

TRANSFERABLE DEVELOPMENT RIGHTS

INTRODUCTION

Development and growth have become hot topics for debate in the Murderkill watershed. As more housing and other types of development occur, more farmland and forest is lost. Along with the development of rural areas comes increased pollution from these urban/residential development sources. However, nutrient loading from new development can be reduced and open space and habitat can be preserved if development is done wisely. Transferable Development Rights (TDRs) are tools for directing development of lands designated for growth while leaving other areas available for open space.

DEFINITION

Transferable Development Rights (TDRs) are credits that are attached to a piece of land for the development of that land. Through creating these TDRs, all landowners are allocated credits or rights to develop their land. Owners of rural lands in areas NOT designated for growth can be given “credits” or TDRs which can be sold to developers looking to build on lands in growth areas, who need these credits in order to develop those areas. In many cases, these rights/credits could increase the density of development permitted in the growth areas.

Governor Minner has initiated a state-wide strategy entitled “Livable Delaware”, with the objective of curbing sprawl and directing growth while preserving agricultural and environmentally sensitive areas. Part of this strategy rests on the TDR program and its ability to save important areas of land while focusing development in areas so designated as “Receiving Districts”. A Board overlooking the process is comprised of members from the public and private sector as well as governmental representatives.

AN EXAMPLE

Bob owns a piece of property—it consists of freshwater wetlands, farmland, and some forest. The State and County have identified it as an endangered area in need of protection, thus it should not be developed. Bob is granted 10 development credits for that land.

Betty wants to develop land in the watershed. Friendlytown has been designated a growth area. Betty currently owns property in Friendlytown that she cannot develop without having development credits.

Betty buys development credits from Bob.

ISSUES

- ☞ TDRs reduce development in areas designated for preservation and increase development in growth areas.
- ☞ TDRs will only work to protect land from development if the transfer of rights is widely practiced.
- ☞ Nutrient loads from new development are reduced.
 - Capacity for growth is increased in sewered areas since development will occur in growth areas.
 - Since new development will be in sewered areas, the use of septic systems will not be as prevalent.
- ☞ Waste treatment systems in growth areas will need to have appropriate capacity to treat increased flow from expanding development.
- ☞ New development will occur in areas with stormwater management, thus reducing nutrient inputs into streams.
- ☞ Stream quality will be protected over a larger area where the open space exists.
- ☞ Development impacts will be greater on waters located in growth areas.
- ☞ When TDRs are used, there is no need to rezone land in rural areas.
- ☞ TDRs require the use of private funds, so public revenue is not needed for the protection of the land.
- ☞ Administrative costs will be incurred in the creation of the TDRs.
- ☞ TDR administrator must:
 - Ensure the legitimacy of the credits or rights through legal channels
 - Facilitate buyers and sellers ability to find each other

MURDERKILL WATERSHED

This fact sheet was prepared by the Delaware Department of Natural Resources and Environmental Control's Whole Basin Team for citizens and stakeholders interested in one of Delaware's most environmentally and economically attractive areas—the Murderkill River and its surrounding lands, surface and ground waters.

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