

DEVELOPMENT RIGHTS

ACQUISITION & TRANSACTIONS

Development rights are land use units someone must acquire before a property is developed. This guide provides an overview of how to acquire development rights for a project or what someone can do with unused or underutilized units. To learn more about development rights, visit www.trpa.org/permitting/development-rights/.



Existing or banked development rights

Development rights may already exist on your property. The Lake Tahoe Regional Plan required a developer to obtain development rights for any property built after 1987. Properties that were developed prior to 1987 can apply for a [TRPA verification](#) of what legally exists on the property.

Unused or underutilized existing development rights, potential residential units of use, or [land coverage](#) can be banked on a property to be used at a later date or sold to another property. Examples of underutilized development could be larger than needed asphalt parking area or lodging units that go unoccupied for most of the year.



Considerations:

- To bank development rights or land coverage, the land use must be removed or portion of a structure containing those uses must be renovated to no longer contain that use.
- Only development rights and land coverage verified by TRPA as legally existing are eligible to be banked.
- A [TRPA banking application](#) and permit are required *before* development is removed from a property.

To check if development rights have been verified or banked on a property, visit the [Parcel Tracker](#).

To learn more about the verification and banking process, see [Chapter 50 and 51 of the TRPA Code of Ordinances](#) and the [TRPA verification and banking application](#).



Transfer existing development (private market)

Today, the Lake Tahoe region is approximately 95% built out (meaning most development potential put in place from the 1987 Regional Plan has been used). Due to supply and demand, most redevelopment or new development rely on transfers of development from one property to another.



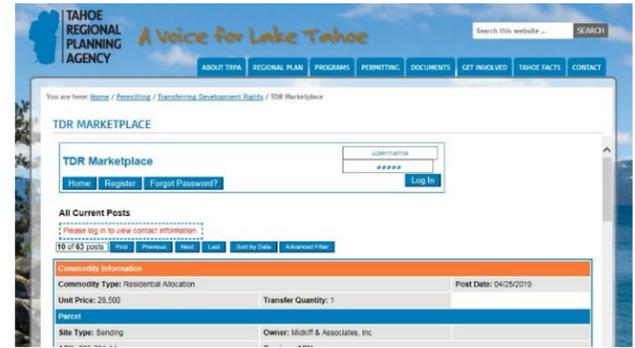
Considerations:

- Transfers of existing development require a [TRPA transfer application](#). Transfers do not require approval from the local jurisdiction.
- Transfers are documented with a deed restriction and TRPA transfer permit. Sensitive properties will be restricted from future development.
- The monetary value of development rights is set by private individuals involved in the transaction, not TRPA.
- Only development rights [verified by TRPA](#) as legally existing are eligible to be transferred.
- The amount of development rights that can be transferred to property is not limited.
- The receiving site must be non-sensitive (i.e. have verified land capability districts of 4, 5, 6, or 7) or there must be a significant environmental improvement on the receiving site as defined by the [TRPA Code of Ordinances section 51.5](#). To see if a property is sensitive or non-sensitive, visit the [Parcel Tracker](#).
- The receiving property must be in compliance with site development standards (e.g. include stormwater infiltration systems, scenic quality, parking, etc. of the TRPA Code of Ordinances and applicable planning documents, such as the local area plan or plan area statement.
- The receiving property *does not* need an approved project to receive development rights.
- All interested parties must be aware of the transaction. (e.g. lienholder)
- *Transferring from a sensitive area or into a town center?* Your project could be eligible for bonus units, additional development rights awarded free of charge to eligible properties. To learn more about TRPA's bonus unit programs see the "Development Incentives" subsection below.
- For more information on land coverage transfers, click [here](#).

To check if development rights have been verified or banked on a property, visit the [Parcel Tracker](#).

To learn more about the verification and banking process, see [Chapter 50 and 51 of the TRPA Code of Ordinances](#) and the [TRPA verification and banking application](#).

The [Development Rights Marketplace](#) connects buyers and sellers of development rights.



Transfer existing development (local land bank)

Local land banks acquire sensitive properties from willing buyers and restore those areas. Development potential removed from a sensitive property can then be sold and transferred to non-sensitive properties or properties within town centers more suitable for development.

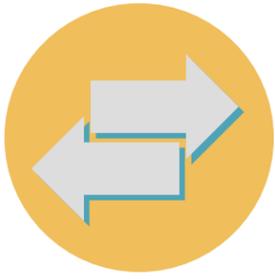
To learn more about these programs and available development rights through the land banks, click on the logos to the right.

Considerations:

- Development right transfers through a local land bank require a [TRPA transfer application](#).
- Development rights acquired through a local land bank may be eligible for bonus units, additional development rights awarded free of charge to eligible properties. To learn more about TRPA's bonus unit programs, visit the [Development Rights webpage](#).
- See other considerations above in the "Transferring existing development (private market)" section.

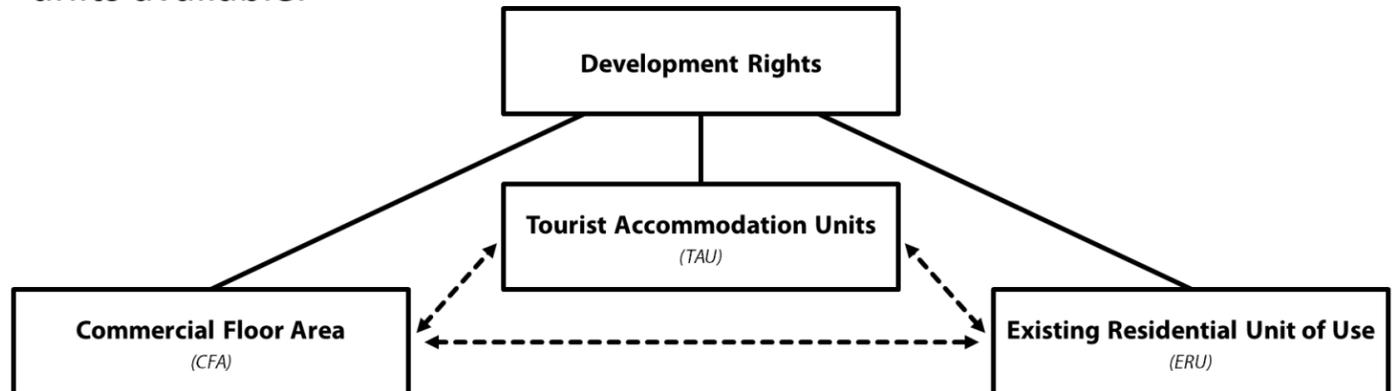


To learn more about the transfer process, see [Chapter 51 of the TRPA Code of Ordinances](#) and the [TRPA transfer application](#).



Convert to another land use

Development rights may be converted from one land use type to another. The ability to convert units allows the development rights system to respond to market demands – for example, if there is a large demand for residential units but there are only commercial or tourist units available.



Considerations:

- The following types of development rights are eligible for conversion: Commercial Floor Area (CFA), Multi or Single-Family Residential Unit of Use (RUUs), and Tourist Accommodation Units (TAUs).
- Only development rights [verified by TRPA](#) as legally existing, awarded as a bonus unit in accordance with Chapter 52 of the TRPA Code of Ordinances, or held in allocation pools with TRPA or the local jurisdiction are eligible to be converted.
- Conversion of development rights require a [TRPA conversion application](#).
- Conversions are subject to exchange rates as shown below. These exchange rates ensure that there is no increased environmental impact from the change of land use.

Conversion Exchange Rates				
Existing Development Rights	Equivalent Development Rights			
	CFA	TAU	SF RUU	MF RUU
300 sq.ft. Commercial Floor Area (CFA)	300 sq.ft.	1	1	3/2
1 Tourist Accommodation Unit (TAU)	300 sq.ft.	1	1	3/2
1 Single Family Residential Unit of Use (SF RUU)	300 sq.ft.	1	1	3/2
1 Multi-Family Residential Unit of Use (MF RUU)	200 sq.ft.	2/3	2/3	1

For example, 300 square feet of commercial floor area could be converted into 1.5 multi-family residential units of use (or three halves).

To learn more about the conversion process, see the [TRPA Code of Ordinances section 51.4](#) and the [TRPA conversion application](#).



Retire a sensitive property

Property owners and developers can acquire a residential allocation from TRPA by retiring a sensitive property, a vacant lot with an Individual Parcel Evaluation System or *IPES* score of 725 or less.

In some cases, participating in this program will allow a property owner to obtain an allocation in less time than if obtained from a local jurisdiction (see below).



Allocations distributed as a result of retiring a sensitive lot come from TRPA, not the local jurisdiction. This transaction requires a [TRPA application](#) and that the sensitive lot is deed restricted from future development.

To find out if a property is sensitive, visit the [TRPA Map Maker](#) or [Parcel Tracker](#).



Receive an allocation from the local jurisdiction

Local jurisdictions hold a small pool of commercial and tourist units for special planning districts (such as town centers) and residential allocations. Every two years additional residential allocations are distributed by TRPA to the local jurisdictions based on performance with regional standards - including compliance with the TRPA code and implementation of water quality improvement projects at the neighborhood-scale. In some cases, there may be waiting lists or a prioritization schedule for distributing allocations.

To learn more about the allocation process for commercial, tourist, or residential units from the local jurisdictions, please use the links below:

[City of South Lake Tahoe](#)

[El Dorado County](#)

[Douglas County](#)

[Washoe County](#)

[Placer County](#)

