

**Chapter 17.09**  
**TRANSFER OF DEVELOPMENT RIGHTS/CREDITS**

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**17.09.010 PURPOSE.** The Transfer of Development Rights/Credits Program is a planning tool for cooperatively managing growth between the City of Fruita, Mesa County, and willing property owners for the following purposes:

- A. To encourage the preservation of large land parcels in agricultural use, buffers between growing communities, or areas with significant natural features;
- B. To support the Cooperative Planning Area that maintains a distinct separation between the City of Fruita and the City of Grand Junction through the perpetuation of rural land uses;
- C. To assist in the orderly development and preservation of rural lands;
- D. To ensure orderly transitions of density between urban and rural areas;
- E. To encourage urban residential development and downtown redevelopment at appropriate densities and locations;
- F. To encourage landowners in designated Sending Areas to forego or limit development of their property by transferring their property's development rights to a designated Receiving Area;
- G. To provide an institutional mechanism for landowners in Sending Areas to receive compensation for either not developing or limiting the development of their property;
- H. To provide an opportunity for landowners in Receiving Areas to obtain a higher return on investment through developing at an increased density; and
- I. To encourage intergovernmental coordination in order to achieve the above purposes.

**17.09.020 GENERAL PROVISIONS.** The city's Transferable Development Rights/Credits (TDR/C) Program establishes a framework to match landowners that are eligible to transfer (sell) development rights/credits with land developers that desire to acquire (purchase) development rights/credits. The TDR/C transaction is consummated by the issuance of TDR/C certificates. The city bears no responsibility for any misrepresentation of the terms or expectations of a TDR/C transaction.

- A. The total density increase above the base density provided through TDR/Cs shall not exceed one (1) dwelling unit per gross acre over the entire area of the receiving site. Additional density bonuses are available under Chapter 17.08.
- B. Bearers of TDR/C certificates are eligible for achieving bonus density in all zones that allow density bonuses.

**17.09.030 SENDING AREAS.** The following provisions are established in the Mesa County Land Development Code for Sending Areas and are summarized here. In the event of conflict between this Section and the Mesa County Land Development Code, the Mesa County Land Development Code shall control:

- A. A landowner of a Sending Site in a Sending Area may voluntarily sell their development rights/credits to a buyer, at a value established by the seller and the buyer.
- B. The issuance of TDR/Cs from the Sending Site must be evidenced by a Transferable Development Right/Credit Certificate issued by Mesa County. In order to issue the TDR/C Certificate, a Declaration of Restriction of Development and Easement on a form made available by the Mesa County Planning and Economic Development Department signed by the owner of record from which Transferable Development Rights/Credits are being transferred must be presented to the Mesa County Planning and Economic Development Department, and shall clearly identify:
  - 1. The grantor;
  - 2. The legal description of the Sending Site from which the Transferable Development Rights/Credits are being transferred and the specific portion of the Sending Site being restricted from future development through the transfer; and
  - 3. The number of TDR/Cs being transferred from the Sending Site.
- C. The Declaration of Restriction of Development and Easement shall be recorded in the property records of Mesa County clearly stating the number of Development Rights/Credits that have been

transferred. The Declaration of Restriction of Development and Easement shall be perpetual.

- D. Upon recordation of the deed restriction, a TDR/C Certificate shall be issued by Mesa County identifying the number of Development Rights/Credits transferred, and the book and page number of the recorded Declaration of Restriction of Development and Easement.
- E. Once a TDR/C Certificate is issued:
  - 1. Future development of the Sending Site is limited to the remaining density not severed or extinguished by the Transfer of Development Rights/Credits;
  - 2. The Sending Site may only be developed as a cluster development under Section 6.4.4 of the Mesa County Land Development Code; and
  - 3. No rezoning of the Sending Site to a higher density or other use shall be permitted by Mesa County.

**17.09.040 RECEIVING AREAS.** Receiving areas are defined as the city zones that allow a density bonus: Rural Estate (RE); Rural Residential (RR); South Fruita Residential (SFR), and; Community Mixed Use (CMU). The following provisions are established for Receiving Areas:

- A. Existing city zoning limits the development potential of properties within Receiving Areas to a base density. For property pursuing annexation into the City of Fruita, the base density and underlying zone shall be the density and zoning recommended by the Fruita Community Plan.
- B. For a parcel to be developed at a density greater than the base density allowed in any zone that allows a density bonus, the owner of record or applicant shall use one (1) or more TDR/C Certificates, a Density Bonus under Chapter 17.08, or a combination of TDR/C Certificates and Chapter 17.08 Density Bonuses, or may apply for a PUD zone.
- C. TDR/C Certificates proposed for use on a Receiving Site must originate only from a Sending Area identified for the City of Fruita/Mesa County TDR/C Program.
- D. An owner of record of a Receiving Site or an applicant interested in participating in the TDR/C Program should contact the City of Fruita Community Development Department to obtain an estimate of the bonus density that may be achieved, and the associated site development requirements that may apply on the subject property.
- E. An owner of record in a Receiving Area or an applicant choosing not to participate in the TDR/C

Program shall retain the option to develop its property at the density as provided for in this Title.

**17.09.050 STANDARDS AND CRITERIA.** Recommendations of the Planning Commission to the City Council and decisions by the City Council concerning the Transfer of Development Rights/Credits shall be based upon the base density for each zone and potential density bonuses allowed, pursuant to this section and Chapter 17.08. The total density increase above the base density provided through TDR/Cs shall not exceed one (1) dwelling unit per gross acre over the entire area of the Receiving Site.