

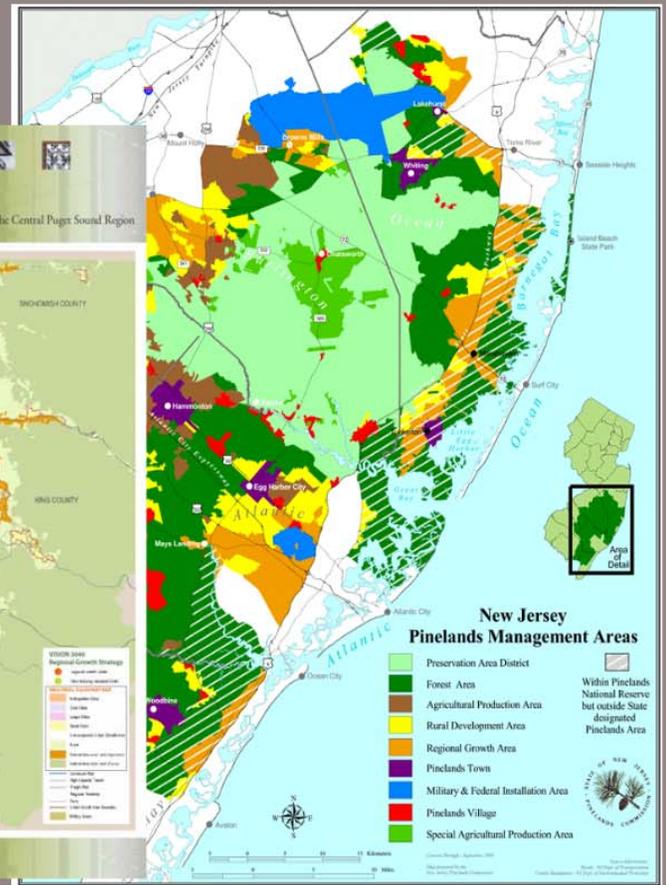
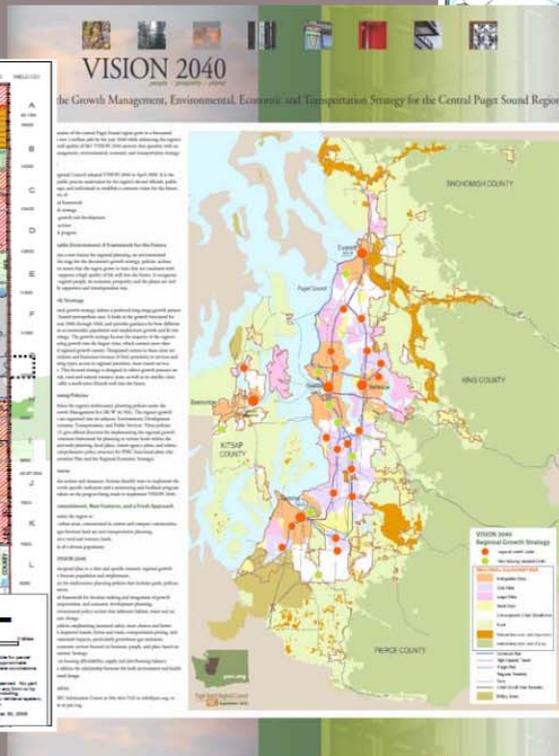
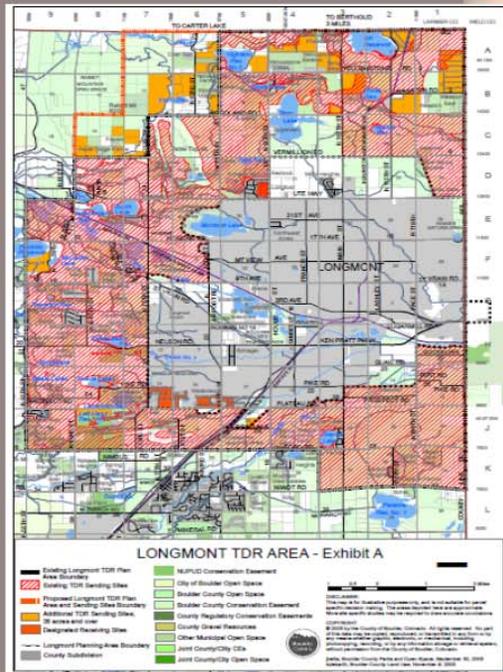
Session 4: Making TDR Work in Rhode Island and New England

State, Regional & Local TDR Models

Rhode Island 4-27-13 Part 4

Rick Pruetz, FAICP

State mandated, facilitated and incentivized
County facilitated, incentivized
Local initiative



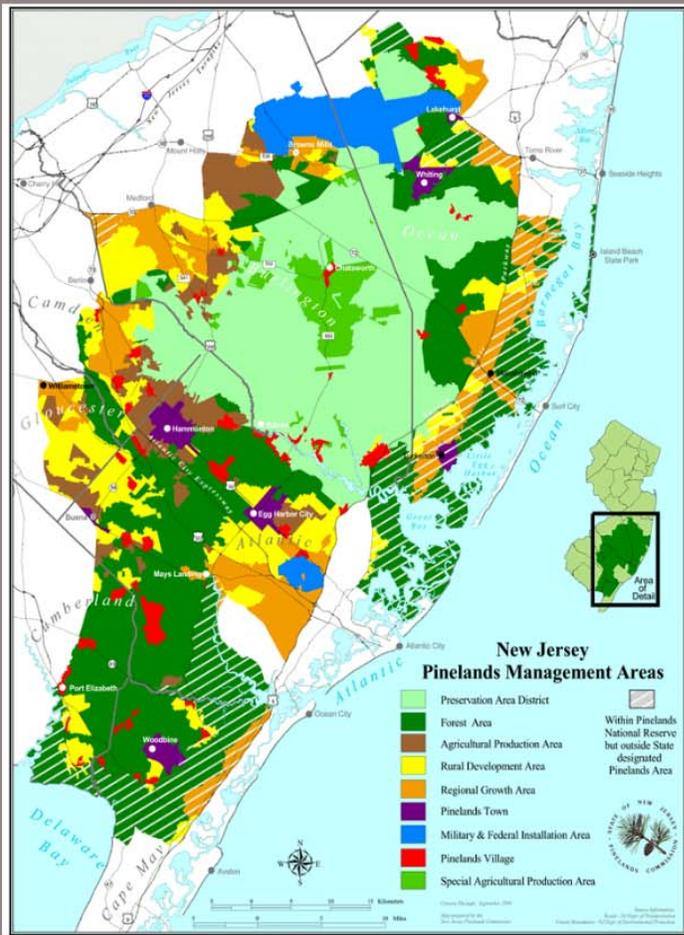
State Mandated



- Malibu Coastal Zone, CA
- 1976 California Coastal Act
- 1977 Coastal Commission: TDR Program to retire substandard lots in Santa Monica Mountains subject to wildfire, floods and landslides
- At least one sending area lot retired per lot created in receiving zone
- State assisted by acquiring land and giving TDRs to land trust for resale
- Worked until 1991 when Malibu incorporated

State Program New Jersey Pinelands

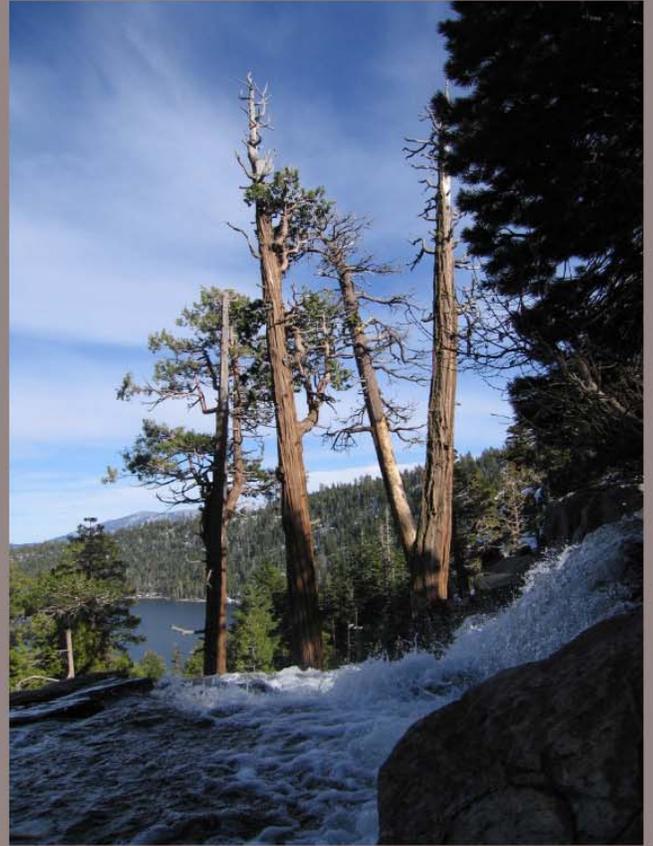
- 1980: One million acre planning area with 60 jurisdictions
- Strict development regulations maintain significant environment, agriculture, and aquifer
- Receiving: 23 jurisdictions
- State required
 - Local regs to conform to plan
 - Inter-jurisdictional transfers
- 58,900 acres preserved
- 4,446 rights transferred



State Control

Tahoe Regional Planning Agency, CA/NV

- Preserve water quality
- Restricts land coverage throughout 208,000 acres
- One mechanism transfers coverage rights
- Others motivate relocation of existing coverage (if from SEZ, permit not subject to quota)
- California Tahoe Conservancy buys, banks and sells TDRs
- South Lake Tahoe uses TDRs in downtown redevelopment



State Sponsored Plan Central Pine Barrens, Suffolk County, NY



- 102,500 acres on Long Island
 - Sensitive habitat
 - Recharges aquifer for 1.8 million people
- To resolve lawsuit, State, County and townships adopted Plan
- Three towns created receiving areas capable of accepting 2.5 times the TDR supply from their portion of Barrens
- As of right TDR approval
- State buys and sells TDRs

State Incentives

New Jersey

- TDR successes in Lumberton & Chesterfield Townships, NJ
- 2004: New Jersey adopted enabling legislation
- State TDR Bank Board offers TDR planning grants
- 2005: 6 grants awarded
- Woolwich Township, Gloucester County adopted plan to preserve 4,000-acre sending area with variable TDR allocation based on soils



State-Sponsored Regional Cooperation Puget Sound, WA



VISION 2040
people · prosperity · planet

the Growth Management, Environmental, Economic and Transportation Strategy for the Central Puget Sound Region

How can the four counties of the central Puget Sound region grow to a forecasted 3 million people and over 1 million jobs by the year 2040 while enhancing the region's environment and overall quality of life? VISION 2040 answers that question with an integrated growth management, environmental, economic and transportation strategy.

The Background

The Puget Sound Regional Council adopted VISION 2040 in April 2008. It is the result of a 17½ year public process undertaken by the region's elected officials, public agencies, interest groups, and individuals to establish a common vision for the future. VISION 2040 consists of:

- An environmental framework
- A regional growth strategy
- Policies to guide growth and development
- Implementation actions
- Measures to reach progress

Toward a Sustainable Environment: A Framework for the Future

VISION 2040 contains a new format for regional planning, an environmental framework that sets the stage for the document's growth strategy, policies, actions and measures to better assure that the region grows to meet that an environment that supports a high quality of life well into the future. It recognizes that the needs of the region's people, its economic prospects, and the places we live together in a mutually supportive and interdependent way.

A Regional Growth Strategy

VISION 2040's regional growth strategy defines a preferred long-range growth pattern for the central Puget Sound metropolitan area. It looks at the growth forecasted for the region from the year 2008 through 2040, and provides guidance for how different parts of the region can accommodate population and employment growth and fit into an overall regional strategy. The growth strategy focuses the majority of the region's employment and housing growth into the largest cities, which contain some of the most developed regional growth centers. Designated centers in these cities are essential to attract business and business services to the region, to create and jobs, a center of housing types, access to regional recreation, transit, transit services, and other advantages. This forecast strategy is designed to achieve growth patterns an equitable environmental, social and natural resource areas, as well as to create cities that will continue to offer a small town lifestyle well into the future.

Multijurisdiction Planning Policies

VISION 2040 establishes the region's multijurisdiction planning policies under the Washington State Growth Management Act (RCW 86.705). The region's growth management policies are organized into six subjects: Environment, Development Patterns, Housing, Economic, Transportation, and Public Services. These policies play three key roles: (1) give official direction for implementing the regional growth strategy; (2) create a common framework for planning in various local jurisdictions; and (3) provide the comprehensive policy framework for the Puget Sound Growth Management Transportation Plan and the Regional Economic Strategy.

Actions and Measures

VISION 2040 includes action and measures. Actions identify ways to implement the policies. Measures provide specific indicators and a monitoring and feedback program to ensure decision-makers on the progress being made to implement VISION 2040.

VISION 2040's Backcommitment, How Features, and a Fresh Approach

VISION 2040 recommits the region to:

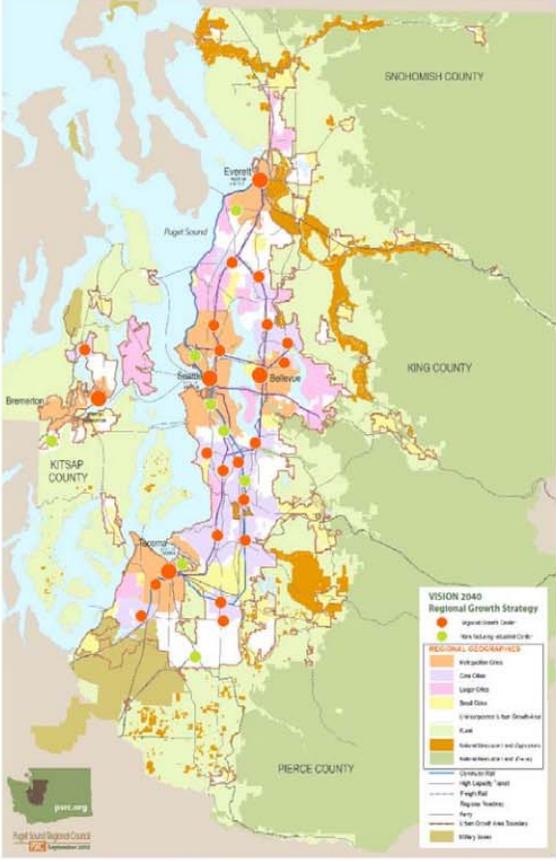
- Focus growth in urban areas, concentrated in centers and compact communities.
- Strengthen linkages between land use and transportation planning.
- Protect and promote rural and natural lands.
- Address the needs of a diverse population.

New features of VISION 2040

- Moves from a conceptual plan to a clear and specific, mutually regional growth strategy based on forecast population and employment.
- A central structure for multijurisdiction planning policies that include goals, policies, actions, and measures.
- An environmental framework for decision making and integration of growth management, transportation, and economic development planning.
- An expanded environmental policy section that addresses habitat, water and air quality and climate change.
- Transportation policies emphasizing increased safety, more choices and better mobility through improved transit, better and more transportation pricing, and mitigating environmental impacts, particularly greenhouse gas emissions.
- A strengthened economic section based on business, people, and place based on the Regional Economic Strategy.
- A new emphasis on housing affordability, supply and job-housing balance.
- New policies that address the relationship between the built environment and health.
- Attention to regional design.

For More Information

Please contact the P SRC Information Center at 206-464-7520 or info@psrc.org, or visit the P SRC website at psrc.org.



- Regional TDR Alliance: partnership of Forterra, Puget Sound Regional Council, Washington State and four counties (King, Kitsap, Pierce, Snohomish)
- 2011: Grants for 10 cities and 1 county to prepare TDR programs and interlocal agreements

State Incentivized Regional TDR

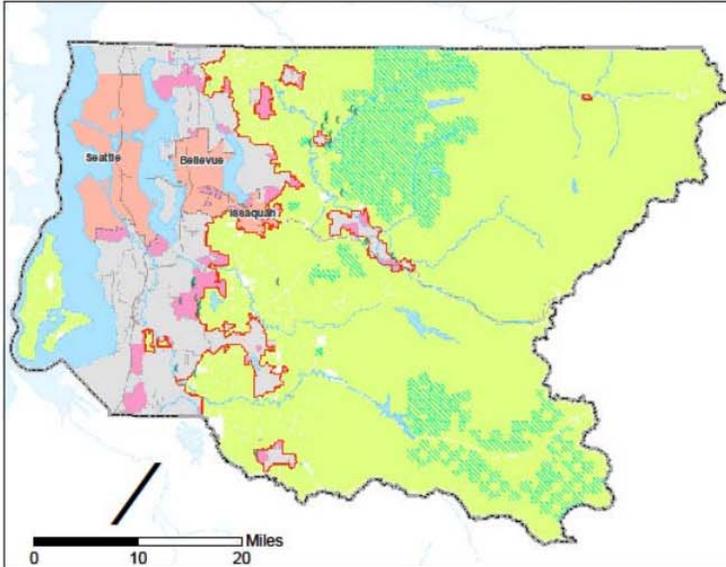
Washington Landscape Conservation Program



- 2011: Washington State adopts Landscape Conservation and Local Infrastructure Program
- Cities that meet targets for accepting regional TDRs can use tax increment financing to fund infrastructure
- 34 cities in three counties eligible to become receiving areas
- Seattle and King County are first to use law in South Lake Union

County Incentivized Inter-Jurisdictional TDR

King County TDR Program Sending and Receiving Areas



King County TDR Program

- Eligible Sending Areas*
- Urban Growth Area Boundary
- Eligible Receiving Areas (Unincorporated Urban Areas)
- Partner Cities (Contain Eligible Receiving Areas)
- Other Cities
- Enrolled TDR Sending Sites (Large Properties)
- Enrolled TDR Sending Sites (Small Properties)

* Sending sites eligible by zoning must also meet public benefit criteria to enroll in the program.

Map by Michael Murphy, King County TDR Program. May

Washington State



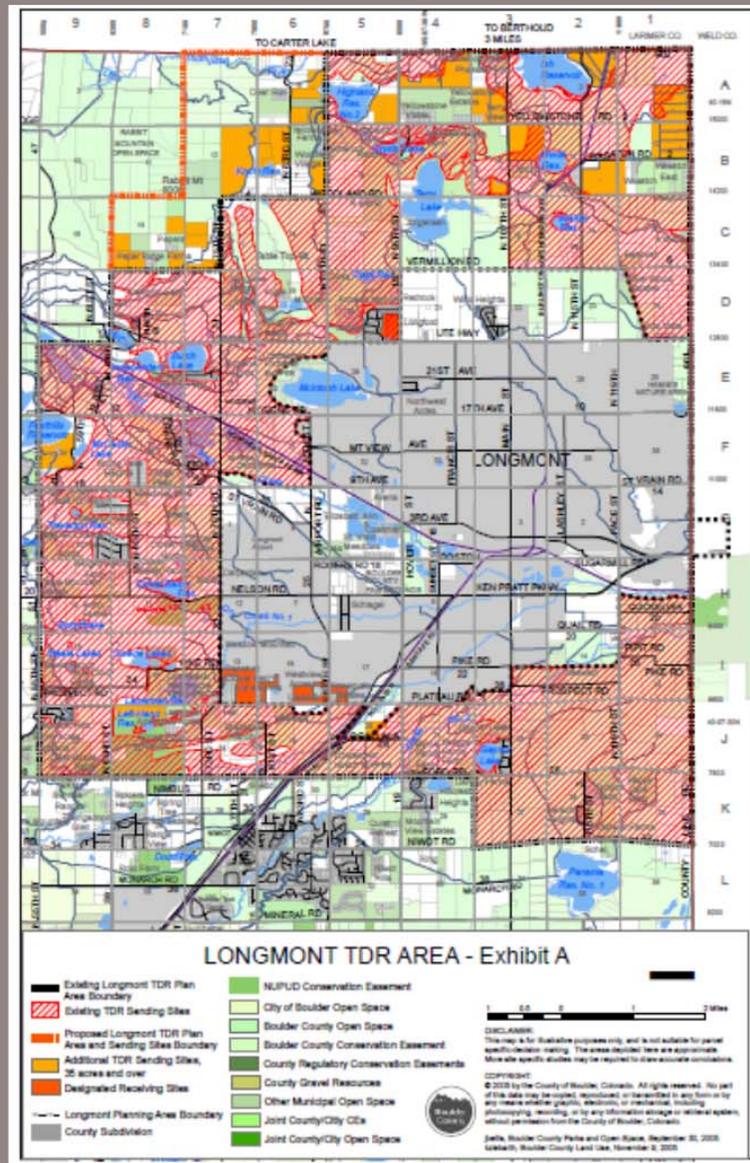
King County, WA

- Almost twice RI land area
- Promotes transfers into cities from 25+ miles away
- Awareness of urban-rural interdependency
- Adds incentives
 - \$500,000 to Seattle for green streets
 - If GHG regs are adopted, County TDRs can mitigate
- Now IGAs with Seattle, Bellevue, Sammamish, Issaquah

County Land Preservation Incentive

Boulder County, CO

- Super IGA and individual IGAs implement city and County preservation goals
- 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



County Planning Support

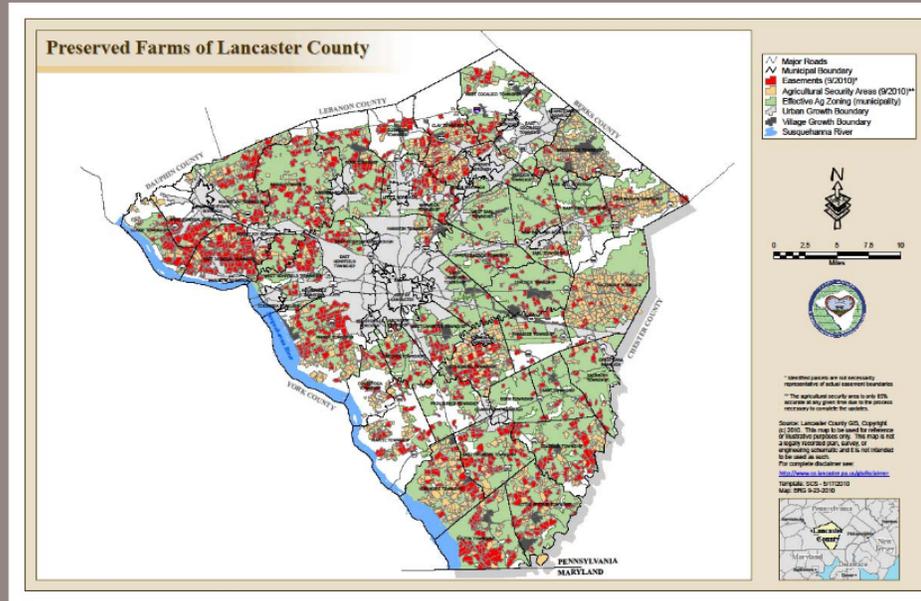
Lancaster County, PA

Township-level TDR programs

- Benefit from proximity of sending areas
- But need county coordinated visions and often technical assistance
- 31 Pennsylvania townships use TDR

Lancaster County: land use controlled by 41 separate townships

- Plan establishes goals
- County planners assist
- 85,500 acres of farmland
- Preservation is contagious
 - PDR
 - Conservation easements
 - TDR
 - PDR/TDR (Warwick)



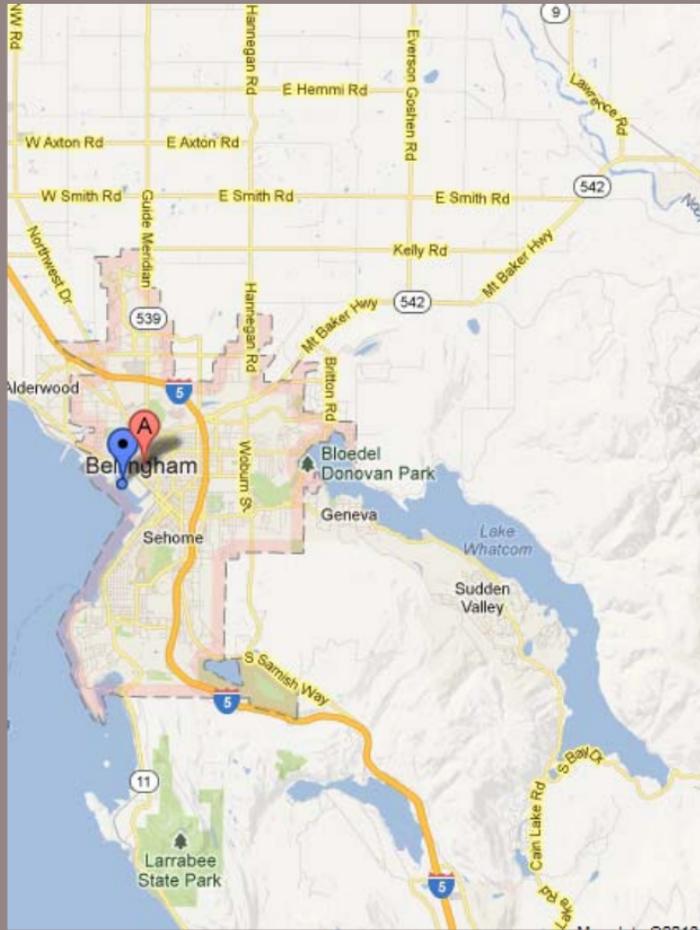
Local Level Inter-Jurisdictional

Warwick Township & Village, Orange County, NY

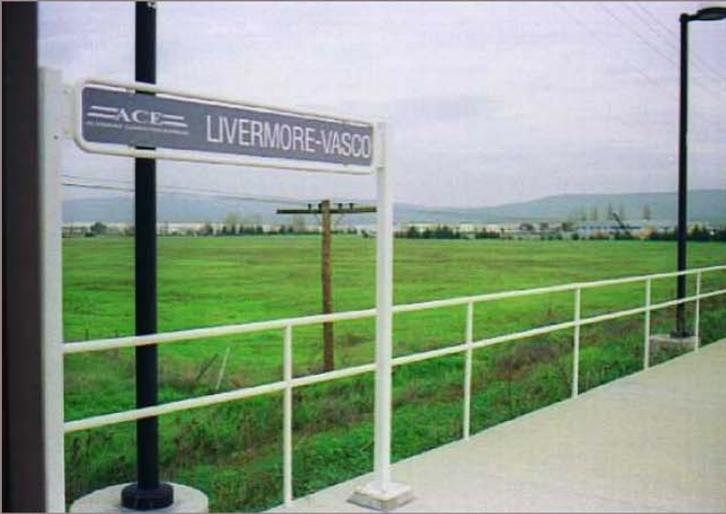
- Township land annexed by Village is zoned Annexation District (AD)
- AD baseline is maximum density of prior Town zone
- Bonus for “compensating amenities” or cash-in-lieu of \$50,000/BDU
 - 25% to protect Village watershed needs within Town
 - 30% Town discretion
 - 45% Village discretion



Inter-Jurisdictional TDR Watershed Protection Incentive



- Bellingham, WA
- Relies on Lake Whatcom Watershed primarily in Whatcom County
- Bonus floor area granted in Old Town Bellingham when developers participate in Lake Whatcom Watershed Property Acquisition
- One square foot of bonus floor area for one square foot of watershed land preserved
- Developers comply using DTC



Local Inter-Jurisdictional Farmland Preservation Objective

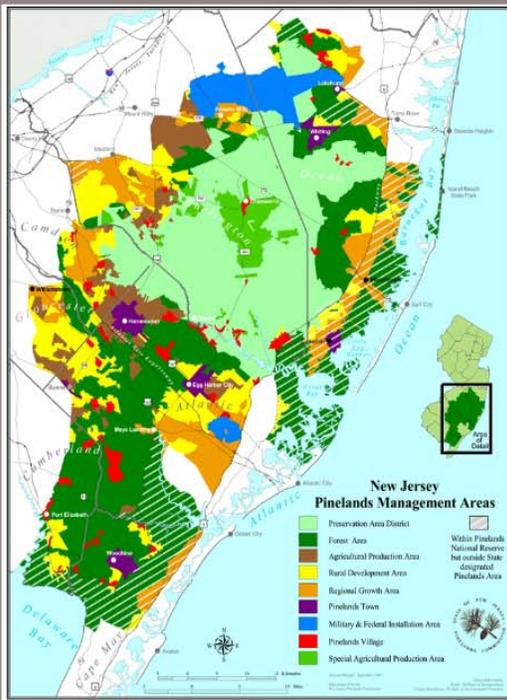
- Water and other vital resources may not be needed to motivate some jurisdictions
- Livermore, CA created sending area under Alameda County jurisdiction
- Initiative called for preservation of 14,000-acre area for agricultural, environmental protection, recreation and orderly growth

TDR Models for All Governmental Levels

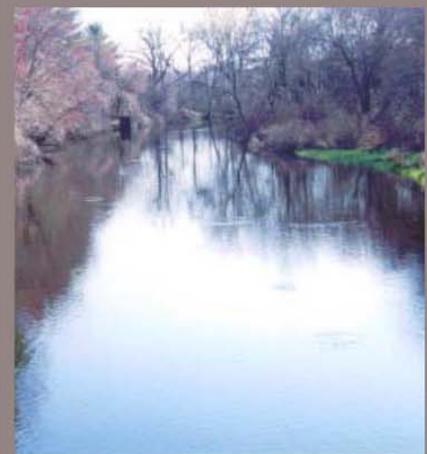
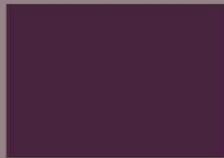
- State mandated, facilitated and incentivized
- County facilitated, incentivized
- Local initiative

To select a model

- Map and calculate how well preservation and development goals match up within and between jurisdictions
- Explore public officials' willingness to mandate and/or encourage TDR

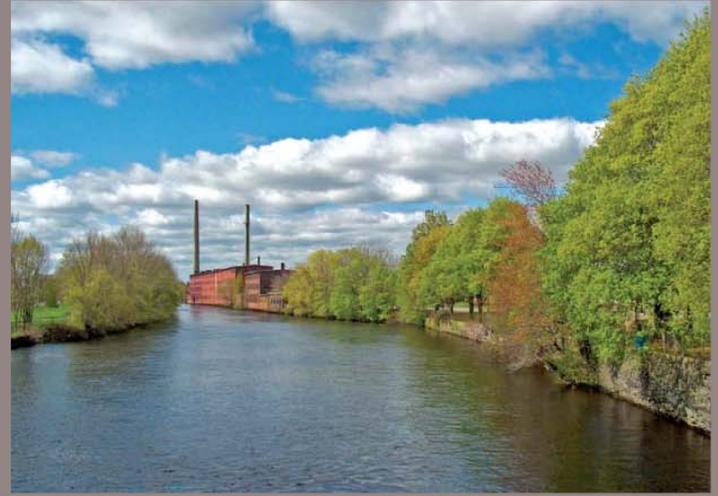


State-Driven Incentives



Is State Help Needed?

- Counties play no role in land use
- State has many incentives for resource protection and targeted growth
- State can align incentives to support TDR programs



Restructuring Incentives

- State incentives need to be organized around the principle of promoting TDR.
- Opportunities exist to align TDR and affordable housing requirements.
- TDR should not compete with other density bonus programs or incentives.
- As it prepares to embark on Sustainability Plan, the State should look for ways to incorporate TDR.

Notable Incentives Programs Identified in MA

What similar

programs/laws

- MassWorks
- TIF/DIF
- Smart Growth Districts (Chapter 40R)

- State Revolving Fund
- Partnership Communities (proposed in CLURPA)

are applicable for

Rhode Island?

- Community Preservation Act
- Economic Development Incentive Program

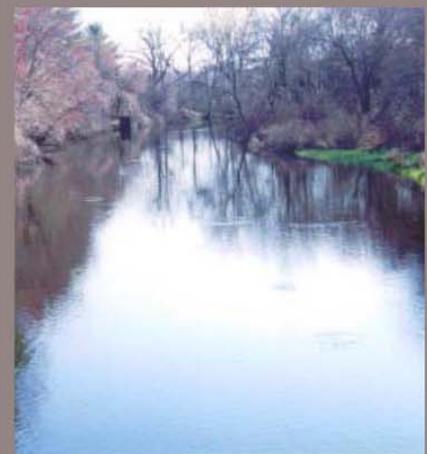
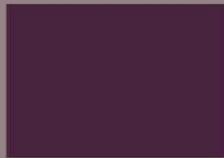
- APR Program
- Conservation Restriction Program

Barriers to Overcome

- Availability of funds
- “Priority fatigue”
- Local support



Implementing the Regional Plan



Implementing the Regional Plan

- Provide State support for local adoption and administration of TDR programs.
- Align State policies and incentives with TDR goals to maximize participation in TDR program.
- Create a State-funded TDR bank.
- View Washington County TDR program as a pilot program for the State.
- Create a TDR information/transaction clearinghouse.

Implementing the Regional Plan

- Create “Subregional TDR Program”
 - Gives Towns/Cities maximum flexibility in creating sending and receiving areas and establishing base densities.
 - Sending and receiving areas could be “paired.”
 - TDRs could be sent between jurisdictions.
 - Sending areas would be confined to land near each town.
- Could involve option of cash-in-lieu of TDR.



Implementation Steps

- Identify program goals
- Identify sending and receiving areas
- Conduct receiving-area market analysis
- Define sending-area TDR values and transfer ratios by geography and conditions
- State/City/Town feedback on implementation strategy

