

APPLICATION

1. Introductory Meeting

The property owner can meet with the TDR Administrator and staff (as needed) to discuss their intent for the property, the eligibility criteria, submittal requirements, the certification process, the [TDR Marketplace](#), and other aspects of the [TDR Program](#).

Additional meetings may be needed if the application includes retaining water rights, proposed easements, a subdivision, infrastructure and utility improvements, or other development permits. If so, the application will likely be referred to the Technical Advisory Committee.

OUTCOME – A preliminary determination that a property meets the eligibility criteria as a Sending Area. A mutual understanding of the next steps in the process. The TDR Administrator provides the property owner with a TDR package consisting of the TDR Program application document, a [TDR agreement template](#), the Sending Area Plat Application, a copy of [TDR Program Ordinance 2023-07](#), FAQs and other TDR Program materials.

2. Application

The property owner can apply to the TDR Administrator by submitting a [TDR Program Application](#).

The application includes the following:

- a. [TDR Program Application](#) – The application will include information about the property and the property owner, a statement of intent and an outline and description of the property and how it meets the eligibility criteria. The statement of intent should describe the purpose(s) for the property owner to apply for TDR Certificates. Other issues may include the owner's intent to subdivide, any proposed development or easements, lien subordination, title report, and if the owner intends to retire any water rights in exchange for TDR Certificates.
- b. Plat or Map - The plat or map will identify existing improvements, the proposed Sending Area, any proposed Development Areas, any proposed easements or new lot line(s).
- c. Deed – The deed demonstrates ownership of the property. It may identify certain restrictions to development that limit eligibility or reduce the number of TDR Certificates.
- d. Supporting Documents. These may include photos, research papers, water rights documentation, or other materials that support the application.

OUTCOME – A complete and accurate application.

3. Site Visit

The TDR Administrator will visit the property with the owner.

OUTCOME – The TDR Administrator will verify the existing conditions of the property and if it meets the eligibility criteria. The property owner may update the plat or map to reflect any changes in the application and the Sending Area.

QUALIFICATION

1. Qualification Report

The TDR Administrator will prepare the [Qualification Report](#) for signature by the property owner and the Land Use Administrator. The Qualification Report will describe the property in relation to the eligibility criteria, reference the applicable goals, policies, and strategies in the Sustainable Growth Management Plan, any applicable Community Plans or Overlay Districts, the permitted uses in the existing zoning district, and the preferred land use. It will provide an estimate of the number of TDR Certificates.

The TDR Administrator will research the following:

- Is the property a legal lot of record?
- Are there any liens on the property?
- Are there any outstanding code violations on the property? (SLDC 14.14.11)
- Are there any County taxes due on the property? (SLDC 14.14.11)
- Are there any permit fees due? (SLDC 14.14.11)
- Are there any HOA covenants, conditions and restrictions that limit development on the property? (SLDC 12.14.4.5)
- Are there any deed restrictions that limit development on the property? (SLDC 12.14.4.5)
- Is the property already designated as open space as the result of a subdivision? (SLDC 12.14.3.2.1)
- Are there any addresses associated with the property?

The TDR Administrator will prepare a draft TDR Agreement and assign a TDR File Number to the TDR Program Application.

OUTCOME – A determination by the Land Use Administrator that the property meets one or more of the eligibility criteria and a non-binding estimate of the number of TDR Certificates that can be severed from the property. A signed and dated Qualification Report that will be used to create the [TDR Agreement](#) to be considered for approval by the Board of County Commissioners.

2. Sending Area Plat Permit Application

Table 4.1 of the SLDC requires a plat to be approved by the Land Use Administrator. The applicant must apply to the Building and Development Services Division for approval of the Sending Area Plat.

OUTCOME – The applicant submits a complete Sending Area Plat Application to the Land Use Administrator. The Sending Area Plat meets all the minimum requirements for approval. The Building and Development Services Division has 30 days to review the Sending Area Plat.

3. Lien Subordination Agreement

All lienholders must complete and sign the [TDR Lienholder Agreement](#) if the property has a mortgage or other lien on the property. The BCC will not approve the TDR Agreement if there is an outstanding lien or other debt without the written approval of the lienholder.

OUTCOME – Lienholders will be aware of the application and the permanent restrictions placed on the property. Approval of the Lienholder Agreement allows the applicant to proceed with the application.

4. Title Report

All applicants must provide a title report from a qualified title company. The title report must demonstrate that there are no claims of ownership to the property.

OUTCOME - The property owner and County are aware of any claims to ownership of the property.

5. Marketplace

The TDR Administrator will post the status of the Certificates on the [TDR Marketplace](#) if requested by the property owner. The [TDR Marketplace](#) will include a link to the email address of the TDR Certificate owner if a buyer wants to contact the owner.

OUTCOME - Potential buyers can contact potential sellers to negotiate a transaction. Property owners can see the availability of TDR Certificates. Developers can anticipate development costs when applying the TDR Certificates to a development project in a Receiving Area.

6. Draft Agreement

The TDR Administrator and County legal staff will draft the [TDR Agreement](#) for consideration the by property owner and the BCC.

OUTCOME – The [TDR Agreement](#) and attachments will establish all the conditions of the TDR Program.

7. Public Notice

The TDR Administrator will schedule a public hearing of the BCC.

OUTCOME – A properly noticed public hearing and date for the BCC to consider the [TDR Agreement](#).

CERTIFICATION

1. Board of County Commissioners Hearing

The TDR Administrator will present the [TDR Agreement](#) and all supporting documents to the BCC at a public hearing as required by SLDC Chapter 12, Section 12.4.

OUTCOME – The BCC will approve, deny or approve the Agreement with conditions.

2. Recording of Certificates at County Clerk

If the BCC approves the [TDR Agreement](#), the TDR Administrator will prepare the [TDR Agreement](#) and the Sending Area Plat for signature and recording at the County Clerk (SLDC Section 12.14.4.2.1). If the BCC approved the Agreement with conditions, the TDR Administrator will work with property owner and County staff to ensure the conditions are met prior to preparing the documents for signatures and recording.

The TDR Administrator will assign serial numbers to the TDR Certificates and will add the Sending Area Plat Permit Number to the TDR Certificates.

The TDR Administrator will record the TDR Agreement and the TDR Sending Area Plat with the Clerk's Office.

OUTCOMES – The Certificate(s), the Sending Area Plat and the [TDR Agreement](#) are all properly signed, notarized and recorded. The property is permanently limited from development as soon as the Sending Area Plat is recorded (SLDC 12. 12.14.12.2). The TDR Certificates are available for purchase.

3. Notify the County Assessor

The TDR Administrator will notify the County Assessor of the recording of the [TDR Agreement](#), the TDR Sending Area Plat and the TDR Certificates within 30 days of recording the, with the County Clerk (SLDC Section 12.14.14).

4. Post Certificate(s) to the TDR Marketplace

The TDR Administrator will post the status of the Certificate(s) on the [TDR Marketplace](#) if requested by the owner.

OUTCOME – Buyers and sellers can negotiate a transaction. The public will have the most current inventory of available TDR Certificates and contact information for the owner(s).

5. Update the Official Maps

Staff will update the parcel map to identify the restrictions placed on the property by [the TDR Agreement](#).

OUTCOME – An updated parcel map and greater assurance that the property will be permanently protected from development.

PURCHASE

1. Purchase of Privately-owned Certificates

A buyer can purchase TDR Certificate(s) from a private owner by contacting the owner through the [TDR Marketplace](#). The terms and conditions of the transaction are completely between the buyer and seller.

When a buyer purchases Certificate(s) from a private seller, the buyer, seller and TDR Administrator will sign the TDR Certificate(s) and record them with the Clerk's Office. The TDR Administrator will update the [TDR Marketplace](#) website with the new owner's contact information if requested.

OUTCOME – The successful transfer of ownership of TDR Certificates.

2. Purchase of County-owned Certificates

If a buyer is not successful in buying TDR Certificates from a private owner, a buyer can purchase TDR Certificate(s) from the County's TDR Bank by contacting the TDR Administrator through the [TDR Marketplace](#). The TDR Administrator will acquire all the signatures on the TDR Certificate(s) after they are sold. The TDR Administrator will update the [TDR Marketplace](#) with the new Certificate owner's contact information If requested.

If there are not any County-owned TDR Certificates for sale in the TDR Bank, the buyer can pay a Development Transfer Charge according to Section 12.14.18.

OUTCOME - The successful transfer of ownership of TDR Certificates. The County's TDR Bank will have "deposits" for the County to purchase additional TDR Certificates from private owners based on land conservation priorities.

REDEEMING

1. Pre-application Meeting

The developer will meet with the Growth Management Department staff during a Technical Advisory Committee meeting to present the development proposal as required by Section 12.14.12 of the SLDC.

OUTCOME – The developer will understand the development standards using TDR Certificates and the next steps for approving the development permit as required by the SLDC.

2. Application

The owner of the property will apply for development to the [Building and Development Services Division](#). County staff will review the survey and determine if development on the property is (or is not) already limited by a TDR Agreement, conservation easement, deed restriction or other agreement.

OUTCOME – Staff and the property owner are aware of any existing limits on the propped development.

3. Board of County Commissioners Meeting (if required)

The developer will present their proposal to the BCC at a public hearing. If the proposal is approved, the staff will document the approval as required by Section 12.14.12 of the SLDC.

OUTCOME – The application will either be approved, denied or approved with conditions.

4. Record Final Plat

If the application is approved, the Land Use Administrator and the TDR Certificate owner will sign the TDR Certificates and record them with the County Clerk. The Certificates will be stamped and clearly marked as “REDEEMED”.

OUTCOME – The TDR Certificate(s) are officially redeemed and no longer for sale.

5. Post Certificate Status to Marketplace

The TDR Administrator will update the [TDR Marketplace](#).

OUTCOME – The status of the TDR Certificate will be made public.

6. Update the Parcel Map

County staff will update the parcel map to reflect the status of the Certificate(s).

OUTCOME – An accurate parcel map.