

TRANSFERABLE DEVELOPMENT RIGHTS/CREDITS

Introduction: Transferable Development Rights/Credits (TDR/Cs) are the reassignment of building rights from a preservation site to a receiving site where development is appropriate. TDR/Cs is a voluntary means of managing growth. The TDR/C program is available to landowners wanting to limit development on their property. It encourages greater development where higher density is appropriate and has best access to infrastructure.

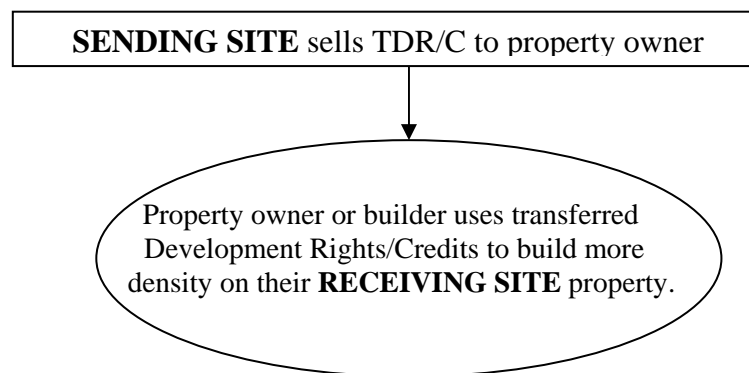
Purpose: TDR/C programs allow landowners to sever the development rights from a particular piece of property and transfer them. Purchasers are usually other landowners or developers who want to increase the density of their developments.

TDR/C programs strive for two main goals. First, communities can use TDR/C programs to preserve open space, agriculture, historic buildings or housing. And TDR/C programs make such preservation more equitable and politically palatable by compensating landowners who choose to limit their right to develop their property.

Developers benefit from the clarity and consistency that TDR/C programs offer. Developers can achieve higher density simply by purchasing development rights from other property owners willing to limit their development potential.

Mesa County has a TDR/C program in place and implemented through the Land Development Code. Each TDR/C sub-program has unique sending and receiving areas defined for each specific area. For example, the Fruita/Mesa County TDR/C program, the Mack Rural Community TDR/C program and the Clifton/Fruitvale TDR/C program.

It is in the interest of the Whitewater community to make identified BLM sites receiving sites for TDR/Cs. With TDR/Cs, the BLM properties can be developed into private residential developments.



TRANSFERABLE DEVELOPMENT RIGHTS/CREDITS

Transferable Development Rights/Credits Area: To be a successful TDR/C program the community must encompass enough land to have sufficient sending and receiving areas. Therefore, for the Whitewater TDR/C program, the sending area will be the Whitewater/Kannah Creek area as described in the 1999 Plan, as generally mapped below. Sending sites must be within the designated Large Lot Rural Agricultural 35+ (LL R/A 35+) classification as depicted on the Mesa County 2006 Rural Area Future Land Use Map to be eligible as a sending site.

This sending area includes rural areas that are well outside of infrastructure services; are in environmentally fragile areas; or are surrounded by open space or conservation areas.

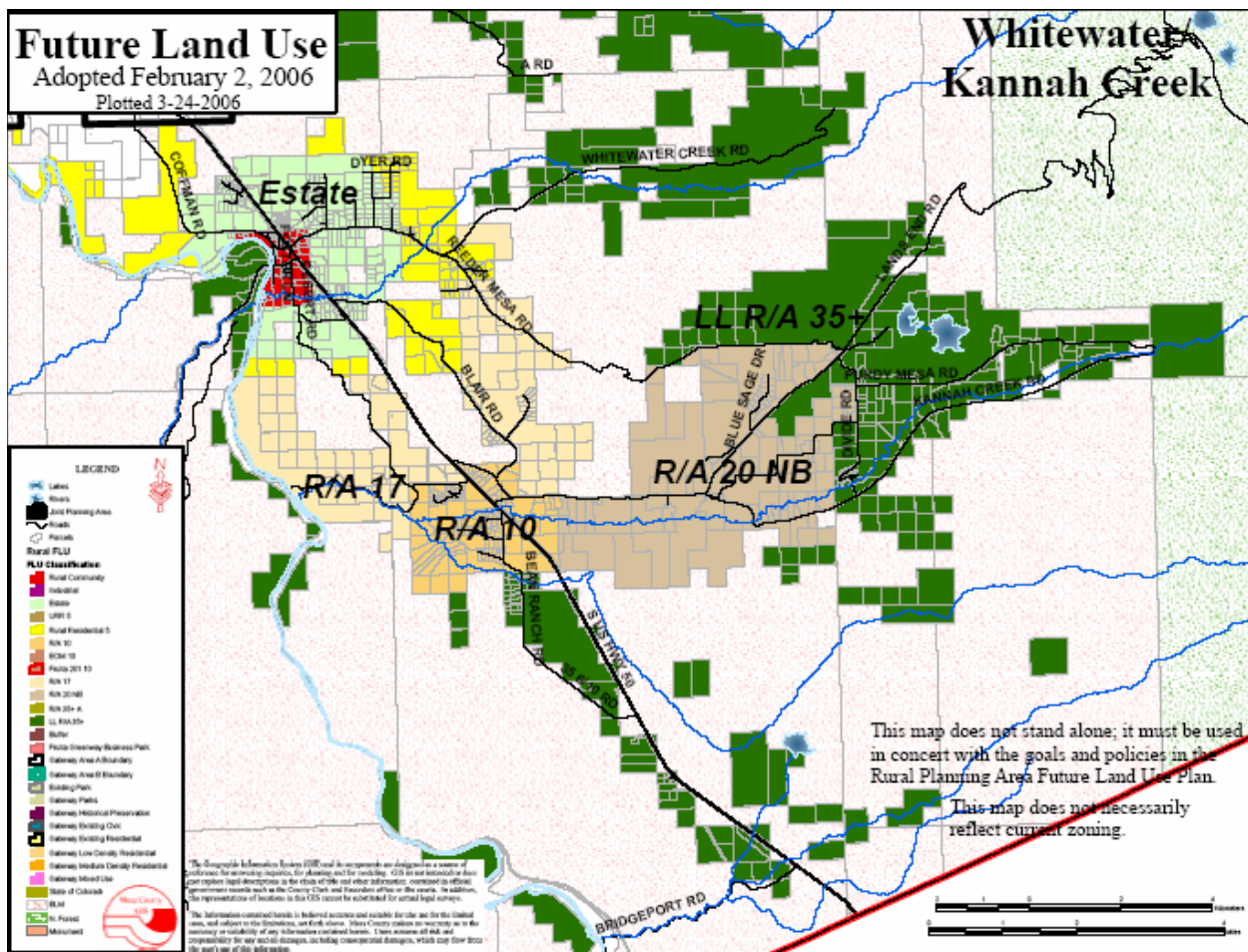


Figure 13: Sending Area

TRANSFERABLE DEVELOPMENT RIGHTS/CREDITS

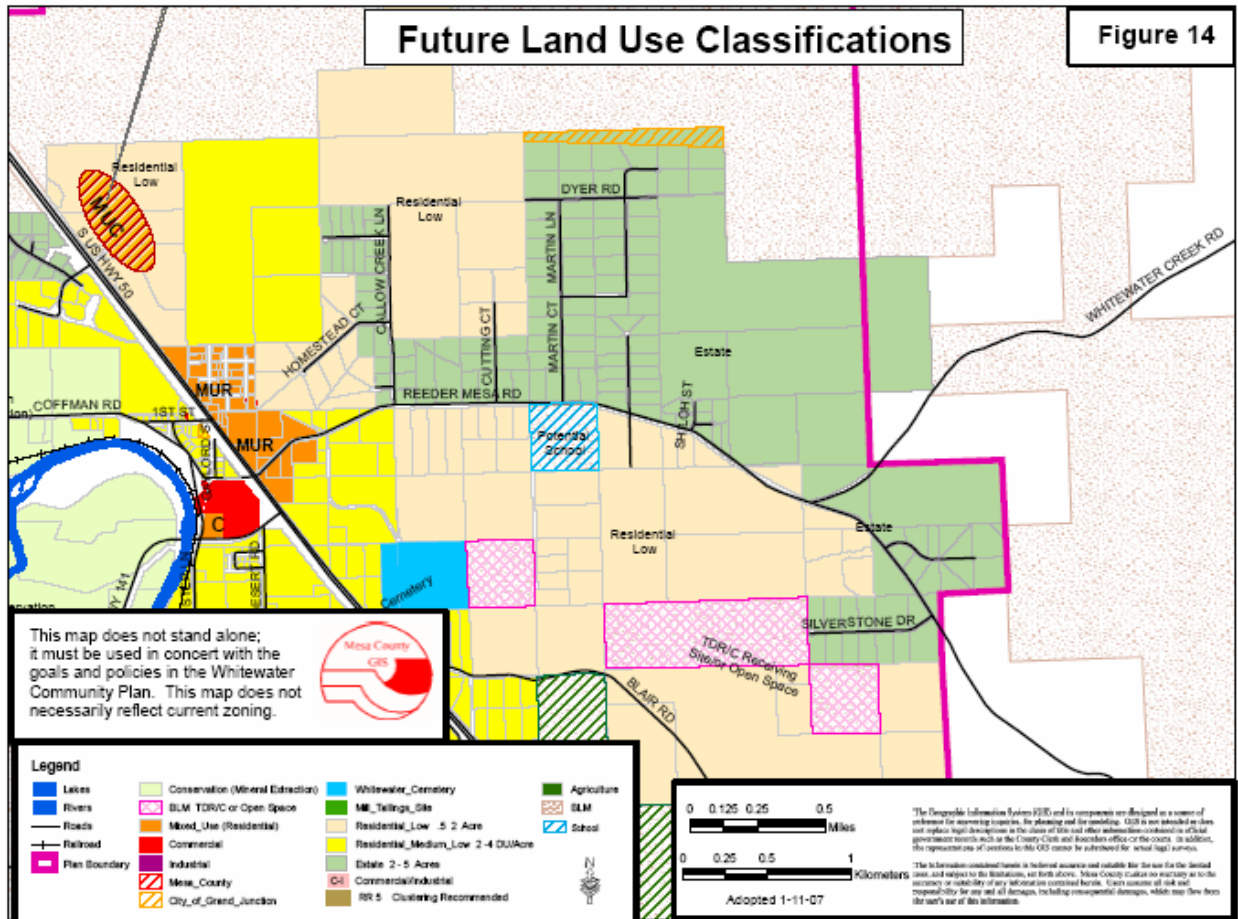


Figure 14: TDR/C Receiving Sites

Sending and Receiving Sites: Whitewater has the unique feature of being surrounded with BLM properties that both provide significant recreation opportunities as well as contribute to the rural character of the area. These sites are also opportunities for development of schools, hospitals, open space, or similar community-benefiting uses.

As the energy market and other real estate markets grow in Western Colorado, it is not a given that these community benefiting BLM properties will continue to be available to the citizens of Whitewater. Many of these BLM properties are “disposal properties.” One use of the available disposal properties is the applicability of the Recreation and Public Purposes Act (68 Statute 173; 43 United States Code 869 et. seq.). The act authorizes the sale or lease of public lands for recreational or public purposes to State and local governments and to qualified nonprofit organizations. Examples of typical uses under the act are historic monument sites, campgrounds, schools, fire houses, law enforcement facilities, municipal facilities, landfills, hospitals, parks, and fairgrounds.

TRANSFERABLE DEVELOPMENT RIGHTS/CREDITS

As the Whitewater Community grows the BLM disposal lands will play an important role in shaping its character and appearance, therefore the specific TDR/C receiving sites should remain open to all uses that best benefit the community including open lands. The uses of the lands should be directed by residents of the Whitewater Community.

Transferable Development Rights Action: Amend the Mesa County Land Development Code creating a Transferable Development Rights (TDR/C) overlay program for the Whitewater Community Plan as described above.