

Purchase and Transfer of Development Rights

Purchase of Development Rights

Funding programs to compensate landowners for conservation easements are known generically as **Purchase of Development Rights (PDR)**.



The most common conservation purpose for PDR programs is the purchase of agricultural conservation easements. Examples of agriculturally oriented PDR's include:

- U.S. Farmland and Ranchland Protection Program (FRPP),
- NYS Farmland Protection Implementation Grants (FPIG),
- Saratoga County Farmland and Open Space Preservation Program.



Often these and other PDR programs are used in conjunction with each other. For example, the successful Saratoga County PDR program is often used to match state funds. The Saratoga County program focuses on commercially viable agricultural lands with excellent soils, but can also be used to protect forest habitats or stream buffers. In PDR projects, landowners often donate a portion of the land's development value through a "bargain sale", whereby they accept less than fair market value for the development rights.

Examples of purchase of development rights are:

- The Saratoga Sod Farm in the Town of Stillwater
- The Curtis Farm in the Town of Ballston
- The Galcik Property on Fish Creek in the Town of Saratoga
- The Hoogeveen Farm in the Town of Saratoga

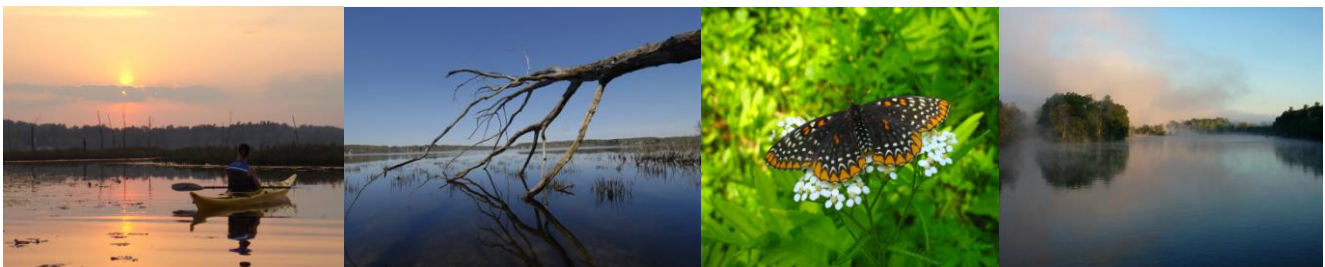
Transfer of Development Rights

As the name implies, **Transfer of Development Rights** (TDR) send or transfer some or all development rights from a sending property to a receiving property. It is sometimes referred to as Average Density Zoning. The TDR receiving properties are allowed development that is more intensive than would normally be permitted by the area's zoning. Consistent with other conservation easements, TDR sending areas seek to preserve important community land resources (e.g. agriculturally productive soils, groundwater recharge areas, wildlife habitats, etc.).

The TDR program as spelled out in Chapter 40 of the NYS Laws of 1989 is a voluntary, flexible program. Communities will find TDR's a low-cost way to conserve important lands, especially in contrast with fee interest and PDR projects. Managing the exchange and holding of the development rights is the unique cost associated with the TDR program. Of course, TDR's like other land preservation programs incur costs associated with the permanent protections of the land.



Demonstrating the flexibility of the TDR program, the Town of Clifton Park in Saratoga County, has developed a program that: 1) protects lands in the sensitive western portion of Town (sending properties), and 2) allows bonus density incentives for developments in other locations in the Town (receiving properties). Flexibility in the TDR program even allows inter-municipal transfer of development rights from one political jurisdiction to another.



Saratoga P.L.A.N. (preserving land and nature) is a nonprofit conservation organization working to protect our environment, economy and way of life for present and future generations in Saratoga County. As a land trust, Saratoga P.L.A.N. protects farmland, forestland, waters, natural areas, trail corridors, and historic sites. As a community partner, Saratoga P.L.A.N. provides technical assistance to municipalities to balance growth and conservation and to foster regional cooperation through community planning and implementation. This fact sheet is one of a series entitled "Tools for Community Planning and Conservation." Other titles from the series can be found on Saratoga P.L.A.N.'s website: www.saratogaplan.org.