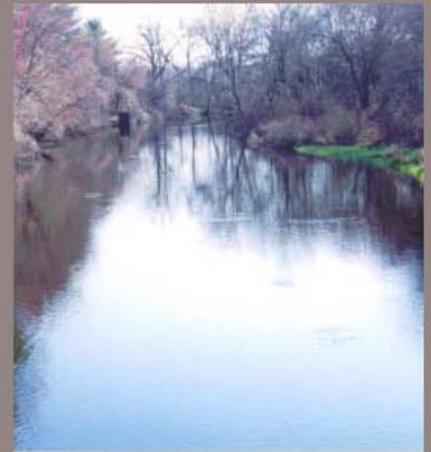
- Incentive Zoning Menus provide amenities and high-quality design for bonuses....
- But diminishes revenue available for TDRs



## TDR and Other Conservation Tools— Downzoning Sending Areas

- The sending area supply could equal the receiving area capacity depending on the revised zoning requirements—solves the “oversupply” issue.
- Downzoning rural areas could meet considerable resistance from property owners.
- Some TDR programs assign TDRs to compensate for reduced development potential (Montgomery County, Beaufort County)

# Case Studies



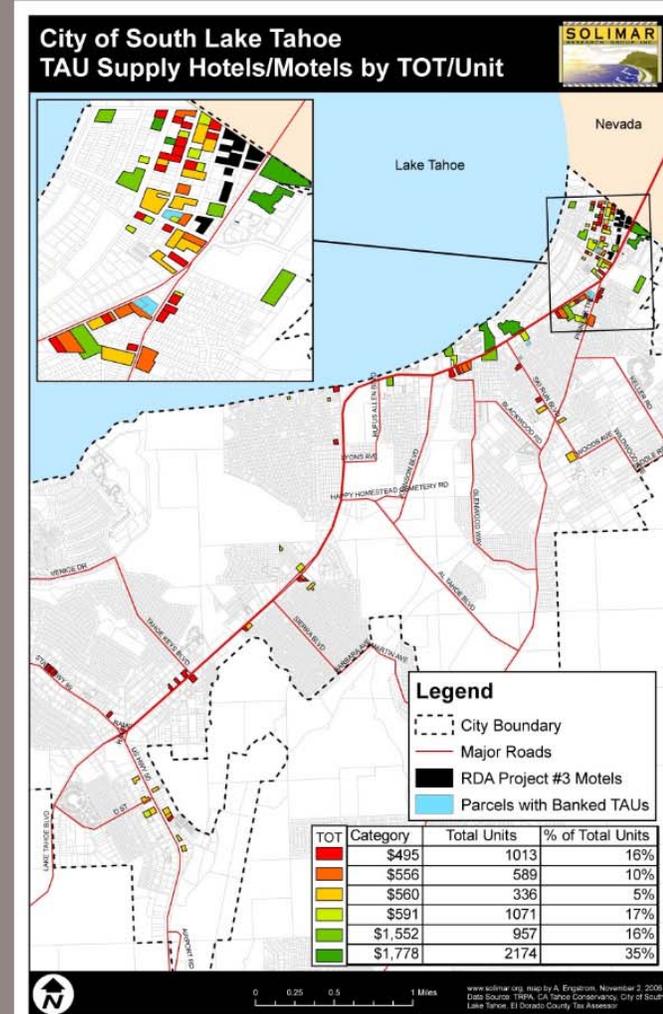
# Ave Maria, Collier County, FL

- New Community planned in rural Collier County in 2004
- All new development uses TDRs
- Simple receiving-area TDR requirements including by-right approval
- A few very large landowners agreed to participate in system
- Open space protects Florida Panther



# Lake Tahoe, CA/NV

- TDR used to infill/revitalize downtown
- Transfers land coverage within hydrological basins
- Impervious surface area, commercial floor area, hotel units and residential dwelling units are traded
- Allocates TDR for habitat restoration
- Land-use authority to MPO



# Existing Programs and Frameworks

Land Use 2025



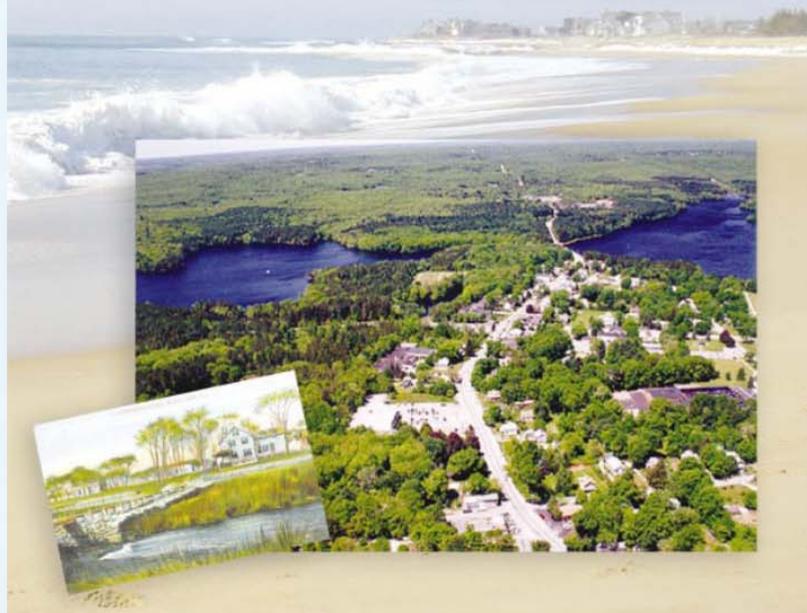
Rhode Island of 2025 will be a unique and special place, retaining its distinctive landscape, history, traditions, and natural beauty, while growing to meet its residents' needs for a thriving economy and vibrant places to live.



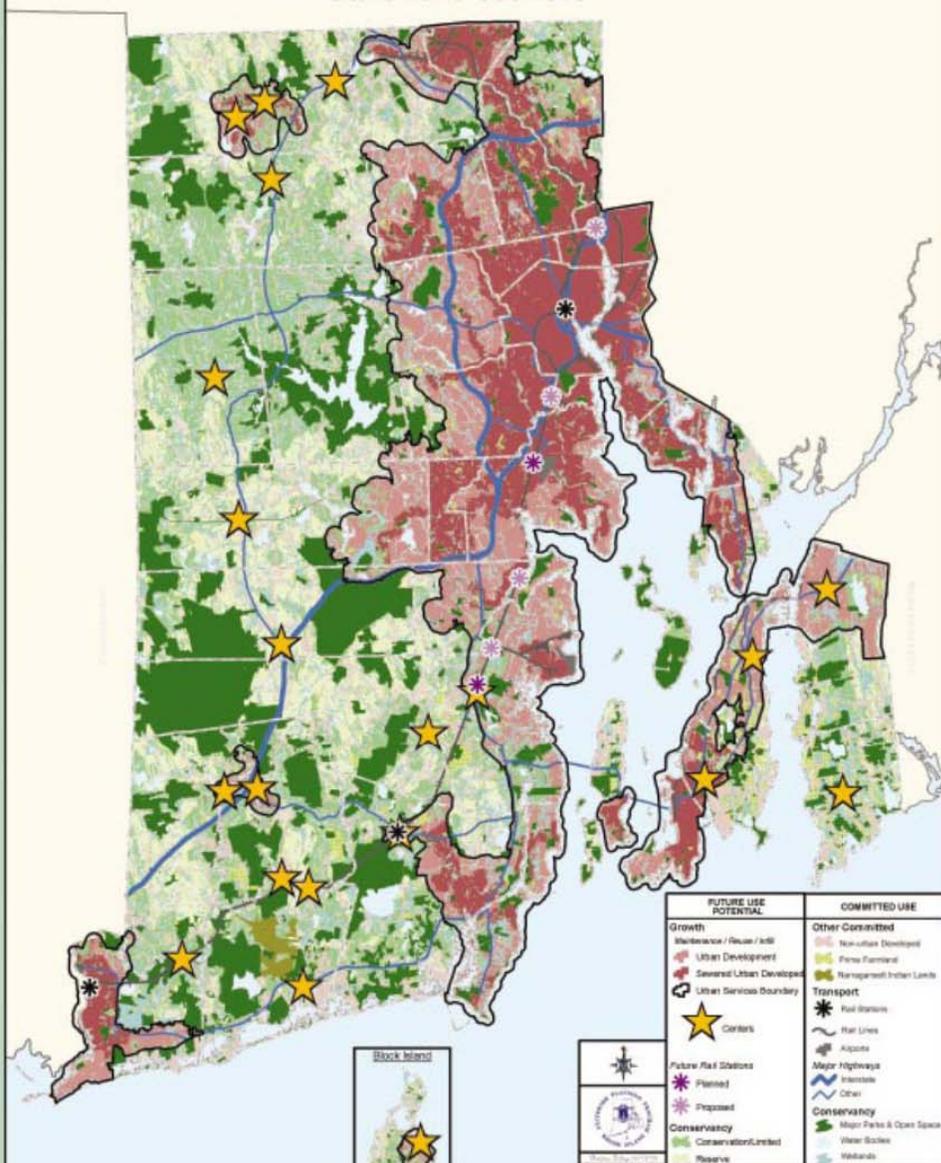
Land Use 2025

Executive Summary

Rhode Island State  
Land Use  
Policies and Plan



# Future Land Use 2025



# Compact Development Approach

- The Urban Service Boundary and Growth Centers

# Strip and Plaza Redevelopment



**BOOKS**  
macy

28 OZ  
DRY  
GENT  
9





# Coupling TDR with the Low and Moderate Income Housing Act

- TDR can bolster housing choice



Images courtesy of Union Studio Architects

# Scenic Lands at Risk of Development

## A Citizen's Guide to the Farm, Forest, and Open Space Act



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

401-222-3434

TDD 401-831-5508

Revised January 2003

- TDR can provide another option for Farm, Forest, and Open Space parcels

# Lands at Risk of Inundation

Sea Level Rise, Climate Change and Flooding

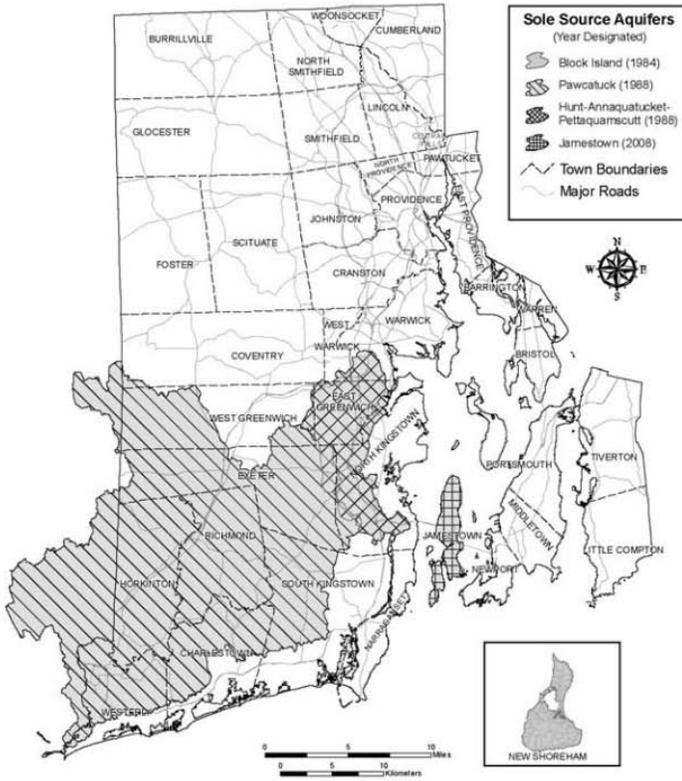


Source: Sea Level Rise and the Current Status of Digital Terrain Data for the South Shore of Rhode Island. A White Paper in Integrated Coastal Science Prepared by Nathan D. Vinhateiro

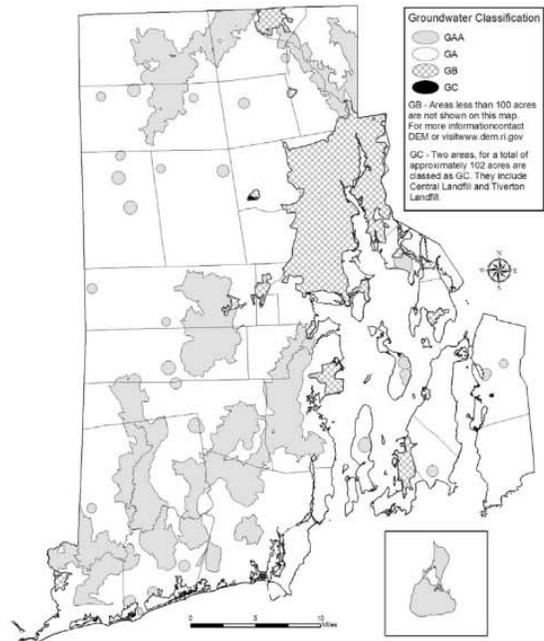
# Aquifer Protection

- Water Quality and Water Quantity

### US EPA Designated Sole Source Aquifers in Rhode Island



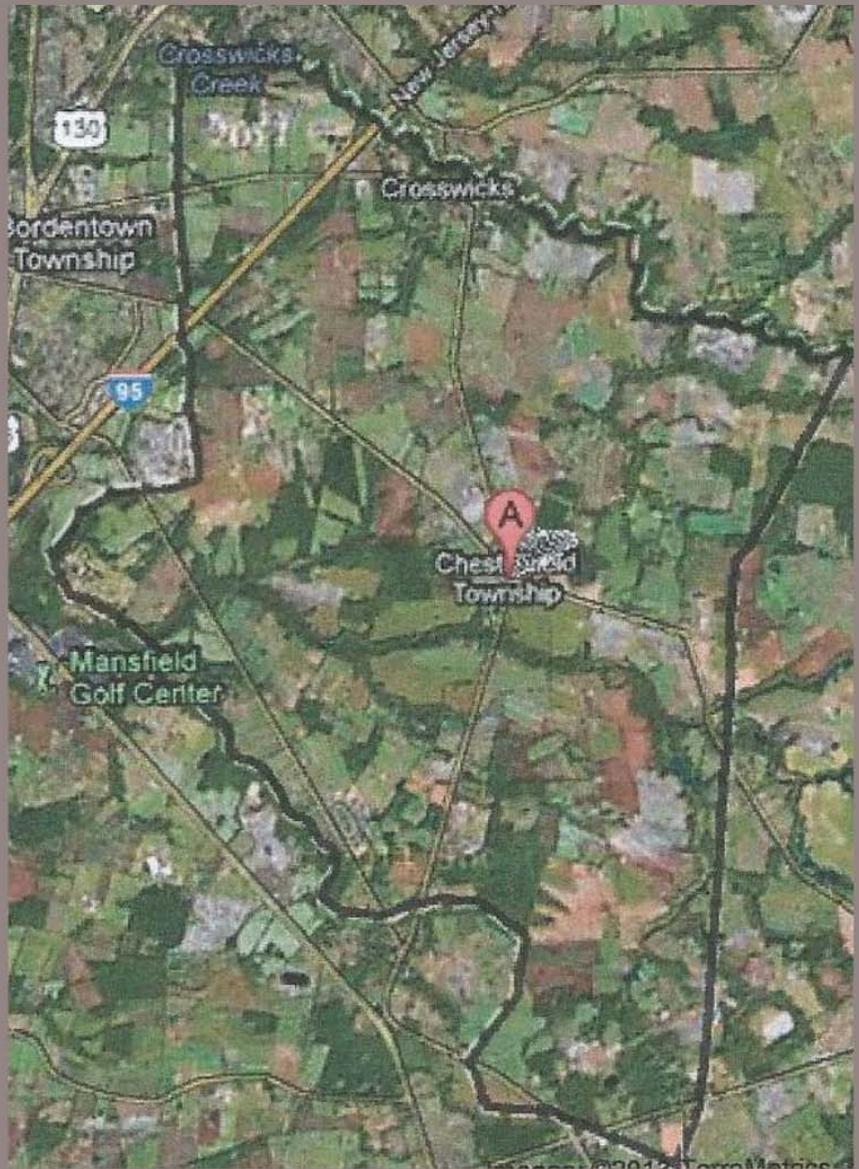
### Groundwater Classification



# Chesterfield Township, Burlington Co., NJ

Rhode Island 3-27-13 Part 2  
Rick Pruetz, FAICP

- Population 7,699
- 14,000 acres
- Philadelphia 35 miles
- NYC 60 miles
- First TDR 1975
- County property tax
- 2002 TDR program



# TDR Demand

- Collaborative planning
- Old York Village
- Smart growth award winner
- Current maximum density:  
1 DU/3.33 acres
- TDR = 1 SF (7,000 sf lot), 2 MF  
units or 2,000 sf floor area
- 6% affordable; no TDR needed
- Center: school & commercial
- \$50,000 per TDR
- \$500,000 homes





## Receiving Area

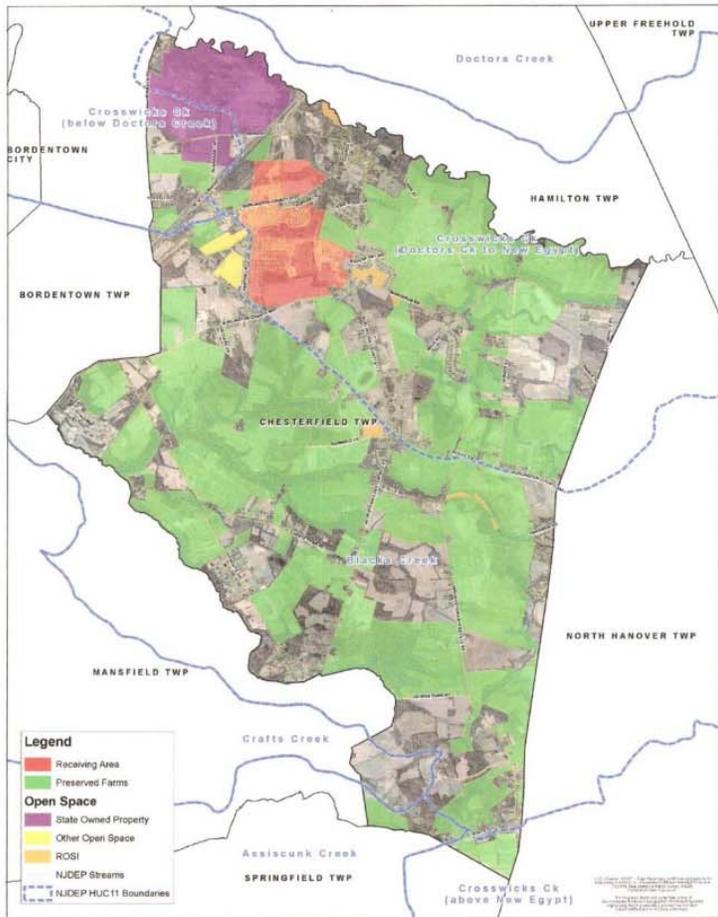
- One receiving area
- Greenbelt separation
- Architectural compatibility
- 560 acres
- 1,200 DUs: capacity for entire TDR supply
- Infrastructure plans done
- Developers install sewer/water and pay development fees for transportation, recreation

# Sending Area

- 7,472 acres zoned agriculture and 10 acres in size
- On site density: 1 unit per 10 acres
- 1/50 acre easement
- Allocate 1.1 TDR per:
  - 2.7 acres of slightly-constrained soils
  - 6 acres of moderately-constrained soils
  - 50 acres of severely constrained soils
- Supply: 1,383 TDRs



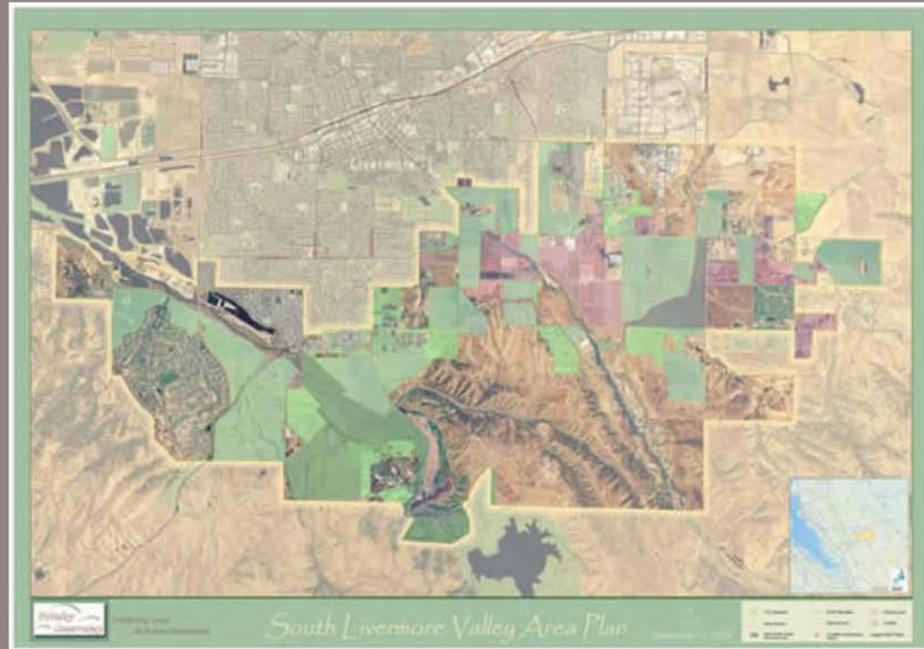
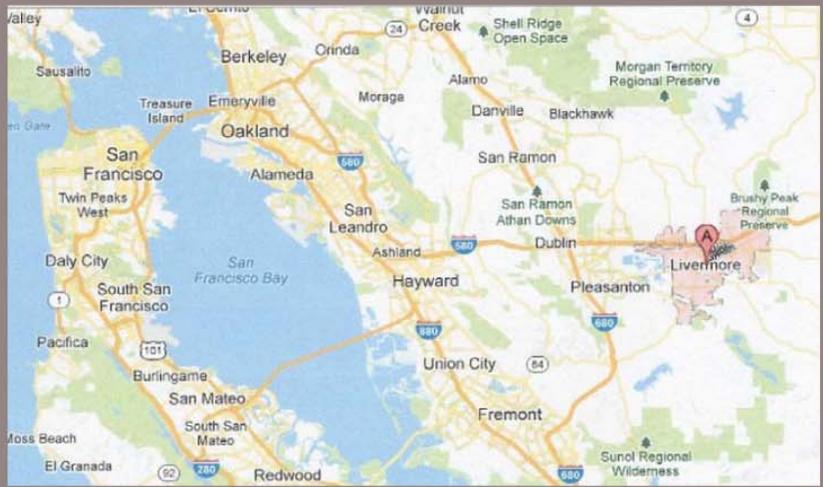
# Other Success Factors



- Exceed baseline only by TDR
- Developer certainty if
  - Adhere to code
  - Pay infrastructure fees
  - Retire TDRs
- Strong public support
- Simplicity
- Facilitation
- TDR Bank (County TDR Bank stabilized TDR market)
- 7,412 acres preserved
  - 2,742 TDR
  - 4,670 PDR
  - 2008

# Livermore , CA

- Population 80,000
- San Francisco 44 miles
- South Livermore Specific Plan
  - TDR & Mitigation
  - 5,000 acres
  - 22 new wineries
- North Livermore UGB Initiative
  - Alameda County
  - Reserve by zoning
  - Preserve by TDR





## Receiving Area

- Incremental approach
- All future upzones to TDR receiving zones
- Former zoning density becomes baseline
- All units above baseline comply with TDR or DTC
- Maximum density = current or future plans
- Rezoning separated from TDR adoption
  - Facilitates TDR
  - Retains traditional upzoning process

# TDR Demand & Market

Strong demand

- To exceed baseline: SF and MF
- To manage permit quotas
- TDR projects
  - Priority housing allocations
  - With or without bonus density

Economic study supported WTP

- \$48,000 per SF unit
- \$12,000 per MF unit
- Lower WTP in downtown

No alternatives to TDR

- Except affordable housing



## Sending Area

- 14,000 acres in county
- Minimum lot sizes
  - 40 acres
  - 100 acres
- Allocate 1 TDR/5 acres to permanently secure zoning plus
- Bonuses
  - 11 TDRs to forego each potential lot
  - 12 TDRs to remove existing unit and preclude future development



## Density Transfer Charge

- Assures compliance without finding and negotiating with sellers
- Proceeds exclusively preserve sending area land
- Target priorities
- Leverage other funding
- \$1.5 M funding purchase of significant parcel

## Public support

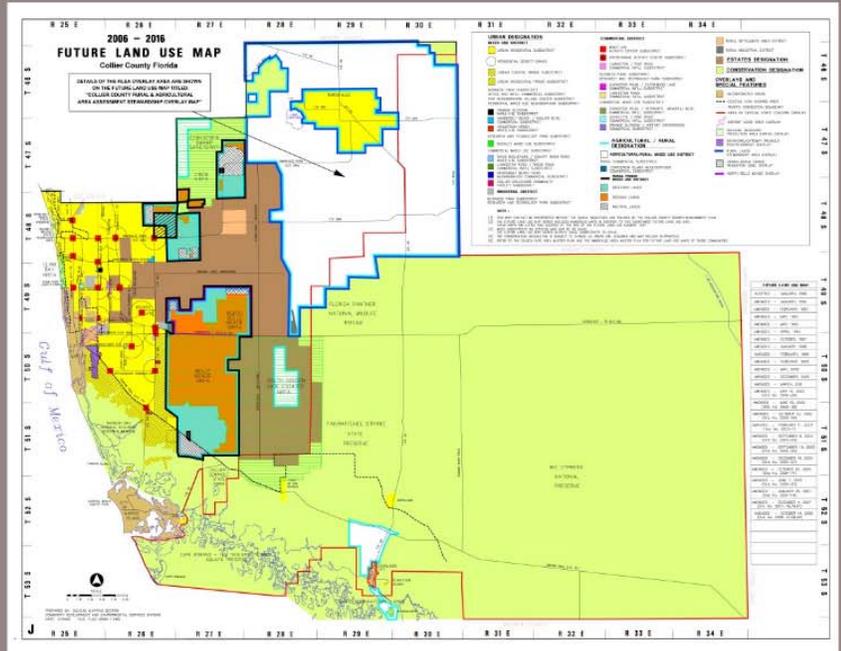
- Sending area TDR changes require voter approval

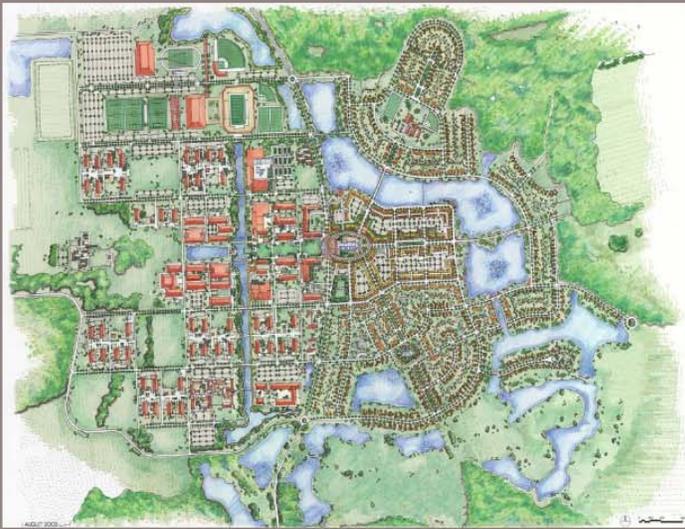
## Other Success Factors



# Collier County, FL

- Population 320,000
- 1960s: infamous development disasters
- 1974: TDR program
- 2004 Rural Fringe TDR
  - Preservation
  - Restoration
- RLS program
  - Landowner proposed
  - 195,000 acres
  - Controversial location
  - Litigation
- Now >80% County preserved
  - US, Florida, NGOs, Conservation Collier and TDR



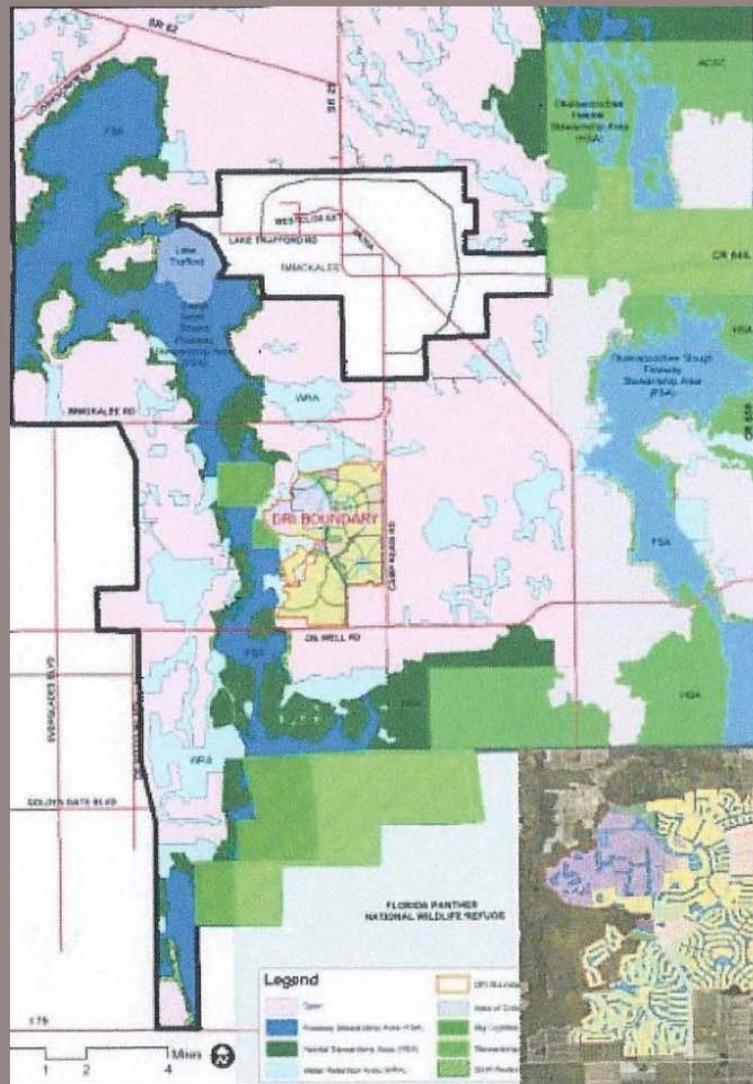


# Demand

- Collaborative land use/infrastructure plan for smart growth new town developers want to build
  - Cathedral & university
  - Commercial/residential mix
  - 11,000 DUs
- 8 TDRs per receiving area acre developed
  - Promotes plan vision
  - No extra cost to maximize development potential

## Receiving Area

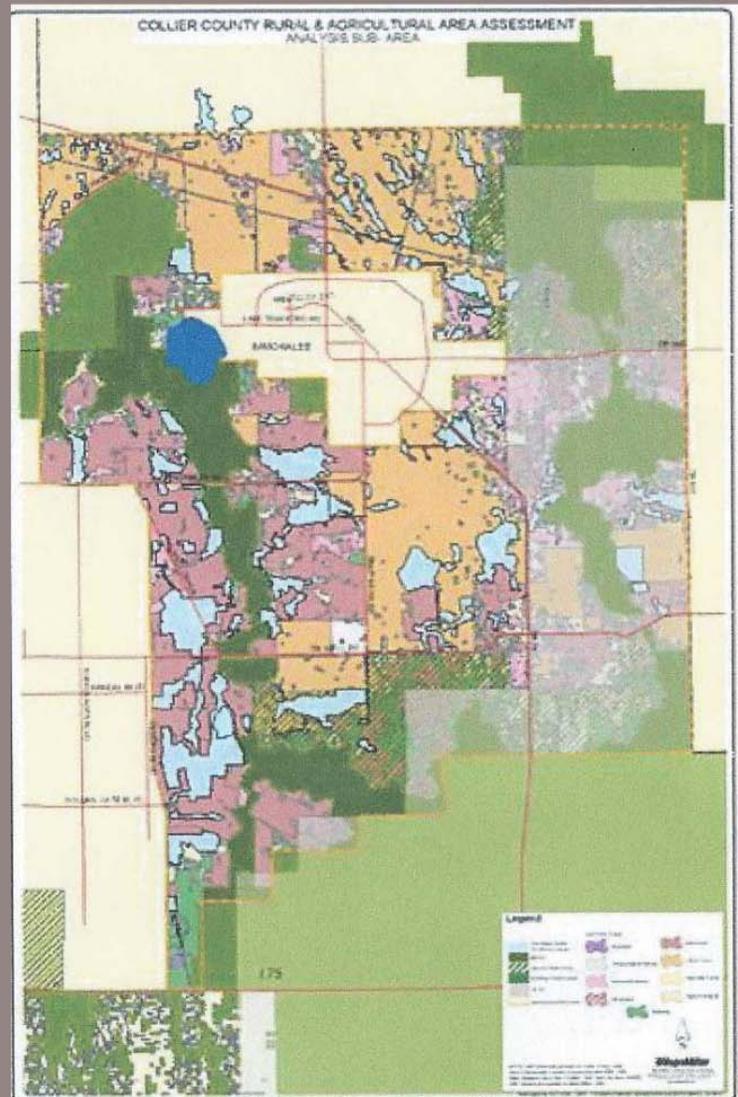
- Common ownership of sending and receiving sites promotes successful plan
- Receiving area preserves surrounding greenbelt
- Reduces potential opposition from adjacent residents
- But interior location controversial



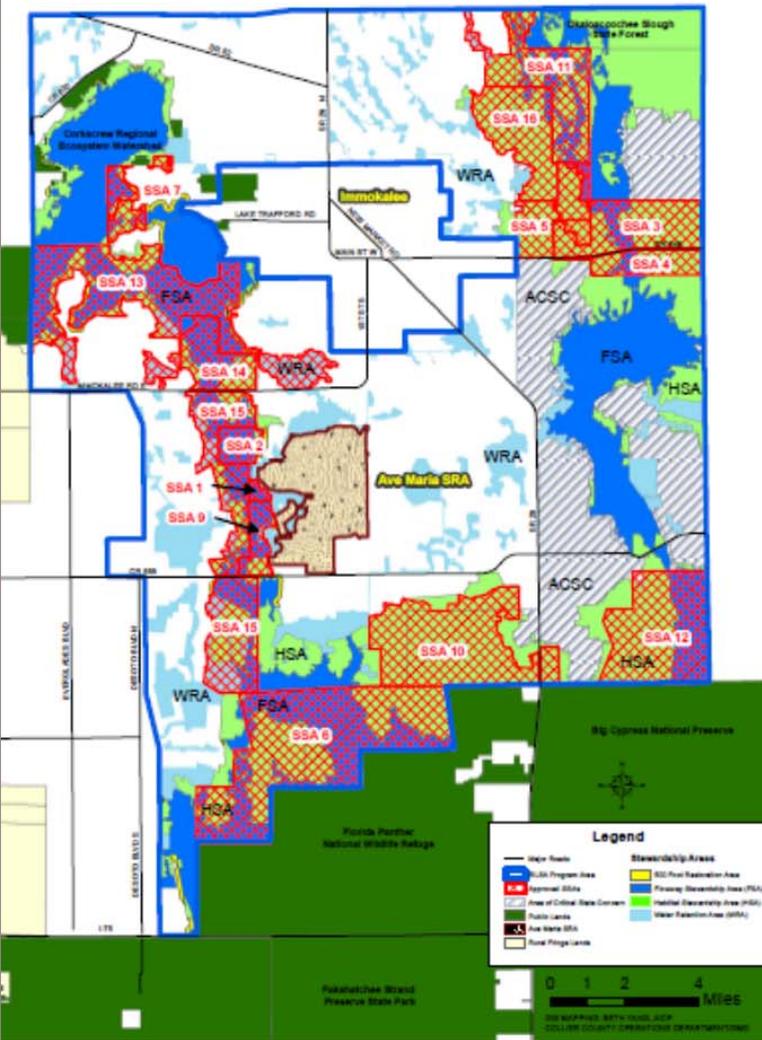
Source: Wilson Miller

# Sending Area

- 100,000 acres of agricultural land, habitat and environmentally significant flow ways
- 1 DU per 5 acres on site
- Allocation formula
  - Awards more TDRs for more significant resources
  - Awards more TDRs for level of conservation chosen by owner



Source: Wilson Miller



## Other Success Factors

TDR compliance cannot be circumvented

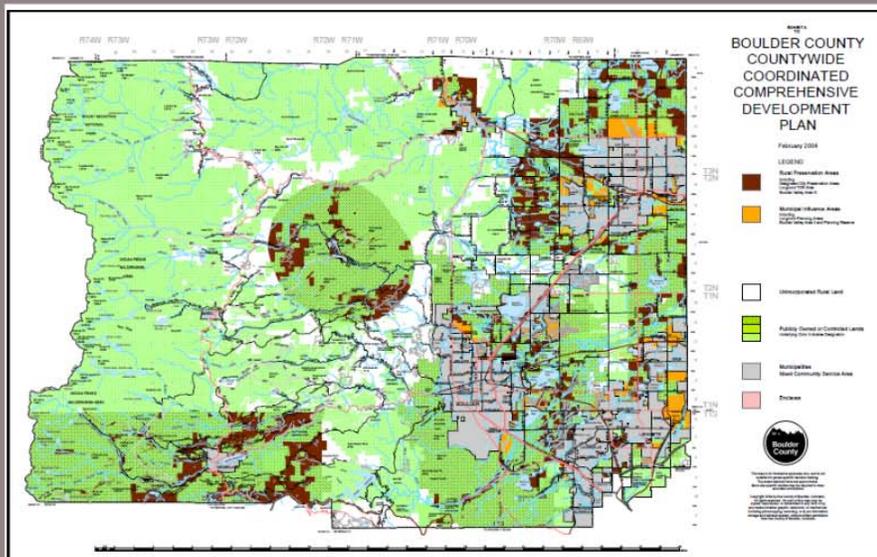
Project approval certain when developers follow rules, including TDR compliance

## Status

- 54,000 acres preserved
- Florida Panther Preserve buffer
- Corkscrew Regional Ecosystem Watershed
- State Forest buffer

# Boulder County, CO

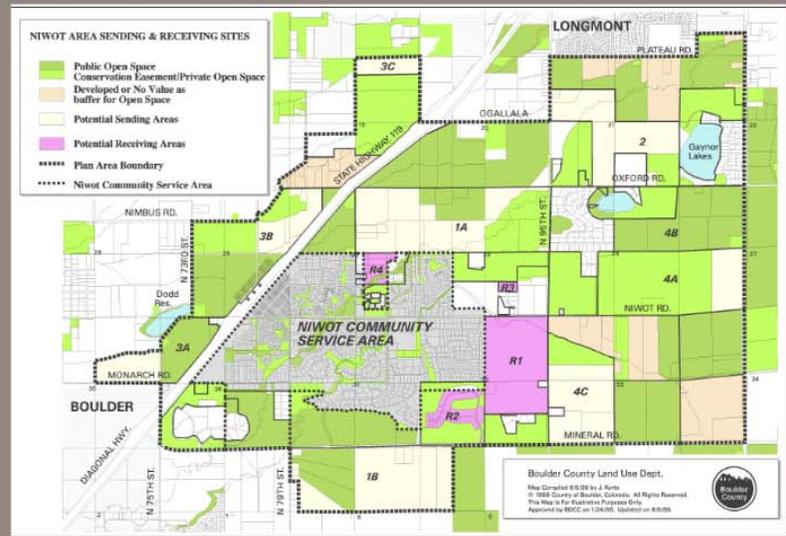
- Population 300,000
- Denver 30 miles SE
- Over 2/3 preserved
- Co./City 134,680 acres
- Comprehensive Plan



- Secured by inter governmental agreements (IGAs) between County and cities
- Super IGA coordinates development and preservation countywide
- 1989 TDR program now called TDR/PUD operates in county and within many city planning areas per IGAs
- 2008 TDC program promotes smaller houses

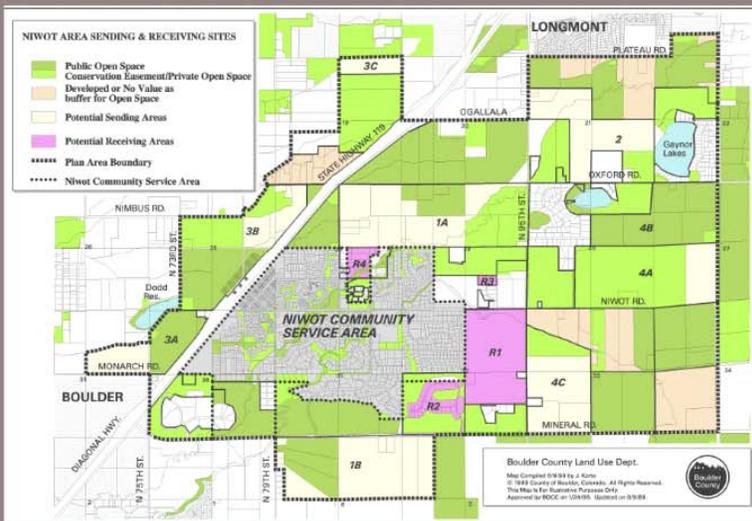
# Demand

- Baseline: 2 DUs/35 acres
- Maximum density determined by PUD
- Residential TDRs convertible to non-residential floor area
  - Cannot exceed residential-equivalent traffic etc.
- Receiving areas near Niwot and cities
- Low baseline allows low-density development to create demand



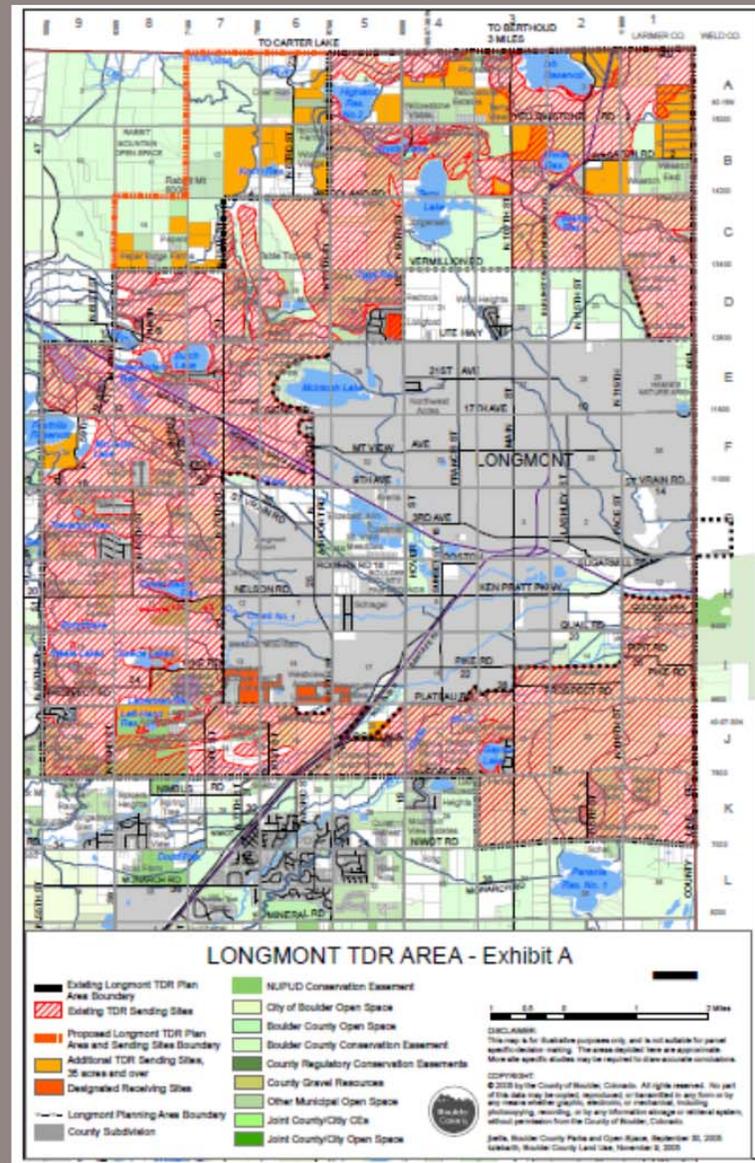
# Sending Areas

- Sending areas mapped
- 75% of TDRs from receiving site subarea
- 1 DU/35 acres on site or
- Record easement
  - 35 to 52-acre site
    - Transfer 2 TDRs
    - One unit on site + 1 TDR
  - 105 to 112-acre site
    - Transfer 6 TDRs
    - One unit on site + 5 TDRs
- Aim: implement plans for surrounding farms, open space and greenbelts



# TDR & IGAs

- Promote orderly growth
- Super IGA = County Plan
- Sending areas
  - Agricultural/environmental greenbelt around Longmont
  - Joint City/County easements
- Receiving areas: county land at urban edge
- Receiving developments
  - City/County approval
  - Meet City requirements
  - Pay City fees to City
  - Sewer to City standards
  - Road dedications to City



# Other Success Factors

- TDR Bank: County serves as seller of last resort
- Public Support for Preservation
  - County and City voters approved open space sales taxes
  - County tax: up to \$17 million annually
  - Good outcomes:
    - 2/3 County preserved
    - 134,680 by City & County
    - Boulder Valley Greenbelt

