

MEMORANDUM

TO: Board of County Commissioners
Regular Meeting – December 15, 2021

THRU: Cindy Houben, Community Development Director

FROM: Suzanne Wolff, Assistant Director

RE: Annual Review of the Transferable Development Rights (TDR) Program

BACKGROUND: Pursuant to BOCC Ordinance 95-24, the BOCC must review the transfer of development rights (TDR) provisions of the Rural/Remote ordinance annually at a public hearing. The decision on whether to modify or amend the TDR provision lies solely within the legislative discretion of the BOCC. A summary of all TDR activity is attached to this memorandum as Exhibit A. A brief evaluation of the program is contained herein.

The purpose of this memorandum is twofold:

1. To keep the BOCC apprised of the status of the TDR program; and
2. To provide the BOCC with an opportunity to comment on the program. As background, staff has provided the TDR Program Summary (Exhibit I) that is available to the public online <https://www.pitkincounty.com/DocumentCenter/View/2927/TDR-Program-Summary-PDF>

EVALUATION: As stipulated in Ordinance 95-24, Staff has considered the following factors in evaluating the effectiveness of the TDR provision:

- ❑ *Whether there is an adequate market place for TDRs or whether additional measures should be taken to increase the marketability of TDRs;*

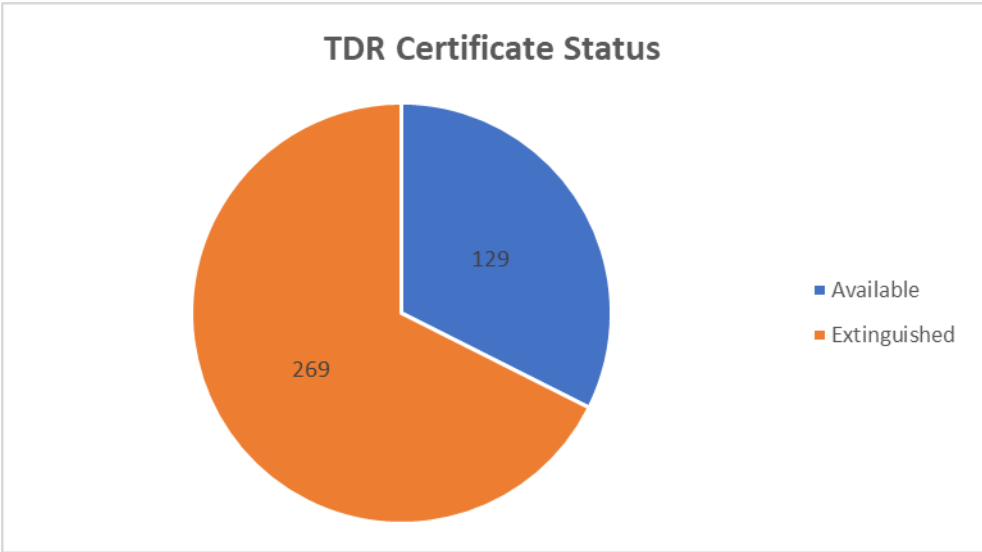
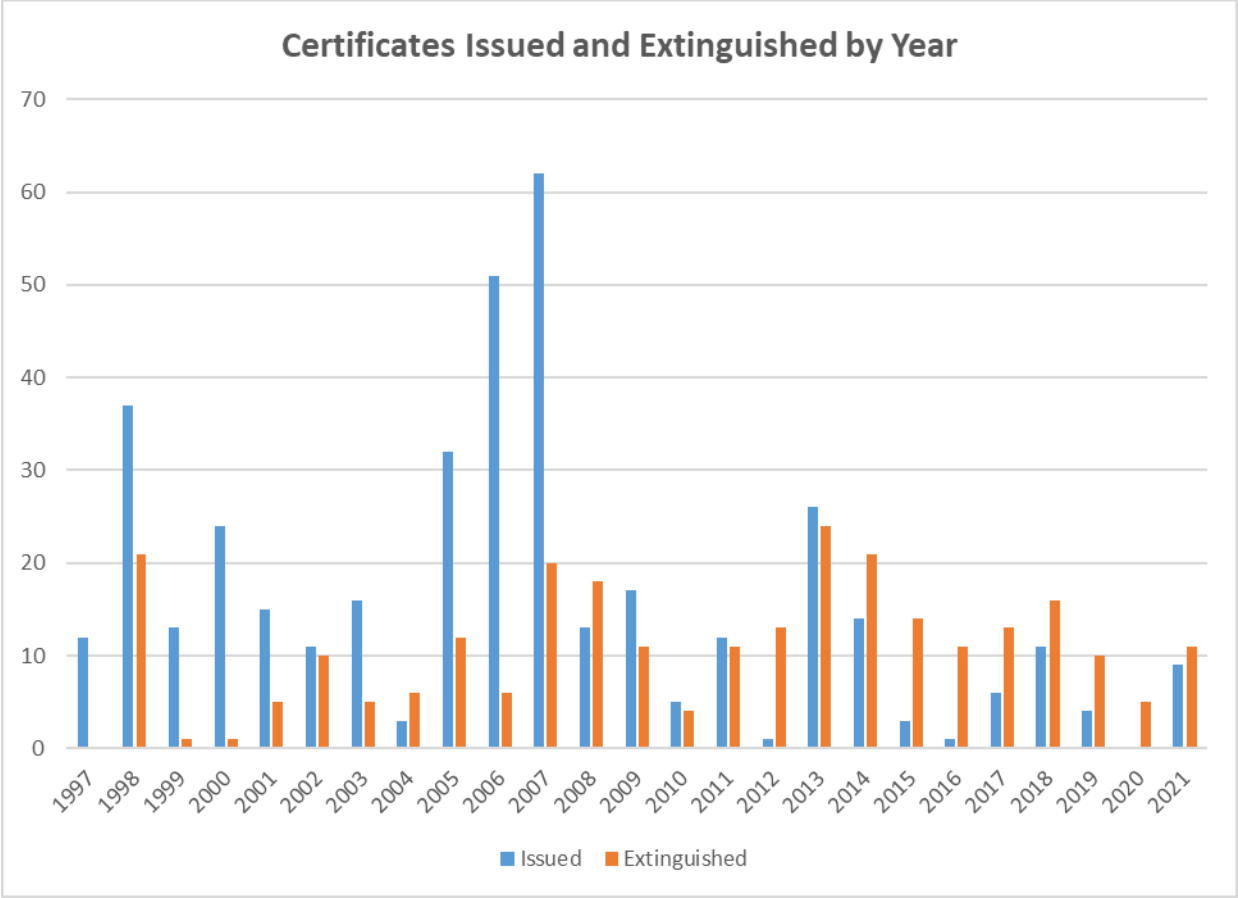
398 TDR certificates have been issued to-date. The current list is available to the public online at <https://www.pitkincounty.com/DocumentCenter/View/2926/TDR-Certificate-List-PDF>

This number includes certificates issued from Rural/Remote properties, constrained and visually constrained sites, properties designated to the County’s Historic Register, Limited Development Conservation parcels, properties zoned CD-PUD, and takings remediation. No TDR certificates have been issued from properties zoned TR-1 or TR-2.

Of the 398 certificates issued, 269 certificates have been extinguished. 43 TDRs have “landed” on receiver sites in the form of new growth management exempt homes; 222 TDRs have landed on receiver sites for additional floor area; two TDRs were extinguished by the BOCC in exchange for issuance of two TDRs for constrained sites (Harvey); and one TDR was extinguished as an exemption from the ADU requirement in the Stage Road PUD. That leaves 129 TDRs available for use.

The number of TDR certificates issued and extinguished annually is shown below:

| Certificates Issued and Extinguished by Year | | |
|---|---------------|---------------------|
| | Issued | Extinguished |
| 1997 | 12 | 0 |
| 1998 | 37 | 21 |
| 1999 | 13 | 1 |
| 2000 | 24 | 1 |
| 2001 | 15 | 5 |
| 2002 | 11 | 10 |
| 2003 | 16 | 5 |
| 2004 | 3 | 6 |
| 2005 | 32 | 12 |
| 2006 | 51 | 6 |
| 2007 | 62 | 20 |
| 2008 | 13 | 18 |
| 2009 | 17 | 11 |
| 2010 | 5 | 4 |
| 2011 | 12 | 11 |
| 2012 | 1 | 13 |
| 2013 | 26 | 24 |
| 2014 | 14 | 21 |
| 2015 | 3 | 14 |
| 2016 | 1 | 11 |
| 2017 | 6 | 13 |
| 2018 | 11 | 16 |
| 2019 | 4 | 10 |
| 2020 | 0 | 5 |
| 2021 | 9 | 11 |
| Total TDRs (TDR Certificate Status) | | |
| Available | 129 | |
| Extinguished | 269 | |



Approvals have been granted for use of 395 TDRs on receiver sites: 294 for additional floor area, 89 for new development rights, and 12 to provide an exemption from the ADU requirement at Stage Road PUD (City). Approved but not-yet-built development proposals allow for the use of up to 210 TDRs on receiver sites: 157 for additional floor area, 42 for new development rights, and 11 for Stage Road PUD ADU exemptions.

Note that properties in the Urban Growth Boundary and certain properties in the Rural Area (lots in Starwood, Starwood Ranch, Owl Creek Ranch, East Owl Creek, Eagle Pines, Castle Creek Valley Ranch, White Star Ranch, Star Mesa and Aspen Valley Downs) do not require special review approval to receive TDRs for additional floor area. These properties are a substantial pool of potential receiver sites that are not reflected in the number of approved receiver sites. 85 TDRs have been extinguished to date on properties where special review approval is not required.

A summary of approved receiver sites and extinguished TDRs by planning area is attached as Exhibit B, and a list of approved TDR receiver sites is attached as Exhibit H.

The landing of TDRs has been fairly steady over the years. The use of TDRs generally remains high, due to use of TDRs on sites where special review approval is not required, primarily in the UGB. In 2021, 2 TDRs were extinguished on a receiver site approved in 2000 and 4 TDRs were extinguished on receiver sites approved in 2020 (3 properties). In 2021, 5 TDRs were extinguished on sites that do not require special review (3 properties). Overall, it appears that there is an adequate market place for TDRs.

- *Whether the provision offers sufficient incentives to encourage transfers out of the Rural/Remote Zone District into areas more suitable for residential development;*

The price of a TDR remained steady from 2014 through 2017, ranging from \$185,000 to \$220,000. The price increased slightly in 2018, 2019 and through September of 2020, and then started to escalate in November 2020, with the highest sale at \$360,000 (11/25/20). In 2021, the price of a TDR continued to escalate with the highest sale at \$1,500,000. The previous height of the market was \$318,000 in 2007. The price continues to provide a compelling incentive to sever rights from Rural/Remote properties, as well as from other areas from which TDRS can be severed.

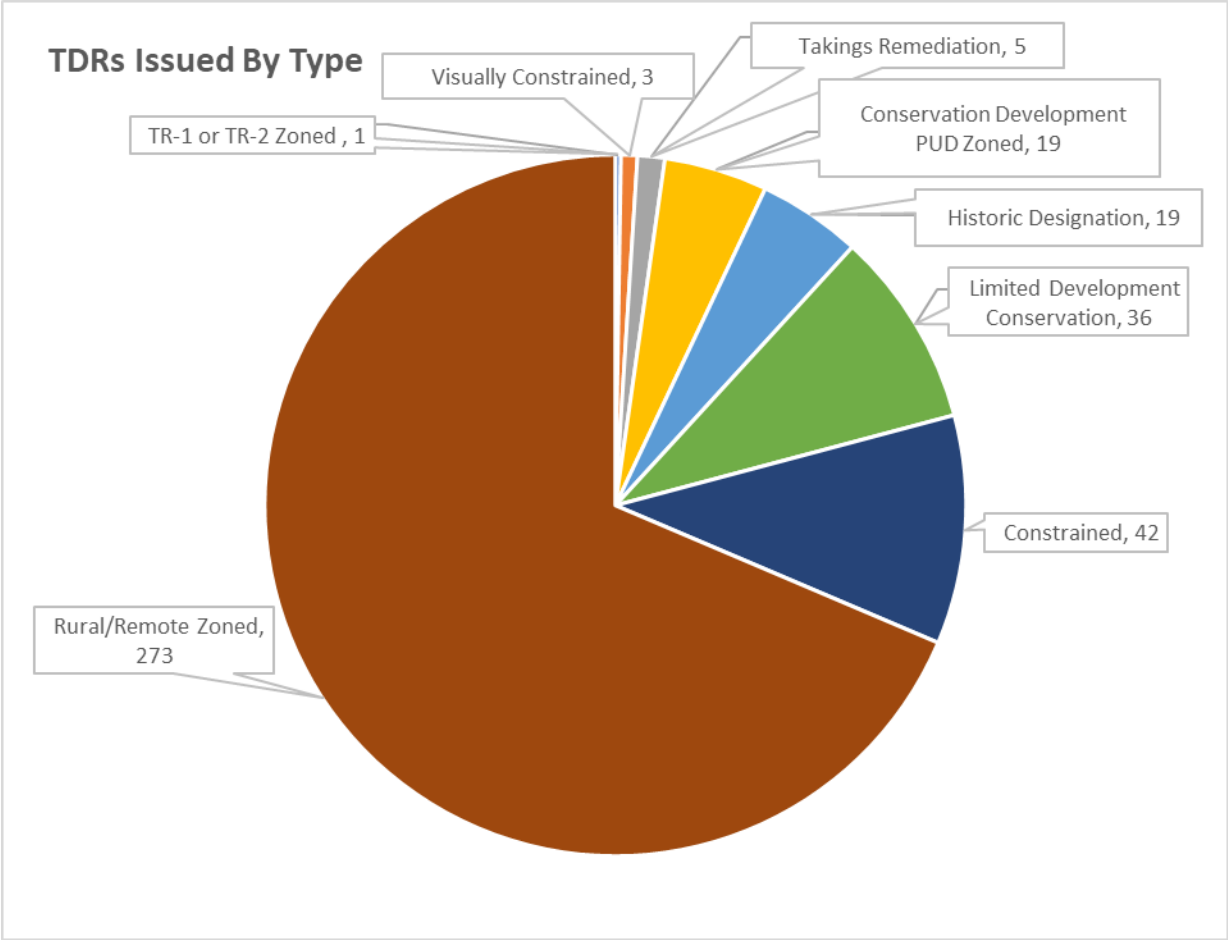
The 2006 Code requires that any sale, assignment, conveyance or other transfer or change in ownership of a TDR certificate be reported to Community Development within 5 days of such transfer, and that the report disclose the total value of the consideration paid for the certificate. This information is included in the TDR certificate database referenced above. In 2021, 21 TDR transactions were reported for which there was a consideration paid for the certificate (certain certificates have been conveyed with no consideration). These transactions have ranged in price from \$375,000 (1/13/2021) to \$1,500,000 (11/16/2021). The following table provides a comparison of the number of transactions with a consideration paid and the price range since 2007:

| Year | Number of TDR transactions | Price Range |
|-------------|-----------------------------------|------------------------|
| 2021 | 21 | \$375,000 to 1,500,000 |
| 2020 | 15 | \$220,000 to \$360,000 |
| 2019 | 10 | \$225,000 to \$240,000 |
| 2018 | 15 | \$210,000 to \$235,000 |
| 2017 | 13 | \$195,000 to \$220,000 |
| 2016 | 15 | \$195,000 to \$210,500 |
| 2015 | 19 | \$190,000 to \$210,000 |
| 2014 | 17 | \$185,000 to \$210,000 |
| 2013 | 21 | \$130,000 to \$185,000 |
| 2012 | 22 | \$115,000 to \$150,000 |
| 2011 | 11 | \$125,000 to \$165,000 |
| 2010 | 10 | \$160,000 to \$225,000 |
| 2009 | 6 | \$200,000 to \$260,000 |
| 2008 | 10 | \$282,500 to \$310,000 |
| 2007 | 34 | \$250,000 to \$318,000 |

The current price of a TDR has encouraged eligible property owners to obtain TDRs, rather than develop. 6 Rural/Remote sites previously approved for development were sterilized, and 2 additional Rural/Remote parcels were sterilized in 2021.

Of the 398 TDRs that have been issued, 273 have been severed from Rural/Remote properties and 125 have been severed from “other” properties (constrained, visually constrained, historic, Limited Development Conservation parcels, CD-PUD, takings remediation).

| TDRs Issued by Type | |
|------------------------------------|------------|
| TR-1 or TR-2 Zoned | 1 |
| Visually Constrained | 3 |
| Takings Remediation | 5 |
| Conservation Development PUD Zoned | 19 |
| Historic Designation | 19 |
| Limited Development Conservation | 36 |
| Constrained | 42 |
| Rural/Remote Zoned | 273 |
| Total Issued | 398 |



Staff would note that the provisions to allow transfers from areas other than Rural/Remote (TR-1, TR-2, constrained and visually constrained sites, CD-PUD, Limited Development Conservation Parcels, Historic Register sites) have increased the supply of TDRs.

There are 129 TDR certificates available (not extinguished). Approvals have been granted to land 199 TDRs on receiver sites (this does not account for sites that do not require special review approval to utilize TDRs). There is a greater demand than supply at this time.

Of the 129 certificates that have not been extinguished, approximately 25 are presumed to be held for specific approved development, though the certificates are not explicitly restricted. In most cases this is the result of development approvals that included rezoning a portion of a property to Rural/Remote in order to obtain TDRs (Paepcke, Harvey, Craig, Aspen Valley Ranch, Chaparral).

Exhibit C provides a comparison of floor area approved via TDRs and growth management competition since 2009.

Exhibit D provides a summary of the development that has occurred or has been approved within the Rural/Remote zone district. *Note that 6 Rural/Remote sites that were previously approved for development, but then sterilized in 2021 via TDRs, have been removed from this list.*

Exhibit E provides a summary of constrained site TDR approvals.

Exhibit F is a map of the sending and receiving sites.

Exhibit G is a map of the Rural and Remote development sites (built and approved/unbuilt).

- *Whether the procedures relating to the implementation of the transfer of development rights are functioning smoothly and efficiently as possible.*

The Community Development Department has a standard procedure for issuing and tracking the issuance of Transferable Development Rights Certificates. By all indications it is functioning smoothly.

SUMMARY: For all intents and purposes, the TDR provisions of the Land Use Code are functioning well. Nonetheless, it is an ongoing goal to continue to improve the effectiveness and utility of the program.

Attachments

- A. Current TDR Tally
- B. TDR Receiver Sites by Planning Area
- C. Comparison of Floor Area Approved Via TDRs and Growth Management, 2009-2021
- D. Rural/Remote Parcels that have been developed or approved for development
- E. Constrained Site TDR Tally
- F. Map of Sending and Receiving Sites
- G. Map of Rural and Remote Development Sites
- H. TDR Receiver Site Approvals
- I. TDR Program Summary

EXHIBIT A - TDR TALLY (1996 – DEC 2021)

- ❑ **Certificates Issued:** 398 TDR certificates have been issued by the Community Development Department.
- ❑ **TDRs Extinguished:** 269 TDRs have been “extinguished” (development right has been used on a receiver site and is no longer in circulation).
 - 43 extinguished for new development rights
 - 223 extinguished for additional floor area
 - 2 extinguished by BOCC in exchange for new TDRs on two constrained sites
 - 1 extinguished as an exemption from the ADU requirement in the Stage Road PUD
 - TDRs have been extinguished in the following areas: Aspen Highlands, McLain Flats/Starwood, Little Annie Basin, Red Mountain, Snowmass Creek, Woody Creek, East Aspen, Owl Creek, Sopris Mountain Ranch, West Buttermilk, Wingo Junction, Watson Divide, East Sopris Creek, Brush Creek Village, Mountain Valley, Maroon Creek, Castle Creek, Wildcat Vista
- ❑ **Acres Deed Restricted:** Approximately 9,186 acres of land have been deed restricted against development as a result of the severance of development rights.
- ❑ **Receiver Site Approvals:** 395 TDRs have been approved to be used on receiver sites (summary of development applications for TDR receiver sites is attached as Exhibit H)
 - 89 TDRs approved for new development rights
 - 294 TDRs approved for additional floor area
 - 12 TDRs approved for ADU exemption in Stage Road PUD (City)
 - 269 TDRs have been extinguished on receiver sites (includes 85 TDRs for which special review approval is not required)
 - Approved but not-yet-built development proposals allow for the use of up to 210 more TDRs on receiver sites: 157 for additional floor area and 42 for new development rights and 11 for Stage Road ADU exemption
- ❑ **Rural/Remote Cabin Approvals:** 24 Rural/Remote properties have obtained approval to develop cabins. 15 cabins have been built (so those parcels are no longer eligible to sever TDRs); 1 existing cabin was expanded up to 1,000 square feet; 2 cabins under construction; and 6 cabins have been approved but not built. (Summary attached as Exhibit D)
- ❑ **Rezoning to Rural/Remote:** Roughly 5,196 acres have been rezoned to Rural/Remote since 1996 (via privately initiated rezonings).
 - Balcomb/Stephenson (Thompson Creek area); Chaparral Aspen Remote Parcel; Child Ranch; Craig Ranch; Crystal Island Ranch; Aspen Valley Ranch; Harvey Ranch; Crown Mountain Ranch; Jerome Park
 - 88 TDR certificates have been issued to date from these rezoned properties
 - 10 potential TDRs from Child Ranch and 25 potential TDRs from Harvey Ranch have been extinguished as part of the conservation easements with Open Space and will not enter the TDR market
- ❑ **Constrained/Visually Constrained Sites:** 45 TDRs: 42 from constrained sites and 3 from visually constrained sites (Summary attached as Exhibit E).
- ❑ **Limited Development Conservation Parcels:** 36 TDRs: 24 for Timroth (East Sopris Creek) and 12 for Fender (East Sopris Creek)
- ❑ **Conservation Development PUD:** 19 TDRs: 9 for Middle Ranch (West Sopris Creek) and 10 for Nichols (North Fork of Fryingpan)
- ❑ **Designation to Historic Register:** 19 TDRs: 1 for Little Annie Mine Site (Greenway); 2 for Swearingen Ranch Homestead (Middle Ranch); 1 for Parker (Emma); 3 for Emma Farms; 1 for Bunta/Manning (Little Annie); 2 for Anthes/Brown (East Sopris Creek); 8 for Redstone Castle; 1 for Bier
- ❑ **Takings Remediation:** 5 TDRs – Sawmill Hill parcels.

TDR CERTIFICATES AVAILABLE

| | |
|------------|--|
| 398 | TDR certificates issued by the County |
| - 269 | TDRs extinguished |
| 129 | TDR certificates theoretically available on the free-market |

Exhibit B

| SPECIAL REVIEW APPROVED RECEIVER SITES BY PLANNING AREA SINCE 1996 | | | | | | Special Review Not Required | | | | |
|--|-------------------|-----------------|-------------------|------------------------------|-------------------|-----------------------------|--|------------|--------------------|--|
| Planning Area | APPROVALS GRANTED | | TDRs EXTINGUISHED | | TDRs EXTINGUISHED | | | | | |
| | Development Right | Addl Floor Area | Development Right | Addl Floor Area | Addl Floor Area | | | | | |
| Brush Creek - Wildcat | 0 | 5 | 0 | 5 | | | | | | |
| Crystal River | 11 | 15 | 0 | 1 | | | | | | |
| Emma/Basalt | 5 | 4 | 4 | 4 | | | | | | |
| Independence | 0 | 24 | 0 | 17 | | | | | | |
| Maroon/Castle | 2 | 25 | 1 | 16 | 4 | | | | | |
| Owl Creek | 1 | 17 | 0 | 11 | 6 | | | | | |
| Snowmass Canyon | 1 | 3 | 0 | 2 | | | | | | |
| Snowmass/Capitol | 12 | 24 | 1 | 7 | | | | | | |
| UGB | 33 | 42 | 29 | 10 | 55 | | | | | |
| Woody Creek | 24 | 135 | 12 | 64 | 20 | | | | | |
| TOTAL | 89 | 294 | 47 | 137 | 85 | | | 269 | Total Extinguished | |
| Approvals Granted total | | 383 | | Approvals Extinguished total | | 184 | | | | |

EXHIBIT C

FLOOR AREA APPROVED VIA TDRS AND GROWTH MANAGEMENT COMPETITION 2001-2021
[UGB = Urban Growth Boundary; RA = Rural Area]

| | NEW DEVELOPMENT RIGHTS | | ADDITIONAL FLOOR AREA | |
|--------------|---|---|--|---|
| | TDR – SF (# of lots/parcels) ¹ | GROWTH MANAGEMENT – SF (# of lots/parcels) ² | TDRS – SF (# of lots/parcels) ³ | GROWTH MANAGEMENT – SF (# of lots/parcels) ⁴ |
| 2009 | 0 | 9,100 (2 RA) | 8 TDR - 20,000 (5 RA) | 0 |
| 2010 | 0 | 5,750 sf (1 RA) | 7 TDR - 17,500 (3 RA) | 2,194 (1 UGB) |
| 2011 | 0 | 0 | 14 TDR - 35,000 (6 RA) | 0 |
| 2012 | 0 | 1,000 (1 RA) | 3 TDR - 7,500 (3 RA) | 2,500 (1 RA) |
| 2013 | 0 | 0 | 10 TDR - 25,000 (3 RA) | 0 |
| 2014 | 0 | 0 | 4 TDR - 10,000 (4 RA) | 0 |
| 2015 | 0 | 0 | 2 TDR - 5,000 (2 RA) | 221 (1 UGB) |
| 2016 | 0 | 13,500 (2 UGB) | 1 TDR - 2,500 (1 RA) | 0 |
| 2017 | 0 | 0 | 7 TDR - 17,500 (5 RA) | 6,000 (2 UGB) |
| 2018 | 0 | 23,500 (3 RA) | 2 TDR - 5,000 (2 RA) | 2,610 (1 UGB) |
| 2019 | 0 | 1,160 (1 RA) | 2 TDR - 2,500 (1 RA) | 12,079 (3 RA) 10,000 (3 UGB) |
| 2020 | 0 | 0 | 3 TDRs – 7,500 (3 RA – 1 pending) | 0 |
| 2021 | 0 | 0 | 9 TDRs – 22,500 (6 RA) | 1,425 (1 RA) |
| TOTAL | 0 | 54,010 (10 lots/parcels – 8 RA & 2 UGB) | 177,500 (44 lots/parcels – 44 RA) | 37,029 (13 lots/parcels – 5 RA & 8 UGB) |

¹ TDRs can only be used for new development rights in the UGB

² 28,750 sf available *annually* (11,500 sf UGB; 17,250 sf Rural Area) (Amended by Ordinance No. 19-2020)

³ Does not include properties for which special review approval is NOT required to use TDRs for additional floor area (UGB and certain Rural Area subdivisions). On those properties, from 2009-2020 a total of 82 TDRs – 205,000 sf (assuming entire TDR is used) – were extinguished on 55 properties.

⁴ 12,000 sf available *annually* (5,000 sf UGB; 7,000 sf Rural Area) (Amended by Ordinance No. 19-2020)

EXHIBIT D

RURAL/REMOTE PARCELS THAT HAVE BEEN DEVELOPED (OR APPROVED FOR DEVELOPMENT)

| Year Approved | Owner | Location | Approved? Built? | PID |
|----------------------|----------------------------------|---|---|--------------|
| 1996 | Haas | Little Annie | 1,000 sf cabin built | 291112100005 |
| | Greenway | Midnight Min/Little Annie intersection | 1,000 sf cabin built | 273536400078 |
| 1998 | Top of Little Annie | Midnight Mine/Little Annie intersection | 1,000 sf cabin built | 273536400062 |
| 1999 | Zurcher | Richmond Ridge | 1,000 sf cabin built | 290917200014 |
| 2000 | Katie's Claim | Midnight Mine/Little Annie intersection | 1,000 sf cabin built | 273536400060 |
| | Enough Claim | Little Annie | 2,000 sf cabin built (through aggregation) | 291101400007 |
| 2001 | Kopp | Lenado - Larkspur Road | 1,000 sf cabin built | 264115200005 |
| | Tschappat | Fryingpan - Miller Creek | 1,000 sf cabin built | 247126400035 |
| | Castle Creek Investors | Little Annie ("Ridge Parcel") | 1,000 sf cabin built | 273536400081 |
| | Woody Creek Ventures | Chaparral Aspen Remote Parcel | 1,000 sf cabin built | 264303201010 |
| 2002 | Alaska Lode | Richmond Ridge | Expanded existing cabin | 290906300001 |
| 2006 | Concord Claim | Cooper Creek (above Ashcroft) | 1,000 sf cabin built | 299918100001 |
| 2007 | Finkle | Richmond Ridge | Approved; not built | 273731300049 |
| | | | | |
| 2008 | Greenway | Little Annie | Approved; not built | 291101100052 |
| 2009 | Mandich | Cooper Creek (above Ashcroft) | Approved; permit issued 2019 | 299917100003 |
| | Matthews | Hurricane Road | Approved 2 nd deed restricted 600 sf cabin; built | 291112100019 |
| 2011 | Bunta/Manning | Little Annie | 1,000 sf cabin built | 291101100051 |
| 2014 | Greenway – Ecuador North/Bolivia | Little Annie | 1,000 sf cabin built | 291101100053 |
| 2015 | Laucks | Midnight Mine | Approved (BOCC 098-2015; BOCC 013-2019); permit issued 2020 | 273525200035 |
| 2016 | Gregg | Richmond Ridge | 1,000 sf cabin built | 273730401002 |
| 2018 | Castle Creek Investors | Richmond Ridge ("Summit Parcel") | Approved (HO 3-2018; BOCC 152-2018); not built | 273731300050 |
| 2019 | Valley View Ajax LLC – Parcel 1 | Richmond Ridge – East Side (Loushin) | Approved (Activity Envelope only PZ-1-2020) | 273730401003 |
| | Valley View Ajax LLC – Parcel 2 | Richmond Ridge – East Side (Loushin) | Approved (Activity Envelope only PZ-1-2020) | 273730401004 |
| 2020 | Kloser | Richmond Ridge | Approved (BOCC 106-2020) | 273731300037 |
| | TOTAL | | 24 – 15 cabins built; 1 expanded; 2 permitted/under construction; 6 approved/unbuilt | |

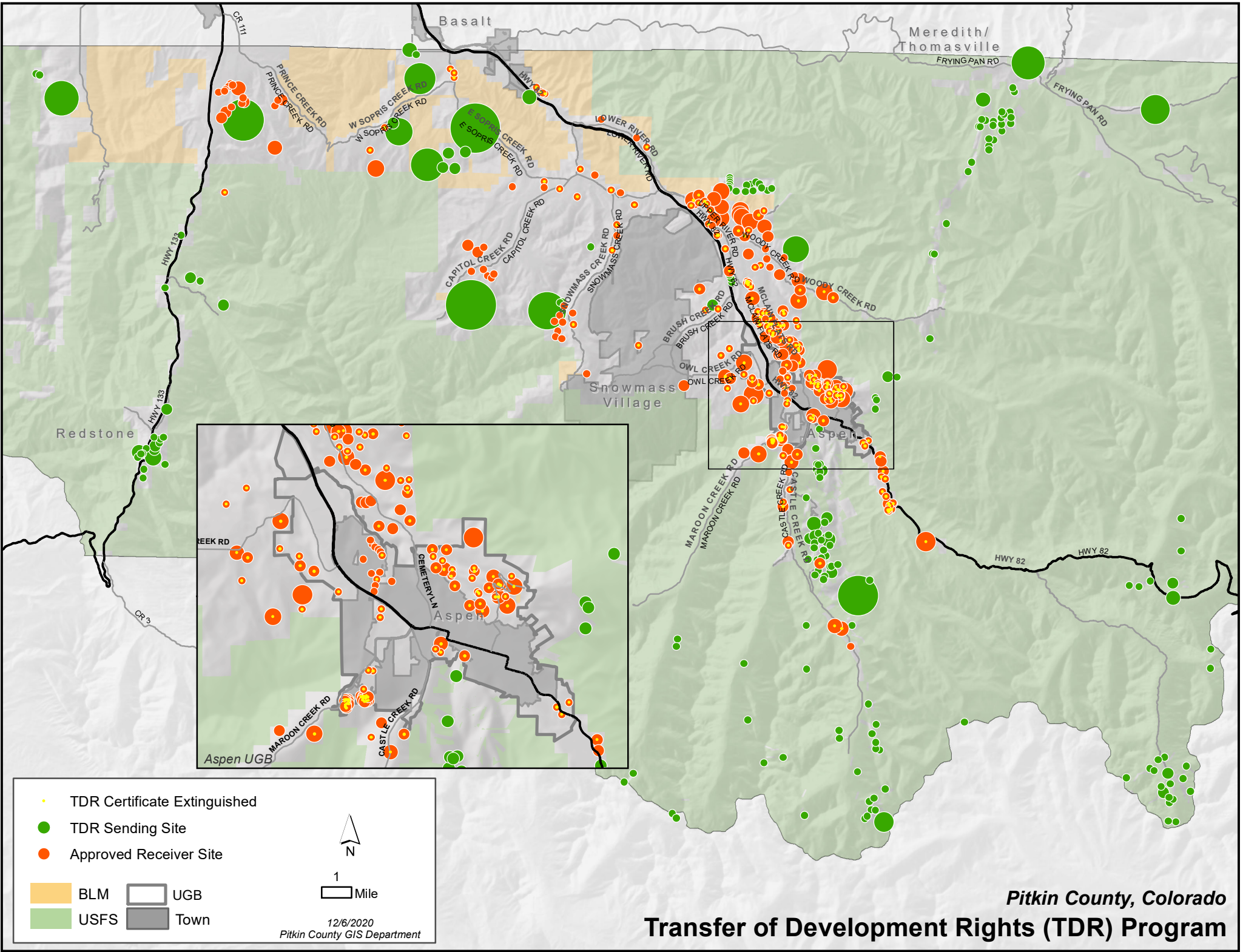
EXHIBIT E

CONSTRAINED SITE TDR TALLY

| OWNER NAME | LOCATION | # TDRS GRANTED | BOCC APPROVAL DATE | REASON |
|----------------------------------|-----------------------------|-----------------------|---------------------------|---|
| Goldsmith | Crystal – Avalanche Creek | 2 | 5/11/05 | Wildlife – winter range, winter concentration area, production area |
| Gibson | Crystal – Avalanche Creek | 1 | 5/11/05 | Access, riparian, slopes |
| ZTS Construction | Crystal River Park (3 lots) | 3 | 9/14/05 | Slopes, avalanche, debris flow, rockfall, severe wildfire |
| Morrow | Wingo Junction | 3* | 9/28/05 | Slopes, floodplain, severe wildfire, visual |
| Aspen Mass | Highway 82/Brush Creek | 3 | 3/22/06 | Visual |
| Vaughn | Crystal River Park | 1 | 6/14/06 | Slopes, debris flow, rockfall, severe wildfire, mapped potential avalanche |
| Lot 11 Sopris Creek LLC (Gina) | Section 36 | 2 | 9/27/06 | Slopes, elk production area, migration corridor |
| Red Oak Trust | Woody Creek | 1 | 9/27/06 | Slopes, severe wildfire, visual |
| Tabackin | Brush Creek Village | 2 | 11/1/06 | Slopes, severe wildfire, visual |
| Crowley | Fryingpan | 12 | 12/6/06 | Wildlife – severe winter range, migration corridor, scenic/rural character |
| Rooney | Crystal River Park | 1 | 5/23/07 | Slopes, rockfall, small lot |
| Grosjean/Spencer | Section 36 | 2 | 6/27/07 | Slopes, elk production area, migration pattern, goshawk nest, wetlands, proximity to public lands |
| Majestic Peaks Pointe (Woodward) | Section 36 | 2 | 7/11/07 | Elk migration corridor, proximity to public lands |
| Nelsen | Redstone Ranch Acres | 1 | 7/11/07 | Slopes, severe wildfire, access |
| McBurney | Crystal River Park | 1 | 7/25/07 | Slopes, rockfall, setbacks from spring |
| Harvey | Shield O Terrace | 2 | 2/13/08 | Slopes, severe wildfire, visual |
| Poulaki/Koukla | Redstone | 2 | 10/22/08 | Rockfall, floodplain/riparian |
| Spizzirri | East Aspen | 1 | 11/19/08 | Visual, proximity to public lands/trail |
| Walter | Crystal | 1 | 12/16/09 | Slopes, rockfall, alluvial fan, visual, wildlife |
| Woodard | Snowmass/Capitol | 1 | 12/2/15 | Wildlife |
| Engstrom | Crystal | 1 | 4/14/2021 | Slopes, wildlife, small lot (well/septic) |
| TOTAL | | 45 | | |

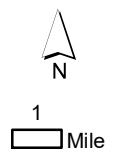
* Morrow TDRs limited to use on Roaring Fork Meadows Subdivision lots across Highway 82

The BOCC has denied two requests for constrained TDRs: a parcel on Lime Creek up the Fryingpan (F Pan LLP) and a parcel above Shale Bluffs (Heineman).



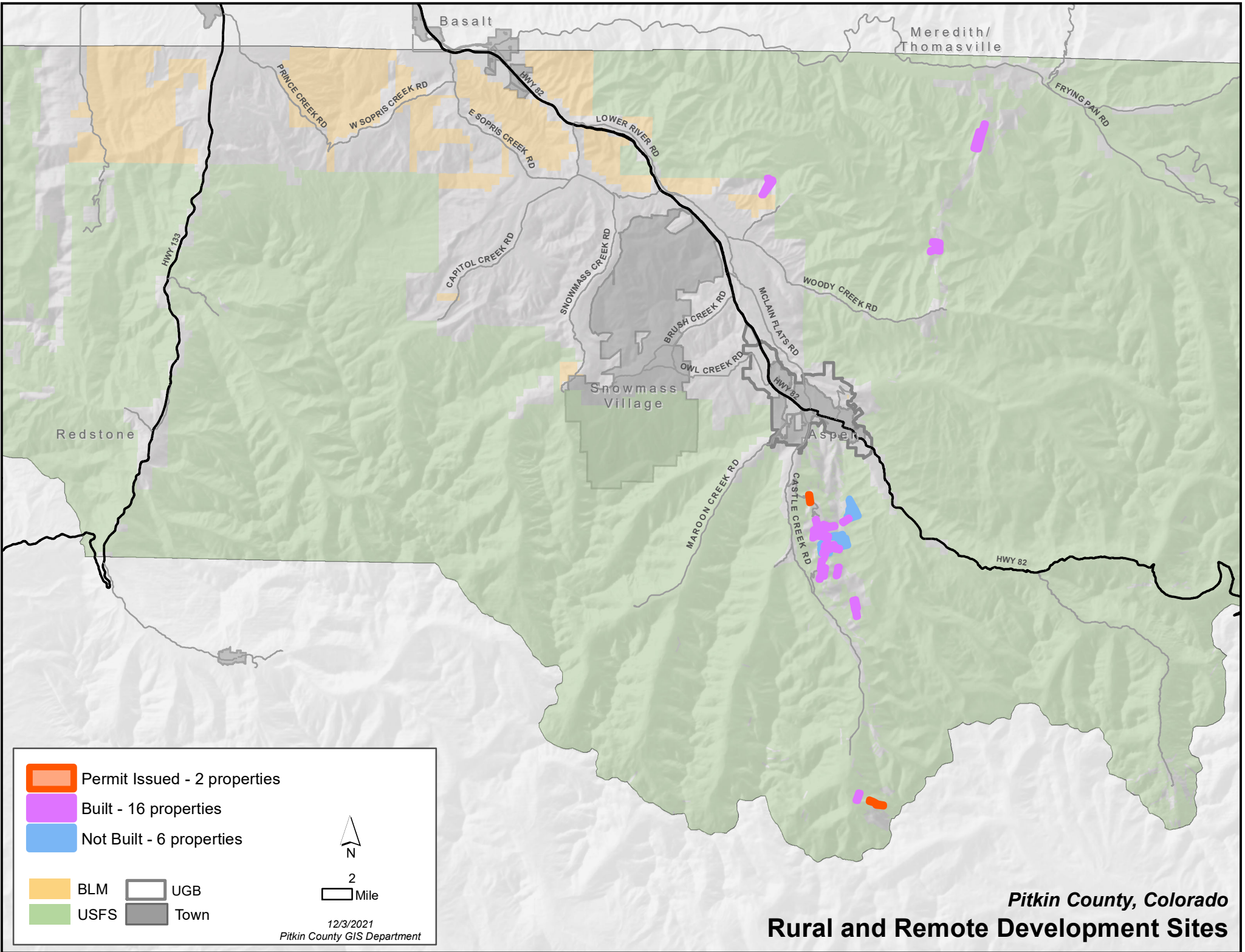
- TDR Certificate Extinguished
- TDR Sending Site
- Approved Receiver Site

- | | |
|--|---|
| BLM | UGB |
| USFS | Town |



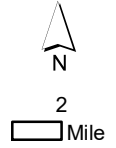
12/6/2020
Pitkin County GIS Department

Pitkin County, Colorado
Transfer of Development Rights (TDR) Program



- Permit Issued - 2 properties
- Built - 16 properties
- Not Built - 6 properties

- BLM
- UGB
- USFS
- Town



12/3/2021
Pitkin County GIS Department

Pitkin County, Colorado
Rural and Remote Development Sites

**EXHIBIT H
REQUESTS/APPROVALS FOR USE OF TDRs ON RECEIVER SITES SINCE 1996**

| | Location | # TDRs approved | How are TDRs to be used? | Date Extinguished? | Parcel ID # | TDR Certificate # (if extinguished) | Approval # |
|-------------------------------|-------------------|-----------------|--|--|--|--|---|
| 1997 | | | | | | | |
| Weinglass | McLain Flats | 1 | Additional floor area in excess of 15,000 sf | Jan, 1998 | 264327100002 | IR-97-2-ES | BOCC 96-204 |
| 1998 | | | | | | | |
| Aspen Highlands Village | Base Village | 40 | 20-Development rights for new lots 20-Additional floor area (@500 sf/lot) | May, 1998 (20 devt rights) 6/7/2007 (273514316005) | 273514310001-010 273514316001-010 | IR-97-1-CH IR-97-4,5,6,7,8,9,10,11,12-ES IR-9813A-CH IR-98-14,15,16,17-CH IR-98-19,20,21-ES IR-98-32,33-ES IR-13-05-SW | BOCC 98-79 |
| Ziff | Starwood | | Additional floor area in excess of 15,000 sf (up to 5 TDRs) | <i>Have altered plans – are not building to approved size and do not need any TDRs</i> | 264326102001 | | BOCC 97-64 |
| 1999 | | | | | | | |
| Enough claim | Little Annie | 2 | Aggregation of square footage within Rural/Remote | Apr, 2001 | 291101400007 | IR-00-02-SW IR-00-03-SW | BOCC 17-2000 |
| Bluhm | UGB-Red Mountain | 1 | Additional floor area in excess of 15,000 sf | Dec, 1999 | 273707207001 | IR-00-07-SW | BOCC 16-2000 |
| Bishop | Castle Creek | | Development right | | | | Denied by BOCC (99-22; 99-67) |
| 2000 | | | | | | | |
| Bankcenter One | Snowmass Creek | 1 | Development right | May, 2000 | 246734401001 | IR-99-53-ES | BOCC 98-244 |
| Devaney Parcel | Castle Creek Road | | 1-development right 1-additional floor area up to 7,500 sf | Intended as swap parcel for Ryan Parcel – no longer intended | 2909-09 (FS below Toklat – parcel not yet created) | | BOCC 104-2000 |
| Braun Ranch (Chaparral Aspen) | Woody Creek | 6-11 | 6-development rights (Parcels 2, 4, 6, 7, 8, 10) 13-additional floor area (Parcel 2 – 1; Parcel 4 – 3; Parcel 6 – 3; Parcel 7 – 3; Parcel 8 – 3; Parcel 10 - 3) | 10/15/21 – Homestead 2 (PID 264309401002) | 264309101007 264309101008 264309201010 264309401002 264310201004 264310201006 | IR-01-03-SW IR-02-03-SW | BOCC 158-2000 BOCC 059-2004 BOCC 16-2021 BOCC 074-2021 (ref 7/8) |

| | Location | # TDRs approved | How are TDRs to be used? | Date Extinguished? | Parcel ID # | TDR Certificate # (if extinguished) | Approval # |
|-------------------------------------|--------------------------|-----------------|---|---|--|--|--|
| 2000 (cont) | | | | | | | |
| Red Butte Ranch Subdivision | McLain Flats | 10 | Additional floor area up to 4,000 sf of subgrade space – Lots 1 & 2 Additional floor area up to 3,000 sf of subgrade space – Lots 3, 4 & 5 | 1/24/05 (Lot 2) | 264335404001 264335404002 264335404003 264335404004 264335404005 | IR-12-01-ES IR-15-01-ES | BOCC 96-73, 97-198 BOCC 208-2000 BOCC 080-2009 |
| Stein Lot Split | McLain Flats | 4 | Additional floor area for up to 4,000 sf of subgrade space per lot | 4/4/2007 (Lot 1) | 264335403001 264335403002 | IR-11-05-SW IR-12-05-SW | BOCC 97-24, 98-66 BOCC 209-2000 |
| 2001 | | | | | | | |
| Two Mile Ranch (aka Circle R Ranch) | Woody Creek | 6 | Development rights for additional residences – Envelope 5 on Parcel 2; Envelopes 6, 7 & 8 on Parcel 3; Envelopes 9 & 10 on Parcel 10 | 3/4/2002 6/5/2003 8/22/2003 | 264324301002 264324401003 264324401004 | IR-98-39-ES (Env 6 on Parcel 3) IR-98-34-ES (Env 10 on Parcel 4) IR-98-35-ES (Env 7 on Parcel 3 – permit expired 12/03; 150 sf used on Env 6) IR-98-38-ES (Env 9 on Parcel 4) | BOCC 109-2001 |
| Erickson/Duroux Subdivision/PUD | UGB-Red Mountain | 11 | 5-development rights 6-additional floor area (on 2 lots and 1 parcel) | 12/19/2001 11/18/2002 3/22/2016 (Lot 4) | 273501100003 273501358001 273501358002 273501358003 273501358004 | NEW: IR-98-24-ES IR-98-25A-ES IR-98-26A-ES IR-98-26C-ES (Lot 4) ADDITIONAL: IR-98-25B-ES IR-98-26B-ES | BOCC 99-198 BOCC 059-2001 |
| Buttermilk Meadows Subdivision | UGB-West Buttermilk Road | 2 | 1-development right 1-additional floor area up to 7,500 sf – both on Lot 1 | 5/31/2016 | 273503402001 | NEW DR: IR-10-01-SW | BOCC 98-153 BOCC 232-2000 |
| Lambda Ltd. | Little Woody Creek | 2 | Additional floor area up to and in excess of 15,000 sf | 4/8/2002 | 264310101006 | IR-01-01-SW IR-00-13-SW | BOCC 215-2000 |
| Popcornland | East of Aspen | | Obtained GM allotment so won't use TDR (approved for 1) | | 273728300019 | | HO 009-2001 |

| | Location | # TDRs approved | How are TDRs to be used? | Date Extinguished? | Parcel ID # | TDR Certificate # (if extinguished) | Approval # |
|------------------------------|---------------------------------------|-----------------|---|--|--------------|--|--|
| 2001 (cont) | | | | | | | |
| Wildwood Land (aka Parvenir) | East of Aspen | 1 | Additional floor area up to 8,250 sf | 4/23/2004 | 273728300006 | IR-07-02-SW | HO 039-2001 |
| Tagert Lakes Family Trust | East of Aspen | 2 | Additional floor area up to 10,750 sf | 3/21/2002 | 273734400001 | IR-00-17-SW IR-00-16-SW | HO 045-2001 |
| 2002 | | | | | | | |
| Harvey | UGB-Maroon Creek | 1 | Development right for new lot (Lot 1) | | 273502405001 | | BOCC 054-2001 BOCC 011-2002 |
| Bankcenter One | Snowmass Creek | | Additional floor area up to 7,500 sf | Utilized GM allotment instead so won't use TDR | 246734118009 | | BOCC 22-2002 |
| Tagert Lakes | East of Aspen | 5 | Additional floor area up to 15,000 sf to replace existing residences | | 273734301003 | | BOCC 028-2002 BOCC 048-2002 |
| Sunshine Ranch | Owl Creek Road | 2 | Additional floor area up to 10,750 sf | 7/16/2003 | 273504300008 | IR-98-27A-ES IR-98-27B-ES | BOCC 121-2002 |
| Henry | Snowmass Creek Road | 1 | Additional floor area | | 264527300003 | | HO 18-2002 |
| Bane Tract 2 | Prince Creek | 3 | Additional floor area up to 13,250 sf | | 246533608002 | | HO 026-2002 |
| Aspen Meyer (aka Batista) | East of Aspen | 1 | Additional floor area | 5/25/2004 | 273728300005 | IR-11-01-SW | HO 34-2002 |
| Child/Capitol Creek Ranch | Capitol Creek | 5 | New development rights | | 264519200002 | | BOCC 190-2002 |
| Star Mountain Ranch | Starwood area | 4 | Additional floor area | 8/21/2002 | 264326104003 | IR-00-08-SW IR-07-01-SW IR-02-02-SW IR-03-02-SW | N/A |
| Eagle Pines Lot 7 | West Buttermilk | 1 | Additional floor area (in excess of 11,500 per Eagle Pines approvals) | 8/14/2002 | 273510202007 | IR-00-24-SW | N/A |
| Droste Ranch PUD | Between Owl Creek & Brush Creek Roads | | Development rights for 12 new lots – up to 15,000 square feet of floor area per lot | | | | Denied by BOCC – requested up to 60 TDRs |

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|--------------------------|-------------------|-----------------|--|---|--|-------------------------------------|---|
| 2003 | | | | | | | |
| Wildwood Estate Holdings | East of Aspen | 1 | Additional floor area | 3/19/2012 | 273729100530 | IR-01-09-SW | HO 05-2003 AD 29-2011 |
| Black Diamond Holdings | East of Aspen | | Obtained GM allotment so won't use TDRs (approved for 2) | | 273728300009 | | HO 15-2003 |
| Wieben Ranch | Capitol Creek | 5 | Additional floor area (Parcels 5, 6 & 7) | | 264318401001 264518401002 264318101001 | | HO 18-2003 (approval for 2 TDRs on each of Parcels 5 and 6, and 1 TDR on Parcel 7 – all limited to 5,500 sf) |
| Cheff | Sopris Mtn Ranch | 1 | Additional floor area to 8,250 | 10/13/2005 | 246533101006 | IR-08-02-SW | HO 23-2003 |
| Hillmuth | East of Aspen | | Additional floor area to 8,250 | Used GM allotment rather than TDR | 273720400012 | | HO 27-2003 |
| Polsky | East Sopris Creek | | Additional floor area | | | | Denied by BOCC – requested use of 1 TDR (BOCC 032-2003) |
| 2004 | | | | | | | |
| Cheek Subdivision LLC | UGB-Red Mountain | 2 | Additional floor area in excess of 15,000 | 5/17/2004 5/27/2005 | 273512104004 | IR-13-01-SW IR-00-05-SW | BOCC 07-2004 |
| Mountain Queen | East of Aspen | 1 | Additional floor area | 11/17/2004 | 273729100004 | IR-16-03-SW | BOCC 132-2004 |
| Craig Ranch | Woody Creek | 8 | 2-new development rights (Parcels 6 & 8) 6-additional floor area (Parcels 3, 4, 5, 6, 7, 8) | 6/13/13 (Parcel 7 ADD – 1,750 sf used; 750 sf remains for other parcel) | 264315302004 264315302002 264315400009 264315302003 264314100003 264323300006 | IR-23-06-SW | BOCC 144-2004 BOCC 043-2007 |
| Abrams | McLain Flats | 1 | Additional floor area to 8,250 | 4/30/2004 | 264327400012 | IR-00-23-SW | HO 03-2004 |
| Kopp | Woody Creek | 2 | Additional floor area to 10,750 | 4/27/2006 2/14/2007 | 264321100004 | IR-99-48-ES IR-98-30-ES | HO 04-2004 |

| | Location | # TDRs approved | How are TDRs to be used? | Date Extinguished? | Parcel ID # | TDR Certificate # (if extinguished) | Approval # |
|-----------------------|----------------------|-----------------|--|--------------------|--|-------------------------------------|--|
| 2004 (cont) | | | | | | | |
| LaRose | Watson Divide | 1 | Additional floor area to 8,250 | | 264501300101 | | HO 19-2004 |
| Hecht | Owl Creek | 1 | Additional floor area | 6/8/2004 | 264333301005 | IR-00-01-ES | N/A (BOCC approved subdivision) |
| 2005 | | | | | | | |
| Circle R Ranch | Woody Creek | 2 | Additional floor area for Bldg Env 1 (Parcel 2), 6 & 7 (Parcel 3) | | 264324301002 264324401003 | | BOCC 008-2005 |
| Payson | Starwood | 2 | Additional floor area in excess of 15,000 | 3/8/2005 | 264335401008 | IR-01-04-ES | BOCC 025-2005 |
| Crystal Island Ranch | Crystal River Valley | 24 | 11-development rights (Lots 3E, 4E, 1W, 4W, 5W, 11W, 12W, 13W, 15W, 16W, 17W; Obtained GM allotments for DR for Lots 1E, 9W, 10W & 14W, so have not counted those toward # of TDRs needed for new DR) 11-additional floor area (Lots 2E, 1W, 2W, 3W, 4W, 5W, 6W, 7W) | | 246325100004 246325100005 246325100006 246323300005 246323300006 246323300007 246323300008 246323300009 246323300010 246323300011 246323300013 246323300014 246323300015 246323300016 246323300017 246323300018 246323300019 246323300020 246323300021 | | BOCC 225-2002 BOCC 175-2004 BOCC 082-2005 AD 13-2008 (Lots 1W & 3W) |
| 2075 McLain Flats LLC | McLain Flats | 1 | Additional floor area in excess of 15,000 | 6/7/2005 | 264327400010 | IR-00-04-SW | BOCC 090-2005 |
| Watson Divide Ranch | Watson Divide | 1 | Additional floor area in excess of 15,000 | 11/17/2005 | 264501300012 | IR-00-11-CH | BOCC 109-2005 |

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|-----------------------------|----------------------------|-----------------|---|---|--|--|---|
| 2005 (cont) | | | | | | | |
| Aspen Valley Ranch | Woody Creek | 8-21 | 8-new development rights (Parcels 1-7 & 9) 15-additional floor area (Parcels 1, 6-9 & AFP) | 11/1/2007 (Parcel 4 DR – 2643-054-02-002) 5/2/2014 (Parcel 5 DR – 264308104001) 5/13/2014 (Parcel 2 DR – 264305302002) 5/13/2014 (Parcel 3 DR – 264305402001) 8/28/2014 (AFP – 264305300801) 10/6/2014 (Parcel 1 DR – 264305302001) Permit withdrawn; reissued 3/31/16 2/3/2021 (AFP – 264305300801) | 264304201001 264304302001 264304302002 264304302003 264305302001 264305302002 264305402001 264305402002 264308104001 | IR-29-06-SW (Parcel 4) IR-05-13-SW (Parcel 5) IR-26-07-SW (Parcel 2) IR-06-13-SW (Parcel 3) IR-27-07-SW (AFP) IR-28-07-SW (AFP) IR-29-07-SW (Parcel 1) IR-33-06-SW (AFP) IR-34-06-SW (AFP) | BOCC 112-2005 BOCC 081-2008 BOCC 69-2014 BOCC 103-2020 |
| Morrow/Wingo Junction Ranch | Wingo – Hwy 82 near Basalt | 4 | 3-new development rights (Lots 3, 4 & 5) 1-additional floor area (Lot 1) | 5/3/2006 9/15/15 9/24/15 | 246721203001 246721203003 246721203004 246721203005 | IR-98-18-CH (Lot 1-AFA) IR-03-08-C-SW (Lot 5–DR) IR-01-08-C-SW (Lot 3-DR) | BOCC 068-2004 BOCC 143-2005 BOCC 051-2008 |
| Coates | Woody Creek | 1 | Additional floor area up to 8,250 | 11/25/08 | 264309300013 | IR-07-07-C-ES | HO 05-2005 BOCC 117-2008 |
| Eubank | Woody Creek | 1 | Additional floor area up to 8,250 | | 264309300007 | | HO 05-2005 BOCC 117-2008 |
| Nagle | Sopris Mtn Ranch | 1 | Additional floor area up to 8,250 | 6/10/2005 | 246527301001 | IR-00-06-SW | HO 10-2005 |
| Schiralli | Sopris Mtn Ranch | 4 | Additional floor area up to 15,000 | | 246533401016 | | HO 12-2005 |
| Independence Land | East of Aspen | | Obtained GM allotment so won't use TDRs (approved for 2) | | 273728300610 | | HO 15-2005 |
| Northstar Ranch LLC | East of Aspen | 2 | Additional floor area up to 10,750 | 7/10/08 9/11/08 | 273720400007 | IR-03-05-C.SW IR-45-07-SW | HO 24-2005 |
| Cesery-Taylor | Brush Creek | 2 | Additional floor area up to 10,750 | 7/8/13 | 264320400009 | IR-08-03-SW IR-20-06-SW | HO 30-2005 |

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|---------------------------------------|--------------------|-----------------|--|--------------------|--|---|---|
| 2005 (cont) | | | | | | | |
| ZGNY | East of Aspen | 2 | Additional floor area to 10,750 | 12/4/08 | 273720100002 | IR-00-10-CH IR-09-02-ES | HO 42-2005 |
| Sadie's Holdings | Little Woody Creek | 1 | Additional floor area to 8,250 | 3/21/2005 | 264310102001 | IR-98-28-ES | N/A |
| Duckworth | Starwood | 2 | Additional floor area to 15,000 (per Devt Agr rec #471151 get 5,000/TDR) | 9/6/2005 | 264335105010 | IR-98-22-ES IR-99-52-ES | N/A |
| Johnson Drive LLC | Starwood | 1 | Additional floor area to 8,250 | 9/30/2005 | 264335202001 | IR-99-54-ES | N/A |
| 2006 | | | | | | | |
| Crown | UGB | 1 | Development right (2 nd residence) | 2/7/2007 | 273510102001 | IR-27-05-SW | BOCC 04-2006 |
| T Lazy 7 Ranch/Celestial Land Company | Maroon Creek | 2 | 1-New development right 1-Additional floor area | | 273521400004 | | BOCC 13-2006 BOCC 36-2002 HO 04-2013 BOCC 084-2014 |
| Duckworth | Starwood | 3 | Additional floor area in excess of 15,000 sf | 4/7/2006 | 264335105010 | IR-99-51-ES IR-03-04-SW IR-18-05-SW | BOCC 22-2006 |
| Harvey Ranch | Snowmass Creek | 7 | 6-New development rights (@ 5,000 sf each – Parcels 1, 3-7) 1-Additional floor area (to expand existing cabins on Parcel 2) | | 264527202001 264527301001 264527301002 264528401001 264533101001 264534201001 264533101002 | | BOCC 50-2006 |
| Kirianoff | North River Road | | | | 246721400008 | | BOCC 193-2002 BOCC 071-2006 OST sterilized 2016 |
| Wagman | Lower River Road | 1 | New development right | | 246725400004 | | BOCC 130-2006 BOCC 034-2008 |
| Fifield | West Buttermilk | 5 | 1-New development right 4-Additional floor area (all on Lot 2) | | 273510203002 | | BOCC 134-2006 BOCC 042-2007 AD 62-2010 |
| George | UGB-Red Mtn | 1 | Development right (Lot 2) | 12/15/17 | 273707211002 | IR-30-07-SW | BOCC 152-2005 BOCC 135-2006 |

| | Location | # TDRs approved | How are TDRs to be used? | Date Extinguished? | Parcel ID # | TDR Certificate # (if extinguished) | Approval # |
|---------------------------------|-------------------|-------------------------------|---|--|--|--|--|
| 2006 (cont) | | | | | | | |
| Crown Mountain Ranch | Sopris Creek | 3 | 2-Development rights (Parcels 1 & 2) 1-Additional floor area (Parcel 4) | 2/5/13 (246513300002 – Parcel 2) 5/24/17 (246513300001 – Parcel 1) 4/18/18 (246513300004 – Parcel 4) | 246513300001 246513300002 246513300004 | IR-49-06-ES IR-48-06-ES IR-50-06-ES | BOCC 139-2006 |
| Trentaz LLC (Bear Hollow) | McLain Flats | 4 | 1-Development right (Lot 1) 3-Additional floor area (Lot 1 to 8,250 and Lot 2 to 10,750) | 10/22/14 (264335204002 – Lot 2 AFA) | 264335204001 264335204002 | IR-42-06-ES | BOCC 161-2006 BOCC 067-2008 BOCC 025-2014 |
| Stage Road PUD | UGB-City of Aspen | 12 AFA 12 ADU Exemption | Additional floor area OR ADU exemption | 4/12/11 (273502303003 - AFA) 4/5/19 (273502303007 – ADU exempt) | 273502303001 273502303002 273502303003 273502303004 273502303005 273502303006 273502303007 273502303008 273502303009 273502303010 273502303011 273502303012 | IR-05-10-SW IR-15-09-SW | CITY ORD 6-2005 PUD Agreement (Rec 515890) |
| Israel | McLain Flats | 1 | Additional floor area | 6/7/2006 | 264327100003 | IR-20-05-SW | HO 23-2006 |
| Benson | East Aspen | 1 | Additional floor area to 8,250 sf | 1/23/2007 | 273728300007 | IR-01-05-C-SW | HO 29-2006 |
| West Buttermilk Pfister Tract 5 | West Buttermilk | 4 | Additional floor area to 15,000 sf | 6/12/09 | 273510210003 | IR-05-03-SW IR-04-05-SW IR-05-05-SW IR-31-05-SW | HO 31-2006 (replaces HO 02-2003) |
| RFLC Holding LLC | Maroon Creek | 4 | Additional floor area to 15,000 sf | 3/3/2008 | 273515300005 | IR-06-05-SW IR-07-05-SW IR-10-02-ES IR-00-20-SW | HO 37-2006 |
| SGS-WC LLC | Woody Creek | | | | 273515300005 | | HO 39-2006 approved 1 TDR to 8,250 sf BOCC 069-2014 parcel sterilized |

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|----------------------------------|-------------------|-----------------|---|------------------------|--------------|--|---|
| 2006 (cont) | | | | | | | |
| Dart Family Part. | Lower River Road | 1 | Additional floor area to 8,250 | | 246726200003 | | HO 42-2006 HO 10-2007 |
| Cottonwood Trust | Woody Creek | 2 | Additional floor area | 3/19/2008 | 264310300017 | IR-51-06-C-ES IR-99-45-ES | HO 43-2006 |
| Suivant Le Soleil | Snowmass Creek | 1 | Additional floor area to 8,250 sf | | 264511400001 | | HO 44-2006 |
| Sullan | Watson Divide | 1 | Additional floor area to 8,250 sf | 3/9/2007 | 264502100001 | IR-03-03-SW | HO 45-2006 |
| 9425 Real Estate LLC | East Sopris Creek | 1 | Additional floor area to 8,250 sf | 6/18/2007 | 264504200004 | IR-04-03-SW | HO 48-2006 |
| 2007 | | | | | | | |
| Goodnough/ 1720 McLain Flats LLC | McLain Flats | 2 | Additional floor area to 10,750 | 7/13/2007 12/1/2009 | 264327400004 | IR-09-05-SW IR-13-06-SW | HO 06-2007 HO 02-2011 |
| Pew | Woody Creek | 1 | Additional floor area | 5/15/2007 | 264316200024 | IR-13-07-C-SW | HO 11-2007 |
| Stella Polare | East Aspen | 1 | Additional floor area to 8,250 | 6/22/2007 | 273720400014 | IR-02-07-C-SW | HO 14-2007 |
| IKS Imports | McLain Flats | 4 | Additional floor area to 15,000 | 6/8/11 | 264335200004 | IR-08-05-SW IR-15-05-SW IR-16-05-SW IR-17-05-SW | HO 15-2007 |
| Pfeifer | McLain Flats | 2 | Additional floor area | 8/9/13 | 264327400002 | IR-11-07-C-ES IR-38-07-C-SW | HO 16-2007 |
| Smith | McLain Flats | 3 | Additional floor area | 12/19/07 | 264322303013 | IR-30-05-SW IR-06-03-SW IR-07-03-SW | HO 18-2007 |
| Caine | East Aspen | 2 | Additional floor area | 6/3/2008 | 273728300001 | IR-39-06-C-SW IR-18-07-ES | HO 20-2007 |
| LG Aspen | East Aspen | | Additional floor area from 10,750 up to 15,000 sf | | 273720100002 | | HO 17-2007 DENIED; BOCC denied appeal 11/14/07 |
| Gates | Brush Creek Vlg | 1 | Additional floor area | 4/24/2007 | 264328202008 | IR-14-05-SW | N/A |
| Lehrman | UGB-Red Mountain | 2 | Additional floor area | 10/16/2007 | 273501300002 | IR-27-06-SW IR-19-07-C-SW | N/A |

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|----------------------------|----------------|-----------------|---|--------------------|--|--|--|
| 2007 (cont) | | | | | | | |
| Bouton | UGB-Mtn Valley | 1 | Additional floor area | 9/5/2007 | 273717307049 | IR-37-07-C-SW | N/A |
| Starwood 94 LLC | Starwood | 1 | Additional floor area | 6/1/2007 | 264335107007 | IR-16-07-ES | N/A |
| 2008 | | | | | | | |
| Flying Dog Ranch | Woody Creek | 4 | 1-Development right for East Mesa parcel 3-Additional floor area-2 East Mesa, 1 North Parcel | | 264323100002 264323100003 | | BOCC 08-2008 |
| COMPASS | Woody Creek | 5 | 2-Development rights 3-Additional floor area | | 264310401001 264310401002 | | BOCC 128-2005 BOCC 036-2008 BOCC 99-2012 |
| Hardy | Castle Creek | 3 | Additional floor area for subgrade/garage on Lots 1A & 3 | 10/2/12 (Lot 1A) | 273514402001 273514402002 273514402003 | IR-08-08-C-SW | BOCC 118-2008 BOCC 149-2010 |
| W/J Lot 2 LLC | McLain Flats | 1 | Additional floor area | 4/4/2008 | 264322303002 | IR-04-07-C-ES | HO 02-2008 |
| GSS Properties LLC | Crystal | 1 | Additional floor area | 3/3/2010 | 264910100021 | IR-98-36-ES | HO 04-2008 |
| Neiman/Burns | McLain Flats | 2 | Additional floor area | | 264334100010 | | HO 05-2008 |
| Hedstrom | Castle Creek | 1 | Additional floor area | | 290919102001 | | HO 06-2008 |
| Stewart (aka Aspen Sumner) | McLain Flats | 4 | Additional floor area | 1/14/11 | 264327400008 | IR-10-08-SW IR-11-08-SW IR-12-08-SW IR-13-08-SW | HO 07-2008 (replace HO 32-2005) |
| Crown | Owl Creek | 1 | Additional floor area | 12/9/08 | 273504300008 | IR-98-31-ES | HO 09-2008 |
| Carney | East of Aspen | 1 | Additional floor area to 8,250 | 10/8/19 | 273728300008 | IR-02-15-C-SW | HO 14-2004 HO 12-2008 |
| Aspeneyes | Castle Creek | 3 | Additional floor area to 13,250 | 8/5/09 | 290918301002 | IR-41-07-SW IR-42-08-SW | HO 11-2008 |
| PT Ranch/ Barn LLC | Castle Creek | 3 | Additional floor area to 13,250 | 6/1/09 | 273523403002 | IR-32-05-SW IR-28-06-SW IR-40-07-SW | HO 13-2008 |
| Kirshon | UGB-Red Mtn | 1 | Additional floor area | 2/5/2008 | 273501404008 | IR-28-05-SW | N/A |

| | Location | # TDRs approved | How are TDRs to be used? | Date Extinguished? | Parcel ID # | TDR Certificate # (if extinguished) | Approval # |
|----------------------------|-----------------|-----------------|--|--------------------|--------------|-------------------------------------|---|
| 2008 | | | | | | | |
| Furlotti | UGB – Toby Ln | 1 | Additional floor area | 6/26/2008 | 273512305001 | IR-62-07-SW | N/A |
| Terral | UGB – Aspen Oak | 1 | Additional floor area | 7/3/2008 | 273503300024 | IR-39-07-SW | N/A |
| 2009 | | | | | | | |
| McLain Flats Holdings | McLain Flats | 2 | Additional floor area | | 264326300004 | | HO 01-2009 |
| Montgomery | East Aspen | 2 | Additional floor area | | 273720100529 | | HO 03-2009; HO 03-2012 |
| Launer B | Conundrum | 2 | Additional floor area | | 273535400006 | | HO-04-2009 |
| SNL Aspen Leaf LLC | East Aspen | 1 | Additional floor area to 15,000 (existing approx 13,000) | 3/8/10 | 273728302002 | IR-00-14-SW | HO 06-2009 |
| Skokos | East Aspen | 1 | Additional floor area (from 10,750 to 13,250 sf) | 2/3/2010 | 273728300020 | IR-05-07-C-ES | BOCC 35-2009 |
| Brush Creek Ranch (Droste) | Brush Creek | | | | 264332100001 | | BOCC denied request to use TDRs for additional floor area on 10 lots in LIR zone 8/26/09 |
| Jaleston | White Star | 1 | Additional floor area | 3/5/2009 | 264315301001 | IR-06-08-SW | N/A |
| 2010 | | | | | | | |
| Bond | McLain Flats | 3 | Additional floor area | | 264327400005 | | HO 01-2010 (replaces HO 49-2006) |
| CR Properties LLC | Lower River Rd | 1 | Additional floor area | 7/20/10 | 246736102001 | IR-03-09-SW | HO 04-2010 |
| Celestial Land | Maroon Creek | | | | 273521400004 | | HO 05-2010 DENIED use of 3 additional TDRs to 15,000 (previously approved to use 2 TDRs to 8,250) |
| Asp Properties | Castle Creek | 3 | Additional floor area to 15,000 | 11/13/13 | 290918301001 | IR-20-07-SW IR-21-07-SW | HO 05-2010 (replaces HO 19-2007) |

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|----------------------|--------------------|-----------------|--------------------------|--------------------|-------------------------------|--|--|
| 2011 | | | | | | | |
| Rancho Caliente LLC | Owl Creek Ranch | 1 | Additional floor area | 3/3/11 | 264333401004 | IR-43-07-SW | N/A |
| Cobo Lot C | McLain Flats | 4 | Additional floor area | 10/15/12 | 264327401003 | IR-04-09-SW IR-05-09-SW IR-06-09-SW IR-07-09-SW | HO 01-2011 |
| | | | | | | | |
| Bond Trust | Wildcat Vista | 1 | Additional floor area | 8/16/11 | 264536100003 | IR-19-05-SW | HO 04-2011 |
| K2 Family Trust | Owl Creek | 4 | Additional floor area | 1/28/13 | 264334300004 | IR-01-11-H-SW IR-02-11-H-SW IR-03-11-H-SW IR-06-11-SW | HO 05-2011 |
| LNS Holding LLC | East Aspen | 1 | Additional floor area | | 273728301008 | | HO 06-2011 |
| Sinclair | Owl Creek | 2 | Additional floor area | | 273505300007 | | HO 09-2011 |
| 2012 | | | | | | | |
| Elf Owl LLC | Owl Creek | 2 | Additional floor area | 4/4/12 | 273504401007 | IR-07-11-SW IR-08-11-SW | N/A |
| 979 Aspen LLC | UGB - Red Mountain | 2 | Additional floor area | 4/12/12 | 273706307001 | IR-47-07-SW IR-48-07-SW | N/A |
| River Sanctuary LLC | UGB - East Aspen | 1 | Additional floor area | 8/6/12 | 273717308001 | IR-16-09-H-SW | N/A |
| HOL LLC | Capitol Creek | 1 | Additional floor area | 2/12/13 | 264603401006 | IR-10-03-SW | HO 05-2012 |
| Stringer Trust | Castle Creek | 1 | Additional floor area | 12/11/12 | 291102100003 | IR-46-07-SW | HO 06-2012 |
| Charlie Mountain LLC | Snowmass Creek | 1 | Additional floor area | 11/20/12 | 264511100001 | IR-09-03-SW | BOCC 59-2012 |
| Alexander | UGB | | | | 273512400005/ 273513200001 | | BOCC 068-2012 DENIED use of 3 TDRs |

| | Location | # TDRs approved | How are TDRs to be used? | Date Extinguished? | Parcel ID # | TDR Certificate # (if extinguished) | Approval # |
|------------------------------------|-----------------------|-----------------|--------------------------|--------------------|--------------|--|--------------------------|
| 2013 | | | | | | | |
| Starwood 55 LLC | Starwood | 1 | Additional floor area | 7/18/13 | 264335105003 | IR-98-29-ES | N/A |
| Five Rules Holdings Property 1 Ltd | UGB – Red Mountain | 2 | Additional floor area | 7/15/13 | 273501403022 | IR-09-07-C-ES IR-10-07-C-ES | N/A |
| Aspen Gray LLC | UGB – West Buttermilk | 2 | Additional floor area | 6/6/13 | 273503302001 | IR-24-07-SW IR-25-07-SW | N/A |
| 148 Placer Lane LLC | UGB – Red Mountain | 4 | Additional floor area | 10/4/13 | 273707275002 | IR-52-07-SW IR-53-07-SW IR-54-07-SW IR-55-07-SW | N/A |
| GSS McLain Flats LLC | McLain Flats | 1 | Additional floor area | 8/22/13 | 264327100004 | IR-07-08-C-SW | HO 02-2013 |
| Schlosser | McLain Flats | 1 | Additional floor area | 10/3/13 | 264327400006 | IR-01-13-H-SW | HO 06-2013 |
| Skirball | Capitol Creek | 1 | Additional floor area | | 264504404022 | | HO 07-2013 |
| White Star Capitol Mgmt | McLain Flats | 1 | Additional floor area | 2/3/16 | 264322303005 | IR-22-07-C-SW | HO 08-2013 HO 04-2015 |
| 2014 | | | | | | | |
| Hall | UGB – Glen Garry | 1 | Additional floor area | 3/21/14 | 273514201008 | IR-12-03-SW | N/A |
| 250 Aspen LLC | UGB – Red Mountain | 2 | Additional floor area | 4/30/14 | 273512103003 | IR-49-07-SW IR-20-13-SW | N/A |
| Wise I Family Ltd Part | Starwood | 1 | Additional floor area | 6/13/14 | 264326201010 | IR-02-05-C-SW | N/A |
| McDavid | UGB – Red Mountain | 1 | Additional floor area | 6/30/14 | 273707202070 | IR-07-13-SW | N/A |
| GSM Aspen | UGB – Red Mountain | 4 | Additional floor area | 8/7/14 | 273706303013 | IR-12-07-C-ES IR-17-09-H-SW IR-11-11-SW IR-12-11-SW | N/A |
| Musser Rev. Trust | UGB – Red Mountain | 1 | Additional floor area | 9/11/14 | 273706307002 | IR-59-07-SW | N/A |

| | Location | # TDRs | How are TDRs to be | Date Extinguished? | Parcel ID # | TDR Certificate # | Approval # |
|--|----------|--------|--------------------|--------------------|-------------|-------------------|------------|
|--|----------|--------|--------------------|--------------------|-------------|-------------------|------------|

| | | approved | used? | | | (if extinguished) | |
|--|--------------------|----------|--|-----------|--------------|------------------------------|--|
| 2014 (cont) | | | | | | | |
| Michael J Sacks Rev Trust | UGB – Red Mountain | 1 | Additional floor area | 9/22/14 | 273512101004 | IR-17-07-ES | N/A |
| Castle Creek Valley Ranch LLC | Castle Creek | 1 | Additional floor area | 11/6/14 | 273526101002 | IR-08-13-SW | N/A |
| Bemar LLC | UGB – Red Mountain | 1 | Additional floor area | 11/20/14 | 273501403044 | IR-09-13-SW | N/A |
| 155 Danielson LLC | Starwood | 1 | Additional floor area | 12/9/14 | 264335108001 | IR-14-01-ES | N/A |
| Whipple | Brush Creek | 1 | Additional floor area | 1/23/2020 | 264329100009 | IR-01-10-SW | HO 02-2014 |
| Liba Icahn Trust LLC | McLain Flats | 1 | Additional floor area (to 13,500 from 11,0000) | 2/11/16 | 264335200003 | IR-03-10-H-SW | HO 08-2014 |
| Taylor Capital Ventures LP | McLain Flats | 1 | Additional floor area | 2/26/15 | 264322303001 | IR-03-07-C-ES | HO 05-2014 |
| Aspen Residence Family Trust | Castle Creek | 2 | 1 – Development right 1 - Additional floor area | 4/21/15 | 273513300005 | IR-02-14-SW IR-56-07-SW | BOCC 150-2003, 073-2008, 004-2013 HO 07-2014 |
| Lyle D Reeder Trust (then Lot 20 Little Cloud LLC) | UBG | 2 | Additional floor area for Unit 1, West Aspen Condo | 1/13/2020 | 273512420002 | IR-24-05-C-SW IR-12-09-SW | BOCC 106-2014 BOCC 054-2016 |
| 2015 | | | | | | | |
| GSS Properties LLC | Woody Creek | 1 | Additional floor area | | 264315100013 | | BOCC 11-2015 |
| Huffman LLC | Woody Creek | 1 | Additional floor area | 7/7/15 | 264310300014 | IR-01-14-SW | HO 03-2015 |
| Wesner | Starwood | 1 | Additional floor area | 3/23/15 | 264326301012 | IR-11-02-ES | N/A |
| Wesner | Starwood | 1 | Additional floor area | 4/13/15 | 264326301013 | IR-06-14-SW | N/A |
| Taylor Enterprises Inc | Owl Creek | 1 | Additional floor area | 5/6/15 | 273504401010 | IR-07-14-SW | N/A |
| Aspen Trust II | Starwood | 1 | Additional floor area | 6/10/15 | 264335401004 | IR-03-14-SW | N/A |

| | Location | # TDRs approved | How are TDRs to be used? | Date Extinguished? | Parcel ID # | TDR Certificate # (if extinguished) | Approval # |
|--------------------------------|-----------------------|-----------------|--------------------------|--------------------|--------------|---|------------|
| 2015 (cont) | | | | | | | |
| Lot 4 White Star LLC | McLain Flats | 1 | Additional floor area | 6/17/15 | 264322303004 | IR-04-13-H-SW | N/A |
| Aspen Castle Creek LLC | UGB – West Buttermilk | 1 | Additional floor area | 6/18/15 | 273503200010 | IR-02-13-SW | N/A |
| 2016 | | | | | | | |
| 972 Willoughby Way LLC | UGB – Red Mountain | 3 | Additional floor area | 1/26/16 | 273501301002 | IR-60-07-SW IR-61-07-SW IR-13-13-SW | N/A |
| 500 S Hayden | Castle Creek | 2 | Additional floor area | 2/18/16 | 273526401002 | IR-21-05-SW IR-03-15-C-SW | N/A |
| 230 Buchanan Dr. | Starwood | 2 | Additional floor area | 10/4/16 | 264326301010 | IR-18-13-SW IR-19-13-SW | N/A |
| 182 Doc Henry Rd | Woody Creek | 1 | Additional floor area | 3/16/17 | 264309300014 | IR-04-10-SW | HO 01-2016 |
| 2017 | | | | | | | |
| Old Maitland Investments LLC | McLain Flats | 1 | Additional floor area | 9/24/18 | 264334100001 | IR-98-37-ES | HO 01-2017 |
| 5134 Snowmass Creek Road LLC | Snowmass Creek | 1 | Additional floor area | 2/15/18 | 264514100007 | IR-17-13-SW | HO 04-2017 |
| Miles Butera Irrevocable Trust | Castle Creek | 1 | Additional floor area | | 273523403001 | | HO 05-2017 |
| Sunnyside View Estate | McLain Flats | 3 | Additional floor area | 3/28/18 | 264327401002 | IR-01-17-SW IR-02-17-SW IR-03-17-SW | HO 06-2017 |
| Silverstein | East Aspen | 1 | Additional floor area | 8/21/18 | 273720400013 | IR-34-07-SW | HO 07-2017 |
| Maroon Drive Holdings LLC | UGB | 1 | Additional floor area | 4/24/17 | 273511101002 | IR-99-46-ES | N/A |
| Serenity Preserve LLC | Starwood | 2 | Additional floor area | 5/15/17 | 264326201005 | IR-13-03-SW IR-26-05-SW | N/A |
| Sharples | Castle Creek | 1 | Additional floor area | 6/16/17 | 273526401001 | IR-08-14-SW | N/A |
| Halcyon Aspen LLC | UGB – Red Mountain | 1 | Additional floor area | 8/28/17 | 273501408001 | IR-01-12-SW | N/A |

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|--------------------------|--------------------|-----------------|----------------------------------|--|-------------------------|---|----------------|
| 2017 (cont) | | | | | | | |
| Ridge Road Casa LLC | UGB – Red Mountain | 2 | Additional floor area | 9/21/17 | 273706310002 | IR-04-14-SW IR-05-14-SW | N/A |
| Hunt Family Trust | UGB – East Aspen | 1 | Additional floor area | 11/27/17 | 273717308010 | IR-44-07-SW | N/A |
| 34 Placer Inc | UGB – Red Mountain | 2 | Additional floor area | 12/15/17 | 273707211002 | IR-31-07-SW IR-32-07-SW | N/A |
| 2018 | | | | | | | |
| Goldberg | Starwood | 1 | Additional floor area | 3/13/19 | 264326405001 | IR-16-13-SW | HO 04-2018 |
| RM Development LLC | UGB – Red Mountain | 1 | Additional floor area | 6/11/18 | 273707202014 | IR-10-05-SW | N/A |
| My 3 Girls LLC | Woody Creek | 1 | Additional floor area | 6/19/18 | 264309302001 | IR-22-05-C-SW | BOCC 093-2002 |
| DLG 2014 LLC | UGB – Red Mountain | 1 | Additional floor area | 6/25/18 | 273706307002 | IR-09-09-SW | N/A |
| Kevin Berg Rev Trust | UGB – Maroon Creek | 1 | Additional floor area | 7/9/18 | 273514200021 | IR-06-02-SW | N/A |
| Kara Creek LLC | UGB | 3 | Additional floor area | 9/21/18 | 273512301004 | IR-11-14-SW IR-12-14-SW IR-14-14-SW | N/A |
| Glen Eagles Drive Ltd | UGB | 1 | Additional floor area | 12/14/18 | 273514201006 | IR-00-18-SW | N/A |
| 2019 | | | | | | | |
| 327 Seventh St LLC | UGB | 1 | Additional floor area | 5/20/2019 | 273512300005 | IR-43-06-ES | N/A |
| Lynda Cameron Trust | Upper Snowmass | 1 | Additional floor area | 4/7/2020 | 264527300004 | IR-01-19-SW | HO 01-2019 |
| Uhlfelder | UGB | 1 | Additional floor area | 8/6/19 | 273511101007 | IR-11-03-SW | N/A |
| 69 Herron LLC | UGB | 1 | Additional floor area | 8/12/19 SW re-issued TDR 2/8/2021 – permit cancelled | 273501403004 | IR-33-07-SW | N/A |
| 502 Wrights Road LLC | UGB | 2 | Additional floor area | 9/6/19 | 273501401006 | IR-07-18-H-SW IR-09-18-H-SW | N/A |
| Lane's End Holdings LLC | UGB | 3 | Additional floor area | 9/16/19 | 273507212001 | IR-10-09-SW IR-22-13-SW IR-01-18-SW | N/A |

| | Location | # TDRs approved | How are TDRs to be used? | Date Extinguished? | Parcel ID # | TDR Certificate # (if extinguished) | Approval # |
|----------------------------------|------------------|-----------------|--------------------------|--------------------|--------------|---|-------------|
| 2020 | | | | | | | |
| 1099 Willoughby Way Partners LLC | UGB | 1 | Additional floor area | 2/13/2020 | 273501402002 | IR-04-18-H-SW | N/A |
| Paul Lukens LLC | Woody Creek | 1 | Additional floor area | | 264309302002 | | HO 01-2020 |
| SAH Trust LLC | Woody Creek | 1 | Additional floor area | 7/19/2021 | 264305300004 | IR-00-15-SW | HO 02-2020 |
| Aspen Compound LLC | Woody Creek | 1 | Additional floor area | 11/3/2021 | 264322303003 | IR-02-19-H-SW | HO 03-2020 |
| 2021 | | | | | | | |
| Theodore Bigos | UGB | 1 | Additional floor area | 4/6/2021 | 273706302001 | IR-02-18-SW | N/A |
| Cain Family LLC | Woody Creek | 1 | Additional floor area | 4/7/2021 | 264326403001 | IR-01-15-C-SW | N/A |
| Sunshine Mountain LLC | UGB | 3 | Additional floor area | 4/27/2021 | 273706304009 | IR-99-50-ES IR-02-04-ES IR-15-03-SW | N/A |
| Buttercup Ranch LLC | Snowmass/Capitol | 1 | Additional floor area | | 264504100008 | | HO 001-2021 |
| Mc McLain Flats LLC | Woody Creek | 4 | Additional floor area | | 264327400016 | | HO 002-2021 |
| Mc McLain Flats LLC | Woody Creek | 1 | Additional floor area | | 264327400017 | | HO 003-2021 |
| Nore Trust | Upper Snowmass | 1 | Additional floor area | | 273303100002 | | HO 004-2021 |
| Juniper Family Investment LLC | Upper Snowmass | 1 | Additional floor area | | 264302203002 | | HO 006-2021 |
| Reiner Family Trust | Snowmass/Capitol | 1 | Additional floor area | | 264505404003 | | HO 008-2021 |

EXHIBIT I - PITKIN COUNTY'S TDR PROGRAM

In 1987, when Pitkin County completed the *Down Valley Comprehensive Plan*, we did not envision the type of accelerated, large-scale development pressures that we would experience in the backcountry. By 1994, the Board of County Commissioners (BOCC) was ready to adopt zoning that would acknowledge that the backcountry was different from the rest of the County, in terms of character and in terms of County services that could and/or should be available. The Rural/Remote Zone District was born. And from the Rural/Remote Zone District, the TDR (Transferable Development Right) program was born.

Why did Pitkin County adopt a TDR program?

The County's TDR program was originally adopted to encourage the relocation of development from the backcountry to areas closer to existing services and infrastructure. The program has since been expanded to utilize TDRs to preserve and protect rural character, open space, scenic features, and environmental and historic resources, and to avoid development in environmentally constrained areas.

What is a TDR?

A TDR, or Transferable Development Right is a development right that may be transferred from a "Sending Site" to lands that are designated as suitable for development ("Receiver Site").

What is a Sending Site?

A Sending Site is a lot/parcel of land from which development rights are severed and transferred. The Sending Site is deed restricted against further development. Sending Sites include:

- *Any legally created lot/parcel within the Rural/Remote (R/R) or Transitional Residential (TR-1 and TR-2) Zone Districts.*
- *Lands within the Conservation Development PUD (CD-PUD) Zone District.*
- *A "constrained site" or a "visually constrained site" not within the R/R, CD-PUD, TR-1 or TR-2 Zone Districts.*
- *A "Limited Development Conservation Parcel" located within the AR-10, RS-20, RS-30, RS-35 or RS-160 zone district.*
- *Properties designated to the Pitkin County Historic Register.*

How many TDRs can be obtained from a Sending Site?

1. *Rural/Remote and TR-1 Sending Sites: There is one TDR for every 35 acres of land within a R/R or TR-1 Sending Site. A legally created parcel greater than 1 acre, but less than 35 acres also has one TDR available. A Rural/Remote or TR-1 property less than 1 acre in size may also qualify for one TDR, if certain criteria are met.*

Example:

| Size of R/R or TR-1 Parcel (Acres) | Number of TDRs Available |
|---|---------------------------------|
| 1-69.9 | 1 |
| 70-104.9 | 2 |
| 105-139.9 | 3 |

2. TR-2 Sending Sites: There is one TDR for every 10 acres of land within a TR-2 Sending Site. A legally created parcel greater than 1 acre, but less than 10 acres also has one TDR available. A TR-2 property less than 1 acre in size may also qualify for one TDR, if certain criteria are met.

Example:

| Size of TR-2 Lot/Parcel (Acres) | Number of TDRs Available |
|---------------------------------|--------------------------|
| 1-19.9 | 1 |
| 20-29.9 | 2 |
| 30-39.9 | 3 |

3. “Constrained” and “Visually Constrained” Sending Sites: The BOCC may grant one or more TDRs for a “constrained” site or one TDR per development right on a “visually constrained” site in certain Zone Districts.
4. Conservation Development PUD (CD-PUD): There is one TDR for every 35 acres of land within the CD-PUD Zone District (excluding the 160 acres designated for development).

Example:

| Size of CD-PUD Parcel (Acres) | Number of TDRs Available |
|-------------------------------|--------------------------|
| 300 | 4 |
| 600 | 12 |

5. Limited Development Conservation Parcel Sending Sites: There is one TDR for every 35 acres of land. To calculate overall parcel size for purposes of determining TDR potential, 70 acres of land must be deducted from the acreage total for each legal dwelling unit that exists on the property. If no dwellings exist on the property, the entire acreage may be used for purposes of determining the number of potential TDRs.
6. Properties designated to the Pitkin County Historic Register: The BOCC may award TDRs to a property designated to the Pitkin County Historic Register.

What is a Receiver Site?

- A Receiver Site is a lot/parcel of land within unincorporated Pitkin County to which development rights are transferred from a Sending Site.
- Special Review approval is required to designate a lot/parcel a Receiver Site for TDR(s), except when a TDR(s) is used for additional floor area within the Aspen Urban Growth Boundary and in certain County approved subdivisions.
- Properties within the following zone districts may **not** be Receiver Sites for TDRs: R/R, RS-160, TR-1, RS-G, MHP, AH, AH-PUD, B-1, B-2, VC, P-I, T, SKI-REC, VR, I, PUD, AC-REC-2, and FPV-O.

How can TDRs be used?

1. To Obtain a GMQS Exemption for a New Development Right.

- TDRs may only be used to create a new development right for a single family residence on a lot/parcel within the Aspen Urban Growth Boundary.
- Each TDR for a new development right provides 2,500 square feet of floor area.
- Subject to a One-Step Special Review by the BOCC.
- The number of TDRs required for exemption from the Growth Management Quota System (GMQS) depends upon the size of the residence proposed.
- TDRs from any Sending Site may be used on any Receiver Site approved for a new development right.

2. To Obtain a GMQS Exemption for Additional Floor Area.

- Special Review approval is not required to utilize TDRs for additional floor area up to the final maximum size on lots in certain County approved subdivisions or on lots/parcels within the Aspen Urban Growth Boundary.
- A One-Step Special Review by the Hearing Officer is required to utilize TDRs for additional floor area up to the final maximum size on all other lots/parcels within eligible Zone Districts.
- Each TDR used for additional floor area provides 2,500 square feet of floor area, except within the TR-2 Zone District, where one TDR provides 1,000 square feet of floor area.
- The number of TDRs required for a GMQS exemption depends upon the size of the residence desired.
- TDRs from any Sending Site may be used on any Receiver Site as a GMQS exemption for additional floor area.

⇒ **Purchase of a TDR does not automatically guarantee approval of a Receiver Site for development. Development of a Receiver Site is still subject to any applicable land use reviews, including Special Review, Site Plan Review, Subdivision, etc.**

If I own land in the Rural/Remote, CD-PUD, TR-1 or TR-2 Zone Districts and want to sell my development right, what should I do?

1. Obtain an **Irrevocable Certificate of Development Rights** from the Community Development Department. In order to be eligible for a Certificate, the property owner must typically provide a chain of title: (a) to document ownership and the legal creation of the lot/parcel (in compliance with County Subdivision regulations, which were adopted for most parts of the County in 1972), and (b) to document that the lot/parcel has a development right to transfer and has not merged with adjacent parcels (under some circumstances, if two adjacent properties come under common ownership, only one development right may exist). An Irrevocable Certificate of Development Rights will be issued concurrent with severance of the development right from the Sending Site and execution of a Restrictive Covenant for the Sending Site.
2. Execute a **Restrictive Covenant**. Concurrent with issuance of an Irrevocable Certificate of Development Rights, the owner of the Sending Site must execute and record a restrictive covenant on the lot/parcel, which acknowledges that the development right has been severed from the lot/parcel and that future development, as defined in the Land Use Code, is prohibited.

3. *If the lot/parcel within the Rural/Remote, TR-1 or TR-2 zone districts contains less than one acre, the owner must first submit an application to the Community Development Department to demonstrate that the parcel could be developed with a 1,000 square foot footprint, a well and an on-site wastewater treatment system, and that legal access to the site exists.*

How do I obtain a “Constrained” or “Visually Constrained” Site TDR?

1. *Submit an application to the Community Development Department requesting a determination that the property is “undevelopable”, “severely restricted” or “visually constrained” pursuant to the Land Use Code.*
2. *The BOCC shall determine at a public hearing if the property complies with the criteria for a “constrained site” and whether one or more TDRs will be granted.*
3. *If the Community Development Department finds that the property is “visually constrained”, then the BOCC shall determine at a public hearing whether one TDR per existing development right will be granted.*

How do I obtain TDRs as part of a Conservation Development PUD?

A property is only eligible for a CD-PUD if it contains at least 160 acres, and must be rezoned to CD-PUD to take advantage of the Development Options and creation of TDRs. Once the BOCC approves a development plan for the property, the owner may obtain TDRs at one TDR for each 35 acres, excluding the 160 acres that are developed.

How do I obtain TDRs as part of a Limited Development Conservation Parcel?

A property which contains a minimum of 160 acres; on which improvements and property are configured as they were on December 6, 2006; and on which no new development is proposed, may obtain special review approval from the Board of County Commissioners to become eligible to sever and sell TDRs. TDRs shall be awarded based on 1 TDR for each 35 acres, excluding 70 acres for each legal dwelling unit.

How do I obtain TDRs if I have an historic resource on my property?

To be eligible for TDRs a property with an historic resource(s) must first be designated by the BOCC to the Pitkin County Historic Register. A TDR(s) may be requested as an incentive for the designation. The number of TDRs awarded by the BOCC is discretionary and is subject to recordation of a covenant to ensure the preservation of the historic resource(s).

Is there a fee to obtain a TDR Certificate?

- *There is a fee associated with the review and issuance of TDR Certificates for properties in the Rural/Remote, TR-1 and TR-2 Zone Districts.*
- *There is a fee associated with a request for review and approval of a “constrained” or “visually constrained” site TDR. Once the BOCC has determined that a property is “constrained” or “visually constrained”, there is no additional fee to obtain a TDR Certificate(s).*
- *There is a fee associated with a request to rezone a property to CD-PUD and obtain approval of a Development Plan. Once the property is rezoned to CD-PUD and a Development Plan is approved, there is no additional fee to obtain a TDR Certificate(s).*

- *There is a fee associated with a request to obtain Special Review approval as a Limited Development Conservation Parcel. Once the Special Review approval is granted, there is no additional fee to obtain a TDR Certificate(s).*
- *There is a fee associated with a request to designate an historic resource to the Pitkin County Historic Inventory and to obtain a TDR(s) as an incentive for the designation. Once the BOCC has designated a property to the historic register and has approved issuance of a TDR(s), there is no additional fee to obtain a TDR Certificate(s).*

How long will the certification process take?

- *On lots/parcels within the Rural/Remote, TR-1 and TR-2 Zone Districts that have clear title, issuance of a TDR Certificate will typically take four weeks from the date of submittal of a complete application.*
- *The process to obtain a “constrained” or “visually constrained” site TDR will typically take at least three months from the date of submittal of a complete application.*
- *On land within the CD-PUD Zone District with an approved Development Plan, on a property that has received Special Review approval as a Limited Development Conservation Parcel, or on a property designated to the historic register where a TDR has been approved as an incentive for the designation, issuance of a TDR Certificate(s) will occur concurrent with recordation of the Conservation Easement or Covenant Agreement, as applicable.*

How long is an Irrevocable Certificate of Development Rights valid?

A TDR Certificate is “irrevocable,” and will remain valid until such time as it “lands” on a Receiver Site, at which time the development right will be retired and the Certificate “extinguished”.

How do I redeem a TDR Certificate on a Receiver Site?

To utilize or redeem a TDR Certificate on a Receiver Site, the owner must surrender the original, signed TDR Certificate at building permit to use the floor area associated with the TDR. In addition, at that time the owner must provide a copy of the deed(s) evidencing conveyance of the Certificate to the current owner (if applicable).

What do I do if I lose the original TDR Certificate?

If an irrevocable TDR Certificate is lost or destroyed after issuance by the County and prior to surrender for use in a proposed development, the County will reissue the Certificate to the current owner. No certificate shall be reissued unless the owner of the Certificate submits a signed and notarized affidavit confirming the loss or destruction of the Certificate and agreeing that if the original Certificate is later found, that it will be surrendered to the County and shall be of no further force and effect. A reissued TDR Certificate shall bear the same number as the Certificate that is replaced, and shall state that any TDR Certificate bearing the same number as an earlier issue date shall be invalid.

What do I do when I convey a TDR Certificate?

The sale, assignment, conveyance or other transfer or change in ownership of a TDR Certificate must be reported to the Community Development Department within 5 days of such transfer. The report of such transfer shall disclose the Certificate number, the grantor, the grantee and the total value of the consideration paid for the Certificate. Failure to timely and accurately report such transfer may render the Certificate void.

Where can I find information about TDRs in the 2006 Pitkin County Land Use Code?

- *Subsec. 2-30-30.h.2, Special Review Criteria*
- *Subsec. 2-40-30, Transfer of Development Rights – Review and Approval Procedures*
- *Chapter 3, Zone Districts (each Zone District specifies whether properties in that zone district are eligible Sending or Receiving Sites)*
- *Subsec. 3-70-40, Conservation Development PUD (CD-PUD)*
- *Subsec. 6-30-50, Growth Management Exemption for Development Using Transferable Development Rights*
- *Sec. 6-70, Transferable Development Rights System*
- *Submittal Requirements can be found in the Pitkin County Land Use Application Manual (separate from the Land Use Code)*

This document is intended to provide a general overview of its subject matter. In all cases, the Pitkin County Land Use Code should be consulted on the topics discussed above.

The information contained in this publication is subject to change without notice.