

1. Title

Transfer of Development Rights, by Timothy J. Lawrence

2. Location:

Ohio State University Fact Sheet, Community Development, 700 Ackerman Road, Columbus, OH 4302-1578, <http://ohioline.ose.edu/cd-fact/1264.html>

3. Year Published:

1998

4. Brief Summary:

The "transfer of development rights"(more commonly referred to in Canada as the "transfer of development credits") is a market-oriented approach through which property owners in a designated "sending" area can sell their property development rights to purchasers in a designated "receiving" area who wish to increase the development density on their property.

The approach is generally justified as a way for local governments to more equitably and/or economically support low density development in certain areas (areas usually zoned as environmentally sensitive or agricultural). They do this by allowing the sale/transfer of development rights from those areas to areas where higher density development is sought or more acceptable (areas usually zoned as high density residential or commercial/industrial).

The establishment of development rights transfer program is dependent upon the legal recognition that development rights can be sold separately from other property ownership rights and that a functioning market can be created for the sale of such development rights. Key factors identified as essential for the establishment of such a program include:

- public understanding and support
- strong political commitment
- a comprehensive growth management plan with tight zoning ordinances to support the transfer of rights program
- adequate financial incentives to create a market for development rights between defined sending and receiving areas
- well-trained planning staff to manage and explain the program.

The author identifies some successful transfer of development rights programs within rural areas in the US. However, he also cautions that implementing such a program: raises equity issues at least as severe as those involved in rezoning; may be opposed by residents in designated receiving areas; and does not always result in the redistribution of wealth that landowners expect.

5. Opinion on Relevance to Project:

The development of a transfer of developments rights program was identified in the project community workshop as one of a number of planning tools which might be used to preserve rural areas in Otter Point, Shirley and Jordan River. Public discussion about the requirements, costs, benefits and level of public support for such a planning approach would be necessary.

6. Categories Addressed:

Governance	<input checked="" type="checkbox"/>	Recreation	<input type="checkbox"/>	Economy	<input checked="" type="checkbox"/>
Environment	<input checked="" type="checkbox"/>	Community Development	<input type="checkbox"/>		
Others (Specify):	<u>Land use planning</u>				

7. Reviewer:

Wayne Fritz