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SUMMIT COUNTY ORDINANCE NO. ____ AN ORDINANCE CREATING A VOLUNTARY TRANSFER OF DEVELOPMENT RIGHTS PROGRAM WITHIN EASTERN SUMMIT COUNTY

WHEREAS, Utah Code Annotated §17-27a-102 grants to Summit County, a political subdivision of the State of Utah, the power and authority to promote the health, safety and general welfare of the community by regulating, among other things, the percentage of a lot that may be occupied, the size of open spaces, the density of population, the location and use of buildings, structures and land for commercial, industrial, residential or other purposes; and,

WHEREAS, U.C.A. §17-27a-509.7 allows a county to designate sending zones and receiving zones within the unincorporated portions of the county and allows the transfer of transferable development rights from an owner of land within a sending zone to an owner of land within the receiving zone; and

WHEREAS, Summit County possesses the sole authority to regulate densities and land uses within the unincorporated portions of the County, primarily through zoning policies; and

WHEREAS, the upzoning of undeveloped property has an immediate and significant positive impact on the fair market value of that property; and

WHEREAS, density bonus cluster zoning and the upzoning of undeveloped property originates at the will and request of the property owner for added property value and utility to the owner; and

WHEREAS, Summit County has a statutory obligation to promote and preserve the health, safety and general welfare of the community; and

WHEREAS, the benefits of preserving agricultural lands, open space and other undeveloped lands, whether public or private, have been shown to provide both quantitative and qualitative economic, social and environmental benefits which assist in preserving the health, safety and general welfare of the community; and,

WHEREAS, several methods exist to facilitate the preservation of such agricultural lands, open space and other undeveloped lands between willing sellers and willing buyers, including combining transfers of development rights with conservation easements; and,

WHEREAS, pursuant to the Eastern Summit County General Plan, it is incumbent upon Summit County to ensure the logical and economical growth of the various physical elements of the county, in a manner which promotes the health, safety and general welfare of the community and the efficient use of the county's and its cities' and town's infrastructures; and,

WHEREAS, Summit County is charged with the responsibility of protecting the agricultural and open land assets of their jurisdictions that will protect and enhance the quality of the water, streams, wetlands, agricultural heritage, viewsheds and wildlife habitat areas of the mountains and hillsides surrounding Eastern Summit County;

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WHEREAS, upon passage of this pilot transfer of development rights (“TDR”) program , the Specially Planned Area (“SPA”) program provided for under Section 11-3-9 of the Eastern Summit County Development Code shall be suspended while the pilot TDR is being evaluated and is in affect.

Now, therefore, be it ordained by the Summit County Board of County Commissioners:

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1) Purpose

- a) The purpose of the transfer of development rights (“TDR”) program is to provide a voluntary, market-driven process for allowing a land owner to sell and transfer development rights while permanently preserving lands for agricultural or open space use. The TDR provisions are intended to supplement land use regulations, resource protection efforts and open space acquisition programs and to encourage increased residential density where it can best be accommodated with the least impacts on the natural environment and public services by:
 - i) Providing an effective and predictable process for property owners to preserve lands as described below;
 - ii) Providing landowners the opportunity to financially benefit from their property without having to sell or develop it by giving them the option to sell their development rights, or TDRs, to willing buyers;
 - iii) Allowing those who purchase TDRs to build at a higher density than ordinarily permitted by the base zoning; and
 - iv) Providing an efficient and streamlined administrative review system to ensure that transfers of development rights to Receiving Sites are evaluated in a timely manner, and are aligned with other county goals and policies, and are adjusted to the specific conditions of each Receiving Site.

2) Effective Dates

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- a) The TDR provisions in this chapter shall only apply to TDR Receiving Site development proposals submitted on or after _____ and applications for approval of TDR Sending Sites submitted on or after _____.
- b) This program is viewed as a pilot project which may be disbanded, modified, or continued following its evaluation, which shall occur on or before June 30, 2009.

3) Sending Sites

- a) For the purpose of this chapter, Sending Site is defined as a portion of a parcel or parcels designated as an area from which an owner of land may transfer development rights to an owner of land in a Receiving Site, as defined below. A Sending Site must meet one of the criteria under subsection (b)(i) of this section and all criteria under subsection (b)(ii).
- b) Criteria for Approval of Sending Sites:
 - i) Before an application for a Sending Site can be approved as discussed in Section 7 below, it must conform to at least one of the following criteria:
 - (1) Designation in the Eastern Summit County Development Code within the Agricultural Protection (AP) zone.
 - (2) Designation as a wetland as delineated by the Army Corps of Engineers, Soil Conservations Service or other applicable state or federal agency or qualified hydrology consultant;
 - (3) Designation as a floodplain as defined by the Eastern Summit County Development Code and/or delineated by the Federal Emergency Management Agency;
 - (4) Designation as open space/lands as defined by the Eastern Summit County Development Code, which includes a) critical wildlife habitat, migration corridors, winter range and birthing areas; b) scenic resource features, prominent hillsides, ridgelines, and view shed corridors; c) stream corridors and other significant water bodies, wetlands, floodplains and meadows; or c) open space buffers advance to development areas, parks, forests or agricultural lands.
 - (5) Designation as prime agriculture defined as irrigated crop land that is cultivated and contains soils of statewide or local importance as classified by the Natural Resources Conservation Service (NRCS).
 - (6) Designation as a habitat for federally listed endangered or threatened species in a written determination by the Utah Division of Wildlife Resources or the United States Fish and Wildlife Services.
 - ii) Before an application for a Sending Site can be approved as discussed in Section 7 below, it shall conform to all of the following criteria:
 - (1) The Sending Site shall only be located within the unincorporated area of Summit County.
 - (2) The Sending Site shall not be in public ownership;
 - (3) The Sending Site shall meet the definition of “lot of record” as defined in the Eastern Summit County Development Code; and
 - (4) The Sending Site shall not be within an existing platted subdivision recorded with the Summit County Recorder’s Office.

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- c) Following the transfer of development rights, Sending Sites shall be maintained as open lands, subject to Section 6 and 11 below. If the parcel contains agricultural uses and buildings or an existing regional trail, open space, or land area suitable for passive recreation, the Sending Site may include these existing and future limited uses but the remainder of the Sending Site must remain and be maintained as open lands.
- d) The Sending Site shall retain water quantity and quality pursuant to the Eastern Summit County Development Code, Section 11-2-3 appropriate to maintain its existing or proposed functions such as agricultural and other operations.
- e) If a Sending Site has any outstanding code violations, the person responsible for code compliance shall resolve these violations, including any required abatement, restoration, or payment of civil penalties, before a TDR Sending Site may be qualified, as described below in Section 7. However, the Community Development Director may, in his or her discretion, certify a TDR Sending Site with an outstanding code violation if the person responsible for code compliance has made a good faith effort to resolve the violations and the proposal is in the public interest. Furthermore, if the Sending Site has any unpaid taxes, those taxes must be paid prior to qualification of the Sending Site.

4) Receiving Sites

a) Criteria for Approval of Receiving Sites:

- i) Before a transfer of development right may be approved, the Receiving Site shall conform to all of the following criteria:
 - (1) The Receiving Site shall only be located within the unincorporated area of Summit County.
 - (2) The Receiving Site shall not be designated as a habitat for federally listed endangered or threatened species in a written determination by the Utah Division of Wildlife Resources or the United States Fish and Wildlife Services.
 - (3) The Receiving Site shall not be designated as prime agriculture, as this term is defined above, unless said prime agriculture is within the boundaries of the Annexation Declaration Area Overlay (ADA) of any incorporated city or town, as defined by the Eastern Summit County Development Code, Section 11-3-10.
 - (4) The Receiving Site shall be within five (5) miles of existing facilities and services or where public or private investments in facilities and services are planned. Any Receiving Site within the boundaries of the Annexation Declaration Area Overlay (ADA) of any incorporated city or town, as defined by the Eastern Summit County Development Code, Section 11-3-10, shall be recognized as meeting this criterion.
 - (5) A Receiving Site shall not be within the boundaries of an already approved Specially Planned Area (SPA) nor within an already approved subdivision.
- b) Except as provided in this chapter, development of an unincorporated Summit County Receiving Site shall be subject to all zoning code provisions for base zone density, except that additional density may be approved through the transfer of development rights to the site.

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- c) TDR Receiving Site developments shall comply with all applicable standards of the zone district, other than density.
- d) An unincorporated Summit County Receiving Site may accept development rights from one or more Sending Sites, up to the maximum density permitted under Section 5, “Transfer Ratio,” discussed below.
- e) There is no requirement that, prior to accepting TDRs, the Receiving Site meet the Eastern Summit County Development Code’s definition of “lot of record.” However, if the Receiving Site does not meet the definition of a “lot of record,” the Receiving Site’s base density may not be used towards determining density calculations and only the TDRs transferred to the Receiving Site may be considered.

5) Transfer Ratio

- a) Provided that the Sending Site meets the criteria in Section 3(b) above, the number of development rights that a Sending Site is eligible to send to a Receiving Site shall be determined by the base density of the property. Alternatively, a Sending Site may send one development right for every legal “lot of record” it has as defined by the Eastern Summit County Development Code. Any existing dwelling units intended to be retained or eligible for occupancy on the Sending Site shall be taken into consideration in determining the number of development rights eligible for transfer.

Zone	Base Zone Density for Sending Site	Maximum TDR Density allowed for transfer to Receiving Site
Agriculture-Grazing 100 (AG-100)	1 lot per 100 acres	1 lot per 100 acres
Agriculture-Grazing 160 (AG-160)	1 lot per 160 acres	1 lot per 160 acres
Agricultural Protection (AP)	1 lot per 40 acres	1 lot per 40 acres
Highway Corridor (HC)	1 lot per 1 acre	1 lot per 1 acre

For example, if the Sending Site is within the AG-160 zone, consists of 320 acres, and the Sending Site owners wishes to sell all of his or her TDRs, the Sending Site owner may transfer two TDRs to the Receiving Site, assuming all the necessary criteria have been met.

- b) Any fractions of development rights that result from the calculations in section (5)(a) above shall not be included in the final determination of total development rights available for transfer.
- c) For purposes of calculating the amount of development rights a Sending Site may transfer, the amount of land contained within a Sending Site shall be determined as follows:
 - i) If the Sending Site is an entire tax lot, the acreage shall be determined:

(1) By the Summit County Assessor and/or the Summit County Recorder or

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- (2) By a survey that has been prepared and stamped by a surveyor licensed in the State of Utah; or
 - ii) If the Sending Site is a portion of a tax lot, the acreage shall be determined by a survey that has been prepared and stamped by a surveyor licenses in the state of Utah; or
 - iii) If the Sending Site consists of a lot that is divided by a zoning or land use designation boundary, the acreage shall be calculated separately for each classification. The acreage within each classification shall be determined by the Summit County Community Development Director based upon records of the action that established the classification and property lines, such as an approved lot line adjustment. When such records are not available or are not adequate to determine the acreage within each classification, a survey of the property showing the associated zone classifications may be required.
 - d) For the purposes of the TDR program, Sending Sites shall have a base density of that indicated in the Development Code applicable at the time a complete Sending Site certification application has been submitted to the Summit County Community Development Department, along with any applicable fees.
 - e) Development rights from one Sending Site may be allocated to more than one Receiving Site and one Receiving Site may accept development rights from more than one Sending Site.
 - f) The determination of the number of development rights 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, as described below, and shall be considered a final determination.
 - g) A Receiving Site may accept up to but no more than five (5) times its base density. Approval of the increased density is subject to Section 10, below.
- 6) **Development Limitations on the Sending and Receiving Sites**
- a) Following the transfer of development rights from a Sending Site, the portion of the property or lots not designated as a Sending Site may accommodate dwelling units on the buildable portion of the parcel or parcels or be subdivided, consistent with the base density provisions of the Eastern Summit County General Plan and Development Code applicable to the Sending Site. The subdivision potential remaining after a density transfer may only be actualized through a subdivision process or lot of record determination consistent with the Eastern Summit County Development Code and Zone District Map.
 - b) Following the transfer of development rights and pursuant to a conservation easement as described more particularly in Section 11 below, the Sending Site shall not be eligible for additional development rights at any time, even if there are future changes to the Sending Site's zoning.

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- c) Nonresidential uses on portions of any lot outside the Sending Site may develop nonresidential uses consistent with the Eastern Summit County General Plan, Zone District Map, and Development Code applicable to the Sending Site.
- d) Summit County may not consider a rezone of the Receiving Site property pursuant to the Eastern Summit County Development Code, §11-5-3, to increase density unless TDR purchasers earn the increase by purchasing TDRs from qualifying Sending Site areas.
- e) At no time following the transfer of development rights may a Sending Site be eligible to become a Receiving Site in the future. However, if only a portion of the property is designated as a Sending Site, the remaining portion of the property or lots may be eligible to become a Receiving Site in the future, and the then-applicable Development Code and General Plan shall apply.

7) TDR Sending Site Certificate Application

- a) Responsibility for preparing a completed Sending Site certificate application rests exclusively with the applicant. The Sending Site applicant must submit to the Community Development Department a Sending Site certificate application which includes the following information:
 - i) A legal description of the site(s) prepared by a surveyor licensed in Utah;
 - ii) A certificate of title for each sending parcel;
 - iii) A site plan showing the proposed and any existing deed restricted area(s), as required by Section 11 below, proposed dwelling units, wetlands, submerged lands, any area already in a conservation easement or other similar encumbrance and any other area, except setbacks, required by Summit County to remain open;
 - iv) An ownership plat map or maps of the parcel or parcels;
 - v) A statement of intent indicating whether the property ownership, after TDR certification, will be retained in private ownership or dedicated to a public or private nonprofit agency;
 - vi) Any or all of the following in conformance with criteria established through a public rule, if the site is qualifying as habitat for a threatened or endangered species:
 - (1) A wildlife habitat conservation plan, or
 - (2) A wildlife habitat restoration plan, or
 - (3) A wildlife present conditions report;
 - vii) Proof of necessary water rights to maintain continuing functions on the Sending Site;
 - viii) A completed density calculation worksheet for estimating the number of available base residential development rights to be transferred, and
 - ix) The application fee.
- b) The Sending Site certificate applicant shall sign the application, indicating his or her willingness to be a part of the Eastern Summit County TDR Program. Their signature shall also be an acknowledgement that the applicant's contact information including telephone number and the density eligible for transfer through the program will be made publicly available at the Community Development Department. All landowners of record of the Sending Site must sign the application consenting to their willingness to be a part of the Eastern Summit County TDR Program.

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8) **TDR Sending Site Certificate Application Approval**

- a) The Community Development Department shall be responsible for preparing a written report which shall be signed by the Community Development Director or the director's designee, documenting the review findings which shall include at a minimum:
 - i) Determination of valid record title ownership of the Sending Site parcel;
 - ii) The final calculation of density which certifies the number of available base residential development rights to be transferred;
 - iii) Lot of record verification of sending parcel or lots;
 - iv) Verification that the applicant has met all of the requirements of the Sending Site Certificate Application.
 - v) Determination that the applicant meets the criteria set forth in Section Three, above.

- b) Within 60 days of the date of submittal of a completed Sending Site certificate application, if the application meets the criteria specified in Section 8(a) above, the Community Development Department shall issue a TDR certificate and shall include the certificate information on the Community Development Department's maintained TDR Sending Site list, described below. The certificate shall identify:
 - i) The Sending Site applicant's name (transferor)
 - ii) The Receiving Site applicant' name, if known (transferee)
 - iii) A legal description of the Sending Site on which the calculation of development rights is based;
 - iv) A statement of the number of development rights that are eligible for transfer;
 - v) If only a portion of the total development rights are being transferred from the Sending Site, a statement of the number of remaining development rights that remain on the Sending Site;
 - vi) The date of issuance;
 - vii) The signature of the Community Development Director; and
 - viii) A certificate tracking / inventory number assigned by the Community Development Department.
 - ix) The expiration date of the TDR certificate and a statement indicating that the TDR certificate shall be deemed null and void two (2) years from the date of issuance. An issued TDR certificate shall be signed by the Sending Site applicant as acknowledgement of the foregoing.

- c) The Community Development Director's written report as described above in 8(a) may be appealed within 10 days of the date of the report to the Summit County Board of Adjustment.

- d) If a Sending Site certificate application is not approved and no TDR certificate is issued, an application for all or a part of the same property shall not be considered for a period of one year from the date of denial unless the subsequent application is substantially different from the previously denied proposal, as determined by the Community Development Director.

- e) Validity of TDR Certificates:

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- i) All TDR certificates that have been issued by Summit County shall be valid and shall be exercised within two (2) years of the date of its issuance. Thereafter, said certificates shall be deemed null and void. After the expiration of a TDR certificate, the Sending Site landowner may reapply for a certificate following the application process set forth in Section 7, above, including payment of any new application fees. Should this pilot program be suspended or modified in such a way that a piece of property that has been issued a TDR certificate is no longer eligible for a TDR, that issued TDR certificate shall be valid for a period of two (2) years from the time the pilot program was suspended or modified and thereafter will be null and void. Summit County shall notify the affected TDR certificate holders within 30 days of the suspension or modification of the pilot program, however Summit County does not warrant the value of the TDR and should the landowner be unable to sell the TDR within the two year period, Summit County shall bear no financial responsibility. **Under no circumstances shall an unused TDR certificate be valid for more than two (2) years.**
- ii) Unused TDR certificates that have been sold to a Receiving Site landowner and have not been exercised may be resold, however, they are still subject to all rules and regulations set forth herein.
- iii) Any TDR certificates deemed null and void shall be removed from the TDR Sending Site list, described below in Section 9.
- f) Changes in zoning to the Sending Site after issuance of a Sending Site Certificate shall have no effect on the Sending Site Certificate and/or the density eligible for transfer.
- g) Approval of the TDR Sending Site application and/or issuance of a TDR Certificate by the Community Development Department in no way guarantees approval of the Receiving Site Development proposal.

9) TDR Sending Site List

- a) The Community Development Department shall maintain a TDR Sending Site list comprised of those applicants who have been issued a TDR certificate and who wish to be considered a Sending Site. The list will be maintained chronologically, in the order of those who first were issued a TDR certificate. Said list shall be made available to the public at the Community Development Department. The list shall include the following information on each TDR certified applicant:
 - i) The date of TDR certificate issuance;
 - ii) The name of the TDR certificate applicant(s);
 - iii) The contact phone number of the TDR certification applicant(s);
 - iv) The density eligible for transfer
- b) Summit County shall not be responsible for coordinating efforts between those applicants who have been issued a TDR certificate and prospective Receiving Site landowners. The TDR Sending Site owner may, at his or her discretion, market the TDR Sending Site development rights to any potential purchasers. Likewise, a TDR Receiving Site landowner may contact any TDR Sending Site owner listed on the TDR Sending Site list without regard to priority. Furthermore, Summit County does not warranty the value of TDR certificates nor the value of the land designated a Sending Site.

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- c) A Sending Site applicant with a TDR certificate may withdraw his/her TDR certificate and may withdraw from the TDR program at any time prior to the sale of his/her TDR certificate to a willing Receiving Site buyer.
- d) Designation as a Sending Site and issuance of a TDR certificate does not preclude the Sending Site owner from developing that portion of land. However, if the TDR certificate is not sold, the TDR certificate will become null and void for that property at the time the landowner applies for a building permit.
- e) The Community Development Department shall be responsible for:
 - i) Determining, upon application by a Sending Site applicant, the development rights that may be transferred from a Sending Site to a Receiving Site and issuing a transfer of development rights certificate to the Sending Site applicant;
 - ii) Maintaining permanent records of all certificates issued, deed restrictions and covenants recorded, and development rights retired or otherwise extinguished, and transferred to specific properties; and
 - iii) Making available forms on which to apply for a transfer of development rights certificate.

10) Transfer Process and Procedure for Receiving Site Approval

- a) Instrument of Transfer: In applying for Receiving Site approval for a development rights transfer, the applicant shall provide the Community Development Department with an Instrument of Transfer, as described below in Section 10(b). The Instrument of Transfer shall be submitted prior to final plat approval.
- b) The Instrument of Transfer shall contain the following:
 - i) The names of the transferor and transferee (Sending Site and Receiving Site landowners) and their signatures;
 - ii) A copy of either a) the TDR certificate as described above issued in the name of the applicant or b) a copy of the TDR certificate issued in the name of another person or persons and a copy of a signed option to purchase those TDR Sending Site development rights;
 - iii) A legal description and plat of the sending parcel associated with the development rights to be transferred prepared by a licensed surveyor named in the instrument;
 - iv) A certificate of title for the rights to be transferred prepared by an attorney licensed to practice law in the State of Utah;
 - v) A covenant that the transferor grants and assigns to the transferee and the transferee's heirs, assigns, and successors, and assigns a specific number of development rights from the Sending Site to the Receiving Site;
 - vi) A covenant indicating the number of development rights, if any, remaining on the Sending Site and stating the Sending Site parcel may not be subdivided or developed to a greater density or intensity than permitted by the remaining development rights;
 - vii) A covenant that all provisions of the Instrument of Transfer shall run with and bind the sending parcel and may be enforced by Summit County and/or third party who holds the conservation easement;

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- viii) A covenant by which the transferor acknowledges that he/she has no further use or right of use with respect to the development rights being transferred; and
 - ix) A covenant by which the transferor (Sending Site landowner) acknowledges that the Sending Site area is no longer eligible for future and further development, even in the event that the area is later rezoned to allow for greater density.
- c) The Summit County Attorney's Office shall review and approve as to form and legal sufficiency the Instrument of Transfer prior to final approval of the application.
 - d) Any landowner seeking approval of the Receiving Site shall comply with the applicable Development Review Processes and Procedures outlined in Chapter 4 of the Eastern Summit County Development Code and the General Plan. The Eastern Summit County Planning Commission shall follow the applicable review process and procedures as outlined in Chapter 4. Any appeals of the use of TDRs shall follow the same appeal procedures set forth in the Development Code applicable to the development or Receiving Site at the time of consideration.
 - e) In the event that this pilot program is suspended or modified and an Instrument of Transfer has been or is in the process of being entered into between the Sending Site and Receiving Site landowners but has not been used towards the development of the Receiving Site, the processes and procedures set forth in this program shall still be followed.
 - f) Development rights from a Sending Site shall be considered transferred to a Receiving Site when a final decision is made on the TDR receiving area development proposal, the Sending Site is permanently protected by a completed and recorded conservation easement as described below in Section 11, notification has been provided to the Summit County assessor's office and a TDR extinguishment document has been provided to the Assessor and the Summit County Community Development Department, or their successor agencies.

11) Documentation of Restrictions

- a) Conservation Easement: Following final approval of the transfer of development rights from a Sending Site to a Receiving Site, the Sending Site landowner shall immediately record with the Summit County Recorder a conservation easement in a form approved by the Summit County Community Development Department prior to recordation. It shall be recorded against the entire Sending Site to indicate development limitations on the Sending Site. A conservation easement shall be required unless the Sending Site area is less than five (5) acres. In such an event, an alternative instrument, such as a deed restriction, may be allowed if approved by the Eastern Summit County Planning Commission.
 - 1) The conservation easement shall contain the following information:
 - i) A map of the Sending Site documenting the areas of the property or parcels that are restricted from future residential use or describing the limitations on future residential and nonresidential development;

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- ii) For a Sending Site within an Agricultural Protection Zone, the conservation easement shall be consistent in form and substance with the Agricultural Protection program and may permit agricultural uses;
 - iii) The conservation easement shall allow for restoration, maintenance or enhancement of native vegetation.
 - iv) For a Sending Site qualifying as habitat for federally listed endangered or threatened species, the conservation easement shall be placed on the portion of the property needed for habitat protection.
- b) Sending and Receiving Site Plats: If the subject property was involved with a transfer of development rights (TDR), either as a Sending Site or as a Receiving Site, then the plats shall identify the activity. The plat shall clearly indicate both density and dwelling unit numbers that changed due to an increase or decrease from the property base density or base zoning. The plat shall clearly indicate where density or dwelling units were transferred to or from. The plat shall also identify locations of conservation easements.
- c) Sending Site Plat Note Regarding No Future and Further Development: There shall be a note placed on the Sending Site plat, which states that the Sending Site area is no longer eligible for future and further development, even in the event that the area is later rezoned to allow for greater density. If only a portion of a parcel or parcels is a Sending Site area, the note shall state that only that portion of the parcel or parcels designated as a Sending Site area is no longer eligible for future and further development.
- d) The above instruments shall be recorded prior to release of development permits, including building permits, for the Receiving Site parcel or parcels.
- e) The Sending Site may continue to be used for agricultural or open space purposes or as otherwise identified in the conservation easement.

12) TDR Extinguishment Document

- a) Upon recording of the documents described above in Section 11, the Community Development Department shall issue a TDR Extinguishment Document stating that all or that portion of the Sending Site TDRs have been used and are therefore extinguished. The Extinguishment Document shall contain the following information:
- i) A copy of the TDR Certificate used;
 - ii) A statement of the number of development rights in dwelling units per acre used;
 - iii) A statement of the number of development rights, if any, that remain on the Sending Site parcel;
 - iv) The signature of the Community Development Director; and
 - v) The certificate tracking / inventory number assigned by the Community Development Department.

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- b) If all development rights of a Sending Site have been used, the TDR Sending Site list maintained by the Community Development Department shall be updated and that Sending Site shall be removed from the TDR Sending Site List. If only a portion of the density of a Sending Site has been used, the TDR Sending Site list shall be updated to reflect that portion of the density used.
 - c) The Community Development Department shall maintain a separate list of the TDR Sending Sites used as part of the TDR program, containing the same information as found within the Extinguishment Document itself.
- 13) **Effect of this Ordinance on SPA Agreements:** Upon passage of this TDR program, Section 11-3-9 of the Eastern Summit County Development Code relating to Specially Planned Areas shall hereby be suspended and no SPA applications will be accepted by the Community Development Department, except for those previously submitted applications, which comport with Summit County's Resolution 96-17 regarding vested rights determinations. The SPA program may be reinstated following an evaluation of the TDR pilot program, which shall occur on or before June 30, 2009 as stated in Section 2 above.
- 14) This TDR program shall not be used in conjunction with the Cluster Bonus/Agricultural Preservation process described in Section 11-4-3 of the Eastern Summit County Development Code.
- 15) **Effective Date:** At its meeting _____, a public hearing was set by Summit County Board of County Commissioners for a meeting held on the ____ day of _____, 2008. After the public hearing, the Ordinance was read, passed, and ordered published at their meeting this _____ day of _____, 2008.