

THE TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM

In simple terms, the Transfer of Development Rights requires the placement of a conservation easement in perpetuity on a parcel(s) of land, thereby restricting future development on the parcel. The development rights from the parcel are sold to a person/developer wishing to develop a residential development, or planned unit development in the urbanizing area of the County. The developer transfers the right to develop **from** the parcel with the conservation easement **to** the residential development and is permitted to increase the number of residential units in the planned unit development.

PURPOSE

The purpose of the transfer of development rights (TDR) program is to provide a voluntary, incentive based process for permanently preserving rural resources which provide significant community benefit such as agriculture, open spaces, aquifer recharge for current and future water supply (water recharge area), and a military installation buffer area. The intent of this chapter is to reduce development pressures and minimize development on agricultural lands, habitats, water recharge areas, flood zones and NAS Fallon and associated ranges notification areas by providing landowners a mechanism to sustain existing land uses and develop lands more compatible for urbanization. The TDR provisions are intended to supplement land use regulations, resource protection efforts, open space acquisition programs and to encourage increased residential development density inside designated areas, where those provisions can best accommodate little impact on the natural environment and provide for efficient public services by:

1. Providing an effective and predictable incentive process for rural resources and agricultural land property owners to preserve lands with a public benefit per Churchill County Master Plan.
2. Providing an efficient and streamlined administrative review system to ensure that transfers of development rights to “receiving sites” are evaluated in a timely manner, balanced with other county goals and policies, and adjusted to the specific conditions of each “sending” and “receiving site”.

PROS AND CONS:

Conservation easements are one of the many ways to protect agricultural lands but they may not always be the best option.

Points to consider:

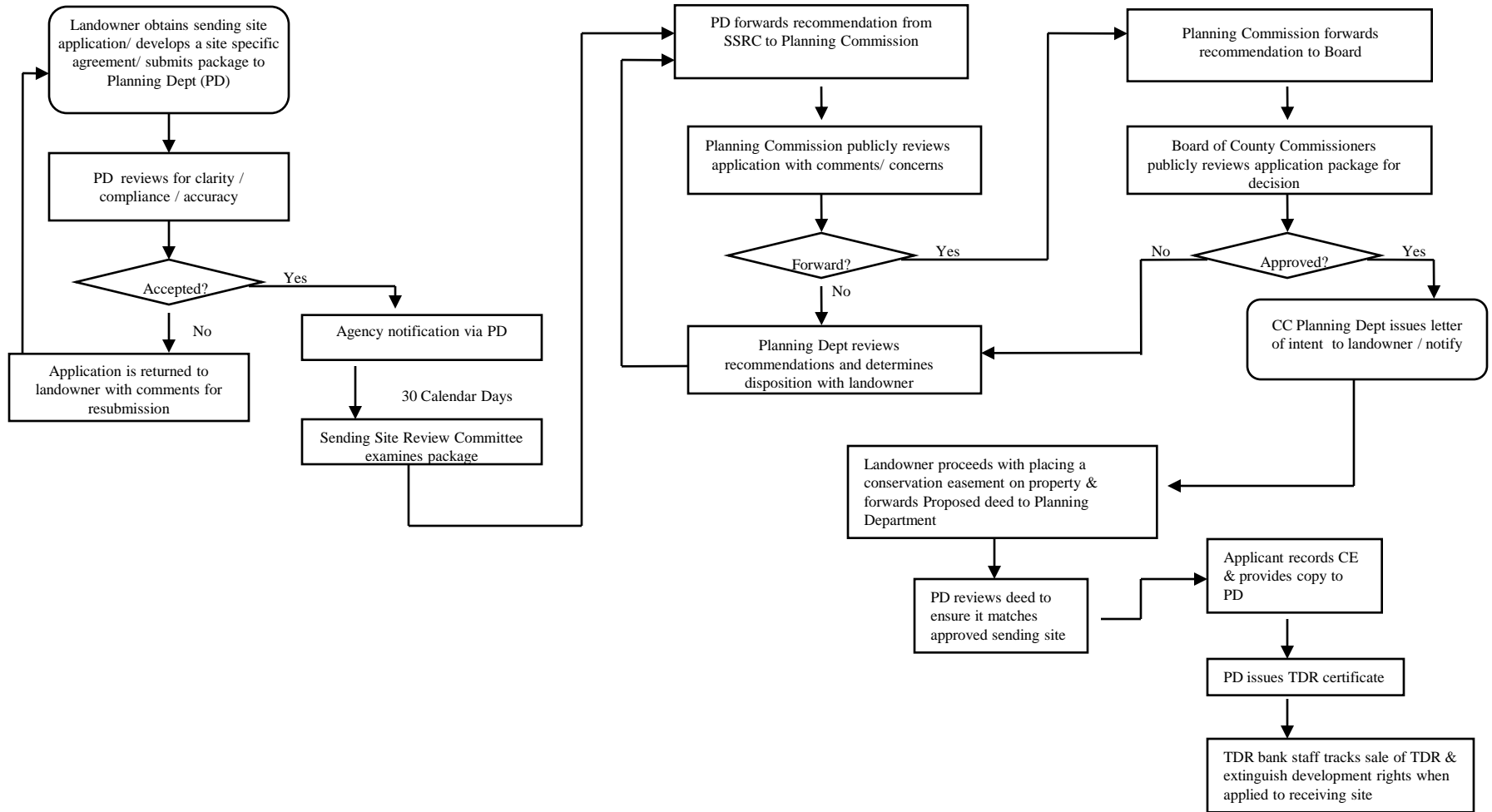
- Short-term costs including costs for an appraiser and attorney fees
- Landowners choose to give up certain development rights that may lower the property’s market value

- Easement restrictions are **permanent** and bind all future owners
- Tax implications
- Length of time for the process (submittal of a sending site application – reviewed by the sending site committee, the planning commission and the board of county commissioners; survey and appraisal of conservation easement; finding a developer willing to purchase the TDRs)
- Fluctuating value and demand for TDRs

PROCESS

1. Complete a Sending Site and TDR Calculation.
2. Submit the complete **original application** with all required attachments, **5 copies** and a non-refundable **filing fee of \$150.00** to the Planning Department.
3. The Planning Department will notify the following entities for comment: Churchill County Assessor's Office, City of Fallon, Fallon Paiute-Shoshone Tribe, Lahontan Conservation District, Lahontan Valley Environmental Alliance, NAS Fallon, Newlands Water Protective Association, Stillwater Conservation District, Truckee-Carson Irrigation District and U.S. Fish & Wildlife Service.
4. Following the thirty (30) calendar day comment period of the entities above, the Planning Department will set a meeting for the Sending Site Review Committee (SSRC).
5. The SSRC will review the application and forward a recommendation regarding the Sending Site and the TDR calculation, within sixty (60) calendar days of application submittal, to the Planning Commission.
6. At a regularly scheduled meeting, the Planning Commission will review the SSRC's report and recommendation. The Planning Commission will forward a recommendation to the Board of County Commissioners.
7. At a regularly scheduled meeting, the Board of County Commissioners will review the Planning Commission recommendation and will approve or reject the sending site application.
8. If the Board of County Commissioners approves the Sending Site Application, the Planning Department will forward to the applicant a letter of intent to issue a TDR Certificate upon establishment of a conservation easement.

Sending Site Approval Process



SENDING SITE AND TDR CALCULATION APPLICATION
FILING INSTRUCTIONS

Sending Site criteria:

- A. A sending site must have properties or characteristics that have a **community benefit** and would be degraded by increased residential development. Properties that are irrigated and in agricultural production **and, in addition,** are in a water recharge area or within the military operations compatibility area are considered priority areas as sending sites.
- B. A sending site must be a minimum of 20 acres.
- C. Sending sites may not be in public ownership.
- D. Other areas **that are special sites with community benefit** may be considered on a case-by-case basis during the site evaluation process if and are identified as such by the Sending Site Review Committee.

If your property meets the above conditions please complete the application

- Please answer all questions as fully as possible.
- You may attach additional sheets if necessary to fully answer a question.
- If any item is inapplicable, please mark it “N/A”.
- Attach copies of deeds, relevant pictures, plat maps, and TCID water right detail.
- A filing fee of \$150.00 must be submitted with the application.
- Please review the Sending Site Application review process. The attached application is only the first step. If a property is approved as a Sending Site by the Board of County Commissioners, you will receive a letter stating that your application is approved and the number of TDRs that have been calculated for your property. **A CONSERVATION EASEMENT DEED MUST BE RECORDED ON YOUR PROPERTY IN ORDER FOR YOU TO BE ISSUED TDR CERTIFICATES.**

TDR Calculation Worksheet:

The Transfer of Development Rights (TDR) Program allows for the calculation of the number of transferable development rights. Churchill County will issue certificates of transferable development rights that can be sold provided a conservation easement is placed on the property.

Churchill County Code, Section 16.14.050, Sending site calculations:

- A. A landowner must have a minimum of twenty (20) contiguous acres to qualify as a sending site unless they are special sites with significant community benefit and are identified as special sites by the sending site review committee.
- B. Existing residential structures that are used by family members or farm employees and are located on a parcel that is under agricultural production may be included in a sending site/conservation easement. A sending site may include one (1) or two (2) additional single family dwelling(s) if approved by the board of county commissioners. A proposed sending site must exclude sufficient acreage for each proposed residential dwelling and each proposed cluster development building parcel and associated agricultural reservation. ERCs will then be calculated for the remaining acreage.
- C. The number of ERCs a qualified sending site is eligible for shall be determined by applying the TDR sending site base density established in subsection F of this section to the area of the sending site and deducting any portion of the sending site already in a conservation easement or other similar encumbrance and any acreage required for proposed residential dwelling units or cluster developments.
- D. Any fractions of ERCs that result from the calculations in subsection F of this section shall follow standard mathematical rounding practices in the final determination of total ERCs available for transfer.
- E. For purposes of calculating the amount of ERCs a sending site can transfer, the amount of land contained within the site shall be determined as follows:
 - 1. If the sending site is an entire parcel, the square footage or acreage shall be determined:
 - a. By the Churchill County assessor's office records; or
 - b. By a survey that has been prepared and stamped by a surveyor licensed in the state of Nevada; or
 - c. By farm service agency (USDA) aerial photos.
 - 2. If the sending site is a portion of a parcel, the square footage or acreage shall be determined by a survey that has been prepared and stamped by a surveyor licensed in the state of Nevada; and
- F. For purposes of the TDR program, the following base densities will be used to calculate ERCs:
 - 1. Sending sites designated on the zoning map as A-5, A-10 or RR-20 and in the master plan as outside of the urbanizing area shall be assigned a base density of one (1) ERC per four (4) acres, and
 - 2. One (1) ERC per irrigated water righted acre.
- G. For the purposes of the TDR program, the following incentive or bonus densities apply:
 - 1. Sending sites or portion thereof located within a water recharge area or NAS Fallon and associated ranges notification area, or FEMA designated 100-year flood zone: 1.5 ERC per ten (10) acres.

2. Sending sites providing beneficial public access as defined by the county to recreation areas, walking trails, bicycle paths, wetlands, rivers, lakes, state parks, or federal lands: Ten (10) ERC per parcel.
3. Sending sites/parcels which total one hundred (100) or more acres: One (1) ERC per ten (10) acres.
4. Sending sites may qualify for concurrent or additive bonus categories, for example:

Example TDR Worksheet

101 acres of qualifying land including 75 acres of irrigated agricultural land in a water recharge area, with public access to the Carson River.

Base TDRs (subsection F1 of this section)	25
Water right equivalent (subsection F2 of this section)	75
Bonus for water resource protection (subsection G1 of this section)	15
Bonus for beneficial public access (subsection G2 of this section)	10
Bonus for total over 100 acres (subsection G3 of this section)	10

Example TOTAL TDRs 135

- H. The number of ERCs that a sending site is eligible to send to a receiving site shall be proposed by the landowner following the above described criteria and subject to final approval by the board of county commissioners.
- I. ERCs from one sending site may be allocated to more than one receiving site and one receiving site may accept ERCs from more than one sending site.
- J. The determination of the number of ERCs a sending site has available for transfer to a receiving site shall be valid for transfer purposes only, shall be documented in a TDR certificate, and shall be considered a final determination, not to be revised due to later changes to the sending site's zoning and/or revisions to this document or process.

Section 16.14.060 Development Limitations:

- A. Following the transfer of ERCs from a sending site, the portion of the parcel or parcels not designated in a conservation easement may accommodate residential structures on the buildable portion of the parcel, or parcels. This site must comply and be consistent with the land use regulations of that zoning district.
- B. Nonresidential uses on parcels zoned A-5 or A-10 shall be limited as follows:
 1. Only those uses directly related to, and supportive of, the criteria under which the site qualified are allowed on the portion of the parcel designated as a sending site. The limitations shall be included in the conservation easement.
 2. The portion of the parcel outside the sending site may develop nonresidential uses consistent with the land use district.
- C. When a development right is purchased and subsequently used in a receiving site, the right to build a residential unit on the sending site is "extinguished."

**CHURCHILL COUNTY
APPLICATION FOR SENDING SITE AND TRANSFER OF
DEVELOPMENT RIGHTS CALCULATION**

A. APPLICANT INFORMATION

1. Applicant Name & Mailing address: _____
City, State, and Zip: _____
Phone No.: _____
Fax No.: _____
Email: _____

2. All Persons/Firms having an ownership interest in the property:

Name _____
Mailing address _____
Telephone _____

Name _____
Mailing address _____
Telephone _____

Name _____
Mailing address _____
Telephone _____

3. Firm Name, Corporate or Business Name: _____

4. Type of legal entity:
 individual
 corporation incorporated in the State of Nevada
 general partnership created in the State of Nevada
 limited partnership created in the State of Nevada
 limited liability company created in the State of Nevada
 other: _____

5. Contact Person at Applicant's Organization:
Name _____
Mailing Address _____
Telephone _____ Fax _____

6. Are there any material facts or circumstances (e.g., pending litigation, bankruptcy, code enforcement actions, etc.) relating to any of the parties to the proposed transaction, which may potentially affect the application approval or TDR transaction? Yes
If yes, please explain:

B. PROPERTY INFORMATION

1. General location of property (including nearest intersection): _____

2. List Assessor's parcel number(s) and acreage:

APN _____ Section, township, and range _____ Acreage _____
APN _____ Section, township, and range _____ Acreage _____
APN _____ Section, township, and range _____ Acreage _____
APN _____ Section, township, and range _____ Acreage _____

Total Acreage: _____

3. Present zoning: _____

4. Amount of water rights appurtenant to the property _____

Please provide a copy of the TCID Water Right Detail.

If no water rights are appurtenant to the property, has irrigation been removed and or vegetation been stripped from the property within the last six (6) years? Yes () No ()

If yes, attach an affidavit of compliance with the Dust Control requirements of Churchill County Code.

5. Property location (Check if applicable)

Water resource area () Military Installation buffer zone ()
FEMA designated flood plain () *(Include copy of FEMA map)* Other () _____

C. LAND USE INFORMATION

Describe the Sending Site providing details about the current land uses including number and types of livestock, wildlife species, a general description of crops and acreage, native fauna, wetlands and other property characteristics that have a community benefit that would be degraded by increased residential development

Provide any other information including photos and maps that clearly describe the sending site.

Current number of homes on the property: _____

Number of reservations for future permanent homes on the property: _____

[Please Note: This may affect the appraisal value for the easement and purchase price for the easement should the Navy and/or County participate to purchase the easement.]

Please attach copies of any documents that may assist the sending site review committee in determining the community benefit of the sending site.

D. CONSERVATION EASEMENT DESCRIPTION

*A **Conservation Easement** – a legal agreement between a landowner and an eligible organization that restricts future activities on the parcel, parcel(s) or portion thereof to protect its conservation, agricultural, open space or similar value in perpetuity.*

A conservation easement granted through the TDR program shall be required for land and water contained in the sending site. The conservation easement may be placed on the entire parcel or parcels or only the portion of the parcel or parcels that is qualified as the sending site. The conservation easement shall indicate the portion of the parcel or parcels restricted from future residential development, or limitations on future residential and nonresidential development within the conservation easement and the amount of water right.

Provide information that briefly describes the proposed conservation easement including:

- **Assessor’s plat map or maps of the parcel or parcels**
- **A site plan depicting the proposed conservation easement area, existing and proposed residential units, submerged lands, any area already in a conservation easement or similar encumbrance**
- **A brief description of the site resources including appurtenant water rights, including a copy of the TCID Water Right Detail and TCID map showing water application/irrigation**
- **If the site is qualifying as habitat for a threatened or endangered species:**
 - i) **A wildlife habitat conservation plan, or**
 - ii) **A wildlife habitat restoration plan, and**
 - iii) **A wildlife present conditions report.**

Please list the attachments providing the above information:

_____	_____
_____	_____
_____	_____

Are there any existing easements for access, utilities, or any other purposes or other encumbrances? Yes No. If yes, show on site plan or maps and provide the recorded document number. _____

List all lien holders (mortgages, deeds of trust, lessees, or other encumbrances). Lien holders will be required to subordinate their mortgage or deed of trust to the conservation easement:

_____	_____
_____	_____

Are there any properties adjacent to your lands that are subject to existing conservation easements, variance or plat restrictions, or public owned open space?
 Yes No Don't Know

E. TRANSFER OF DEVELOPMENT RIGHTS CALCULATION

BASE DENSITY

Sending sites designated on the zoning map as A-5, A-10 or RR-20 and in the Master Plan as outside of the urbanizing area shall be assigned a base density of one (1) equivalent residential units (ERC) per four (4) acres

APN _____ Acreage _____ : Acreage/4 x 1ERC = _____

APN _____ Acreage _____ : Acreage/4 x 1ERC = _____

APN _____ Acreage _____ : Acreage/4 x 1ERC = _____

Total = _____ ERCs (1)

WATER RIGHTED ACREAGE

One (1) equivalent residential unit per irrigated water righted acre.

APN: _____ Water righted acres: _____

APN: _____ Water righted acres: _____

APN: _____ Water righted acres: _____

Total water righted acres _____ x 1ERC = _____ ERCs (2)

BONUS AREAS:

a. Sending sites or a portion thereof located within a drinking water recharge protection or Water Resource area, military operations buffer area, or FEMA designated flood plain are allocated 1.5 ERCs per 10 acres. *(Note: this calculation is not cumulative. Only include the acreage of the parcels located within one of these sites)*

APN: _____ Acreage _____

APN: _____ Acreage _____

APN: _____ Acreage _____

Total acres = _____
Acreage /10 x 1.5 ERCs = _____ ERCs (3)

b. Sending sites/parcels which total 100 or more acres are allocated one (1) ERC per ten (10) acres. *(Note: Calculate total acreage of all parcels included in the sending site application. Total acreage/10 x 1ERC)*

APN _____ Acreage _____

APN _____ Acreage _____

APN _____ Acreage _____

Total Acreage = _____
Total Acreage () /10 x 1ERC = _____ ERCs (4)

c. Sending sites providing beneficial public access as defined by the County to recreation areas, walking trails, bicycle paths, wetlands, rivers, lakes, State parks, or Federal lands - 10 ERCs per parcel;

Walking trail: ___ APN: _____ Bicycle path: ___ APN: _____
Wetland: ___ APN: _____ River: ___ APN: _____
Lake: ___ APN: _____ State park: ___ APN: _____
Federal land: ___ APN: _____

Total number of parcels providing access = _____
10 x number of parcels providing access = _____ ERCs

TOTAL NUMBER OF ERCs:

Total Base Density = _____

Total Water Righted = _____

Total Bonus Area (a) = _____

Total Bonus Area (b) = _____

Total Bonus Area (c) = _____

GRAND TOTAL = _____ **= TOTAL TDRs** _____

VERIFICATION

_____, BEING DULY SWORN, DEPOSES AND SAYS THAT HE/SHE HAS AN INTEREST IN THE PROPERTY DESCRIBED IN THE FOREGOING APPLICATION; THAT HE/SHE HAS READ SAID APPLICATION AND KNOWS THE CONTENTS THEREOF; THAT THE STATEMENTS THEREIN ARE TRUE AND CORRECT TO HIS/HER KNOWLEDGE EXCEPT THOSE CLEARLY INDICATED TO BE TRUE AND CORRECT TO HIS/HER BELIEF WITHIN THE LIMITS OF HIS/HER KNOWLEDGE; THAT THE TRANSFER OF DEVELOPMENT RIGHTS ORDINANCE HAS BEEN READ AND UNDERSTOOD; THAT THE INFORMATION PROVIDED ABOUT THE TRANSFER OF DEVELOPMENT RIGHTS PROGRAM HAS BEEN READ AND UNDERSTOOD; AND THE BENEFITS AND IMPLICATIONS OF CONSERVATION EASEMENTS HAVE BEEN DISCUSSED WITH ALL INDIVIDUALS WHO HAVE AN INTEREST IN THE PROPERTY DESCRIBED.

FURTHERMORE, HE/SHE AFFIRM THAT THE SENDING SITE FOR WHICH TDR CERTIFICATES ARE SOUGHT CONTAINS ONLY UNDIVIDED LEGAL LOTS AND THAT NO SUBSTANDARD LOTS OUTSIDE OF THE SENDING SITE ARE HELD IN COMMON OWNERSHIP WITH THE SENDING SITE.

HE/SHE UNDERSTAND THAT THIS APPLICATION IS SUBJECT TO REVIEW FOR CONSISTENCY WITH SELECTION POLICIES AND CRITERIA BY THE SENDING SITE REVIEW COMMITTEE IN ORDER TO PROPERLY EVALUATE AND PROCESS THIS APPLICATION. I/WE AGREE TO ALLOW SENDING SITE REVIEW COMMITTEE ENTRY TO OUR PROPERTY WITH ADVANCE NOTICE. **HE/SHE UNDERSTANDS THAT THE \$150 FILING FEE IS NONREFUNDABLE.**

SIGNED: _____

MAILING ADDRESS _____

PHONE:(_____)_____

SUBSCRIBED AND SWORN TO BEFORE ME BY _____

THIS ____ DAY OF _____, 20__.

NOTARY PUBLIC, IN AND FOR THE
STATE OF _____
County of _____



Truckee-Carson Irrigation District

Newlands Project

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Rusty D. Jardine, Esq., Project Manager &
General Counsel

Today's Date

TO WHOM IT MAY CONCERN:

This letter is to authorize _____ to receive information within my water rights user's file and to order copies of any items that pertain to those rights. This authorization shall be granted for a period not to exceed 60 days from the above date.

Print Name of Water Right Owner

Signature of Water Right Owner

Phone Number of Water Right Owner

Address(es) of Subject Parcel(s)

APN Number(s) of Subject Parcel(s)

TCID Serial Number

Special note: This form shall be delivered to the office of TCID in its original format prior to the distribution of any documentation.