



#95 - TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

TRANSFER OF DEVELOPMENT RIGHTS PROGRAM SUMMARY

Kitsap County's Transfer of Development Rights or TDR Program is a voluntary land use incentive program. It helps private "sending site" landowners achieve an economic return through the sale of development rights to "receiving site" landowners.

Rural landowners receive financial compensation without developing or selling their land and the public receives preservation of the land. Transferred development rights can be used to build additional residential units on other parcels in more appropriate urban areas.



The Kitsap County Transfer of Development Rights Program is voluntary but sending sites must be certified by Kitsap County. Before a Transfer of Development Certificate is issued, a 40-year deed restriction is placed on the sending site to maintain the property in rural use, forestry, farming or other uses consistent with the policy goals of Rural & Resource Lands. Development rights entitled by the certificate may then be transferred through private party transactions.

TDR SENDING SITE CRITERIA

All rural parcels are potentially eligible for certification as a TDR sending site. A parcel must be undeveloped or have unused development potential to qualify as a sending site. An example of unused development potential is a 10-acre parcel zoned Rural Residential (1 unit per 5 acres) with an existing house. The parcel could be subdivided for an additional 5-acre lot and home, or the one house could be continued to be enjoyed and the development rights to that unused portion could generate economic return via the Transfer of Development Rights Program.

TDR SENDING SITE FACTS

- TDR deed restrictions are for a 40-year period and then expire and the parcel is restored to full development potential, according to the ordinances then in effect.
- TDR development rights may be restored by purchasing development rights from other rural properties.
- TDR deed restrictions are extinguished if parcel is included in an Urban Growth Area through a Sub-Area Plan or Kitsap County Comprehensive Plan Update.

TDR SENDING SITE PROCESS

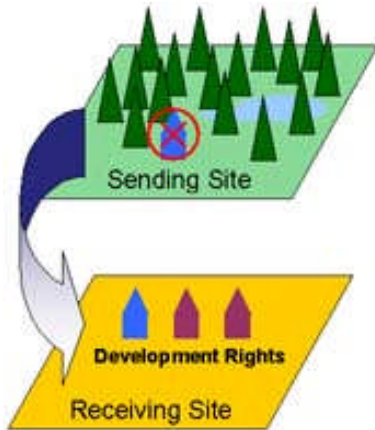
If there is more than one development right available on a rural property (i.e., the combination of zoning and acreage would allow one to subdivide and build more than a single house), then a landowner may be able to participate in the TDR program. The first step is to complete a TDR Sending Site Certification application form and return it with the requested supporting documents to Department of Community Development, 614 Division Street, MS-36, Port Orchard, WA, 98366. The fee to review the parcel and certify the development rights is \$150.

Brochure #95 - TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

TDR SENDING SITE CERTIFICATION

Sending site Certification allows a landowner to proceed with placing an easement on the property and receiving a certificate for the development rights to be transferred. Certified sending site landowners may then sell their credit(s) directly to a private buyer, list their available credit(s) on a Kitsap County TDR website, or may have a Realtor® represent them, among other options.

Development rights may be bought and sold repeatedly. If one purchased development rights, they may sell them to someone else. However, the applicant for a development permit where development rights will be used must also ultimately be the owner of those development rights. Development rights do not expire until they have been used. If development rights are purchased, they are "good" until they are applied to a receiving site.



TDR RECEIVING SITE CRITERIA

A receiving site is a parcel of land located where the existing services and infrastructure can accommodate additional growth. All urban parcels are eligible for certification as a TDR receiving site. Transfer of Development Rights Certificates are required as a condition of approval, as described in Kitsap County Code Section 17.430.070 and generally as follows:



- Site Specific Comprehensive Plan Amendments requesting a higher density.
- Rezones requesting a higher density or intensity zone.
- Expansions of Urban Growth Areas by Sub-Area Plan or Kitsap County Comprehensive Plan Update, at the discretion of the Board of County Commissioners upon adoption.
- Within incorporated City limits, how development rights may be applied to a parcel is subject to interlocal agreements to be developed with Kitsap County.

Receiving sites may use credits from more than one sending site. If a project is in need of more development rights than a particular sending site has available, the applicant may purchase additional rights from other sending sites. If a sending site has multiple development rights from one sending site those rights may be used on more than one receiving site. It is not necessary to transfer all of the development rights from a particular sending site together; they may be split up.

The information provided in this brochure provides an overview of the Program, sending site application form, and TDR implementation processes. For further information or questions, please contact Kitsap County Department of Community Development – Community Planning Division staff or consult the TDR Code listed in Kitsap County Code Section 17.430.