

GUNNISON COUNTY, COLORADO

DIVISION 14-200: RESIDENTIAL DENSITY TRANSFER PROGRAM

- A. PURPOSE.** The purpose of this Division is to provide an effective and equitable tool to conserve ranchlands used in agricultural operations and other valuable natural lands, and to help protect those lands from development impacts.
- B. METHOD.** The Residential Density Transfer (RDT) program transfers units by providing the option of increased density through reduced open space in a new subdivision in exchange for cash payment to Gunnison County for the purchase of undeveloped land and/or conservation easements in areas where lower density development is desirable.
- C. APPLICABILITY.** Any Land Use Change Permit application involving residential subdivision or multiple-family subdivision consisting of five or more residential lots or residences (“Qualifying Development”) may include a RDT pursuant to this Division.
- D. REDUCTION OF OPEN SPACE REQUIREMENTS FOR QUALIFYING DEVELOPMENT** The amount of open space required of a Qualifying Development pursuant to Section 13-108: G: *Residential Uses* may be reduced from 30 percent to 15 percent when the proposed project conforms to the standards of this Division.

SECTION 14-201: CALCULATING RESIDENTIAL DENSITY TRANSFER AMOUNT AND PAYMENT OF FEES

The calculation of RDT amount and payment of fees shall be as follows:

- A. VALUE ACQUISITION.** The RDT requirement is determined by calculating a percentage of the value increase given to land when a Qualifying Development is approved. Values used in this calculation shall be based on the non-agricultural land market value, as determined by the Gunnison County Assessor using mass appraisal techniques (“Mass Appraisal Value”). Specifically, the RDT amount equals 10 percent of the sum of the Mass Appraisal Value for all residential lots in the subdivision (A) minus the Mass Appraisal Value that existed for the subject property before the subdivision approval (B).

$$\text{RDT CALCULATION} = 10\% \times \left(\begin{array}{l} \text{A} \\ \text{SUM OF MASS} \\ \text{APPRAISAL VALUE} \\ \text{FOR ALL RESIDENTIAL} \\ \text{LOTS IN QUALIFYING} \\ \text{DEVELOPMENT} \end{array} - \begin{array}{l} \text{B} \\ \text{MASS APPRAISAL VALUE} \\ \text{OF PROPERTY BEFORE THE} \\ \text{QUALIFYING} \\ \text{DEVELOPMENT WAS} \\ \text{APPROVED} \end{array} \right)$$

- B. EXCLUDED LOTS.** Lots used exclusively for Essential Housing pursuant to Division 9-600: *Essential Housing* or mobile home units pursuant to Section 9-203: *Mobile Home Communities* shall be excluded from the RDT requirement calculation.

- C. MIXED DEVELOPMENT.** When residential and non-residential uses are located on the same lot, the calculation of (B) shall be accomplished by multiplying the Mass Appraisal Value of the property before the subdivision approval by the percentage of the lot containing or attributable only to residential use.
- D. TIMING.** The RDT amount shall be calculated by the County and be secured via an agreement acceptable to the County Attorney's Office prior to recording the final plat. When the Assessor value is unavailable before the final plat is ready for recording, the Board of County Commissioners shall establish a preliminary lot value to calculate an initial RDT amount that will serve until the Assessor values are available. Lot value estimates shall be calculated by averaging the current Mass Appraisal Values of the most similar lots available, as recommended by the Assessor and subject to approval by the County Attorney.
- E. FINAL CALCULATION.** When an initial RDT amount is used, the County shall notify the applicant when the final Mass Appraisal Values become available. At that time and in accordance with the County-approved agreement, adjustments to the RDT amount, RDT compliance method, and security shall be made, subject to approval by the County Attorney, to ensure the RDT requirements are fully met. The final calculation shall only be used when it decreases the RDT amount and the difference shall be reimbursed or recalculated.
- F. RDT PAYMENT.** At the discretion of the applicant, either all or a portion of the RDT amount shall be paid before the final subdivision plat is recorded, or incrementally with the sale of individual lots. Cash received before the plat is recorded shall qualify for a 10 percent early payment discount. When the incremental payment method is chosen the amount apportioned to lots shall be relative to lot value and shall be paid at the close of sale on the lot.

SECTION 14-202: STANDARDS FOR USE OF TDR FUNDS

- A. RDT REQUIREMENT COMPLIANCE.** Monies collected by Gunnison County pursuant to the RDT program shall be placed into a segregated interest bearing account. Gunnison County shall use funds received pursuant to this Division solely for the purchase of a qualifying conservation easements, restrictive covenants, or fee simple lands located in Gunnison County that permanently conserves private lands that have value in open space, agriculture, wildlife habitat, wetlands, or watershed protection by significantly limiting development; and
- B. RDT FUNDS EXPENDITURE APPROVAL.** Funds acquired by the County through the RDT program shall not be expended without prior written approval of the Board of County Commissioners.