

**FILING INSTRUCTIONS**  
**TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM**  
**CERTIFICATION OF DEVELOPMENT RIGHTS APPLICATION**

TDR Certification of Development Rights. Applications will be accepted **BY APPOINTMENT ONLY** at the office of the Churchill County Planning Department so as to provide an opportunity to clarify submittal requirements, and briefly answer questions at the time the appointment is made.

**CONTACT (775) 423-7627** to make an appointment to submit a TDR Certification Application.

Be prepared to provide basic information about your application, (e.g. tax account number, name and contact number of applicant).

**FORMS/CHECKLISTS**

Forms and Assistance Brochures are also available at the Churchill County Planning Department or call (775) 423-7627 to request forms by mail.

It is our goal to provide thorough clarification of requirements and reduce the number of rejected or incomplete applications to enable an efficient review and timely completion of your application process.

**FEES**

A fee schedule is attached to the TDR application package. Please contact (775) 423-7627 if you have questions regarding fees.

**FURTHER INSTRUCTIONS TO THE APPLICANT**

- Please answer all questions as fully as possible. Incomplete information could reduce your chances for selection and the purchase price paid to you for the property's development rights.
- You may attach additional sheets if necessary to fully answer a question.
- Please attach copies of all deeds, surveys and lot status certifications which describe the property.
- If any item is inapplicable, please mark it "N/A".
- Remember, this an application to obtain certification of development rights. After sale of a certified development rights and approval and recording of the conservation easement, the only permitted use of the land will be agricultural.

- Together with this application, you should have received the following information:
  1. Copy of Bill 2006-F, Ordinance #32 (Transfer of Development Rights).
- Please contact the Churchill County Planning Department if you have general questions regarding the TDR Program or completing the application, or if you wish to set an office appointment.

**TDR CERTIFICATION OF DEVELOPMENT RIGHTS APPLICATION**

**A. GENERAL INFORMATION**

1.	Applicant	General Person (if different)
Name:	_____	_____
Mailing Address:	_____	_____
City, State, Zip:	_____	_____
Phone No.:	_____	_____
Fax No.:	_____	_____
Email:	_____	_____

2. Relation of Applicant to Property (check one):  
Owner? Contract Purchaser? Lessee? Other (specify)\_\_\_\_\_

3. All Persons/Firms having an ownership interest in the property:  
Name\_\_\_\_\_

Mailing address\_\_\_\_\_

Telephone\_\_\_\_\_

Name\_\_\_\_\_

Mailing address\_\_\_\_\_

Telephone\_\_\_\_\_

Name\_\_\_\_\_

Mailing address\_\_\_\_\_

Telephone\_\_\_\_\_

4. Farm Name, Corporate or Business Name:\_\_\_\_\_

5. Type of legal entity:
- individual
  - corporation incorporated in the State of Nevada
  - general partnership created in the State of Nevada
  - limited partnership created in the State of Nevada
  - limited liability company created in the State of Nevada

6. Contact Person at Applicant's Organization:

Name\_\_\_\_\_

Mailing Address\_\_\_\_\_

Telephone\_\_\_\_\_ Fax\_\_\_\_\_

7. Legal Counsel Representing Applicant:

Name\_\_\_\_\_

Mailing Address\_\_\_\_\_

Telephone\_\_\_\_\_ Fax\_\_\_\_\_

8. Applicant's accountant, if you wish him/her to receive information on your behalf:

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

9. Are there any material facts or circumstances (e.g., pending litigation, bankruptcy, code enforcement actions, forest practice moratorium, etc.) relating to any of the parties to the proposed transaction which may potentially affect the application approval or TDR transaction?  Yes (add additional sheets if necessary)

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**B. PROPERTY INFORMATION**

1. What is the County Zoning/Comprehensive Plan Designation? Sending sites may be located within agricultural (A5, A-10, Rural Resource District-RR-20) water resource, and military installation buffer areas as designated by the Churchill County Master Plan and may not be in public ownership. Other areas may be considered on a case-by-case basis during the site evaluation process if such other areas bear a community benefit. A landowner must have 20 contiguous acres to qualify as a sending site- unless the property is deemed a special site bearing a community benefit.

\_\_\_\_\_

\_\_\_\_\_

2. Please attach a legal description of the land and title report dated within thirty (30) days of submittal.

Attached?  Yes

Have all adjacent substandard lots in common ownership been included in the sending site area?

Yes  No

3. Please list all assessor parcel numbers, their section, township, and range and their respective acreage:

List all Assessor's Tax Account Numbers involved (all 14 digits):

Assessor's Tax Account#      Parcel #      Acreage      Sec\_\_\_Twp\_\_Range\_\_\_

\_\_\_\_\_ Sec\_\_\_Twp\_\_Range\_\_\_

\_\_\_\_\_ Sec\_\_\_Twp\_\_Range\_\_\_

\_\_\_\_\_ Sec\_\_\_Twp\_\_Range\_\_\_

\_\_\_\_\_ Sec\_\_\_Twp\_\_Range\_\_\_

\_\_\_\_\_ Sec\_\_\_Twp\_\_Range\_\_\_

\_\_\_\_\_ Sec\_\_\_Twp\_\_Range\_\_\_

4. Are there any existing easements for access, utilities, or any other purposes or other encumbrances? If yes, please show on surveyed maps.

Yes  No

If yes, please describe and provide Recorder's file. \_\_\_\_\_

5. Please attach copies of survey maps of the property showing the location of existing or proposed structures and easements and the ten acres associated with each single family dwelling unit.

6. Please attach copies of any documents that may assist the sending site review committee in determining the total transferable development rights and the sending site.

7. Please list all lienholders (mortgages, deeds of trust, lessees, or other encumbrances). Lienholders will be required to subordinate their mortgage or deed of trust to the conservation easement: \_\_\_\_\_

8. General location of property (including nearest intersection): \_\_\_\_\_

9. Acreage: \_\_\_\_\_

10. Present zoning: \_\_\_\_\_

11. Present use of property: \_\_\_\_\_

12. Source of water supply and name of water district, if any: \_\_\_\_\_

Method of sewage disposal and name of sewer district, if any: \_\_\_\_\_

### **C. LAND USE INFORMATION**

1. Please describe the agricultural use of the land, including number and types of livestock, general description of crops, forest products, specialty crops, etc.: \_\_\_\_\_

2. Please breakdown property by acreage:

Tillable cropland \_\_\_\_\_

Nursery/Orchard \_\_\_\_\_

Pasture \_\_\_\_\_

Woodland \_\_\_\_\_  
Other \_\_\_\_\_

3. Please identify all soil and water conservation practices and plans in effect on the property: \_\_\_\_\_  
\_\_\_\_\_

4. Please identify all residences and buildings on the property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Please indicate the percentage of “prime soil”, as defined by the USDA Natural Resource Conservation Service, on the property:

0-49%             50-75%             76-100%

6. Are there any areas required by Churchill County to remain unbuildable?

Yes             No

7. If so, what is their total area in square fee? \_\_\_\_\_

8. Please attach the TDR Calculation Worksheet. Attached?  Yes

**D. OTHER SITE SELECTION INFORMATION**

1.Total acres offered for easement sale: \_\_\_\_\_

2.Total number of vested development rights: \_\_\_\_\_

Lot status certifications attached?     Yes             No

3. Is the property classified as Ag Open Space

4. Are there any properties adjacent to your land that are subject to existing conservation easements, variance or plat restrictions, or public owned open space?

Yes             No             Don't Know

5.Are there any anticipated or pending offers to purchase the land and convert it to a non-agricultural use; or any other reason to believe your land is under immediate threat of conversions?

Yes             No

If yes, please describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**E. EXECUTIVE OF THE APPLICATION**

It is understood that the above information is submitted in good faith, based on present expectations of the Application, to aid in the conservation of agricultural land in

Churchill County in its consideration of this application for certifying transferable development rights for future sales accompanied by the execution of a conservation easement.

It is declared that sending site for which TDR certificates are sought contains only undivided legal lots and that no substandard lots outside of the sending site are held in common ownership with the sending site.

The information in this application and supporting documents is true and complete to the best of my/our knowledge and is submitted for the purpose of certifying development rights. I/We understand that this application is subject to review for consistency with selection policies and criteria approved by the TDR Executive Committee in order to properly evaluate and process this application. I/We agree to allow PDS staff entry to our property with advance notice.

Dated at Fallon, Nevada, on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_.

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Name and Signature of Landowner

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Name and Signature of Landowner

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Name and Signature of Landowner

**CHURCHILL COUNTY PLANNING**  
**TDR FEE SCHEDULE**  
**(Effective \_\_\_\_\_, 200 )**

Fees are charged for applications to cover the cost of processing. All fees must be paid before an application can be accepted.

Table TDR FEES

<b><u>Activity</u></b>	<b><u>Fees</u></b>
Processing and review of application, issuance of certificates, drafting and review of conservation easement, deed of transferable development rights, inspections.	
Deposit	<b><u>\$75.00</u></b>
Each hour of addition research revision and review	<b><u>\$15.00 per hr.</u></b>
Maximum Fee	<b><u>\$150.00</u></b>

**TRANSFER OF DEVELOPMENT RIGHTS CERTIFICATE**

TDR Certificate Application Number:

TDR Certificate Number:

Issued:

Supercedes:

Applicant	Contact Person (if different)
Name: _____	_____
Mailing Address: _____	_____
City, State, Zip: _____	_____
Phone No.: _____	_____
Fax No.: _____	_____
Email: _____	_____

Sending site Assessor's parcel numbers, their section, township, and range and their respective acreage:

Assessor's Tax Account #	Parcel #	Acreage
_____	_____	_____ Sec ___ Twp ___ Range ___
_____	_____	_____ Sec ___ Twp ___ Range ___
_____	_____	_____ Sec ___ Twp ___ Range ___
_____	_____	_____ Sec ___ Twp ___ Range ___
_____	_____	_____ Sec ___ Twp ___ Range ___
_____	_____	_____ Sec ___ Twp ___ Range ___

Number of TDR certificates issued on sending site: \_\_\_\_\_ of \_\_\_\_\_

Serial numbers of other TDR certificates issued on sending site:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Date:

Name:

Address:

RE: Letter of Intent to Issue Transfer of Development Right (TDR) Certificates

Dear \_\_\_\_\_:

Churchill County Planning Department completed a review of TDR Certification application number \_\_\_\_\_. Based on the submittal information, (number) of TDR certificates have been calculated on the sending site pursuant to the attached calculation worksheet and sending area description.

Churchill County Planning Department agrees to issue a corresponding number of transfers of development rights certificates in exchange for the granting of an approved sending site conservation easement.

If a significant amount of time elapses between the issuance of the letter of intent and the review of documents associated with a proposed sale of certificates, the Department may review the sending site application file and/or conduct a site visit to determine if there are any material changes in the original application information prior to issuance of the TDR certificates.

Examples of a materially different condition include, but aren't limited to construction of a new single-family construction of subdivision not proposed in the original submittal. If conditions are materially different, the Department shall reject the conservation easement and this letter of intent will be null and void.

You may use this letter to market (number) transfer of development rights for the described sending site. This letter itself has no value and cannot be transferred or used to obtain increased development rights within receiving areas.

If you have any questions regarding this letter, please contact me at (775)\_\_\_\_\_.

Sincerely,

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Name  
Title

**Letter of Intent to Issue Transfer of Development Right**  
**Certificates**  
**Property Summary**

Sending site Assessor's parcel numbers, their section, township, and range and their respective acreage:

Assessor's Tax Account #	Parcel #	Acreage
_____	_____	_____ Sec ____ Twp ____ Range ____
_____	_____	_____ Sec ____ Twp ____ Range ____
_____	_____	_____ Sec ____ Twp ____ Range ____
_____	_____	_____ Sec ____ Twp ____ Range ____
_____	_____	_____ Sec ____ Twp ____ Range ____
_____	_____	_____ Sec ____ Twp ____ Range ____

Legal description of property:

Pursuant to the attached worksheet, \_\_\_\_\_ intends to issue \_\_\_\_\_ TDR certificates on this sending site.

## **TDR CERTIFICATION CALCULATION WORKSHEET**

The Transfer of Development Rights (TDR) Program allows for the calculation of the number of transferable development rights. Churchill County will issue certificates of transferable development rights that can be sold provided a conservation easement is placed on the property.

### **Section 16.14.050 Sending site calculations:**

- A. The number of ERCs a qualified sending site is eligible for shall be determined by applying the TDR sending site base density established in subsection D of this section to the area of the sending site and deducting any portion of the sending site already in a conservation easement or other similar encumbrance.
- B. Any fractions of ERCs that result from the calculations in subsection D shall not be included in the final determination of total ERC available for transfer. A landowner must have a minimum of 20 contiguous acres to qualify as a sending site(s) unless they are special sites with the community benefit and are identified as special sites by the Sending Site Review Committee.
- C. For purposes of calculating the amount of ERCs a sending site can transfer, the amount of land contained within the site shall be determined as follows:
  1. If the sending site is an entire parcel, the square footage or acreage shall be determined:
    - a. By the Churchill County Assessor's Office records; or
    - b. By a survey that has been prepared and stamped by a surveyor licensed in the State of Nevada; or
    - c. Farm Service Agency (USDA) aerial photos.
  2. If the sending site is a portion of a parcel, the square footage or acreage shall be determined by a survey that has been prepared and stamped by a surveyor licensed in the State of Nevada; and
  3. If the sending site consists of multiple parcels that are divided by a zoning boundary, the square footage or acreage shall be calculated separately for each zoning classification shall be determined by the Churchill County record of the action that established the zoning of property lines. When such records are not

available or are not adequate to determine the square footage or acreage within each zoning classification, the Planning Department shall calculate the square footage or acreage.

- D. For purposes of the TDR program, the following TDR sending site base densities will be used to calculate ERC:
  - 1. Sending sites designated on the zoning map as A-5, A-10 or RR-20 and in the Master Plan as outside of the urbanizing area shall be assigned a base density of one (1) ERC per four (4) acres and
  - 2. One (1) ERC per irrigated water righted acre.
- E. For the purposes of the TDR program, the following TDR sending site incentive or bonus densities apply:
  - 1. Sending sites or portion thereof located within a drinking water recharge protection or Water Resource area, military operations buffer area, or FEMA designated flood plain-1.5 ERC per 10 acres.
  - 2. Sending sites providing beneficial public access as defined by the County to recreation areas, walking trails, bicycle paths, wetlands, rivers, lakes, State parks, or Federal lands-10 ERC per parcel; and
  - 3. Sending sites/parcels which total 100 or more acres-one (1) ERC per ten (10) acres.
  - 4. Sending sites may qualify for concurrent or additive bonus categories, for example:

Example TDR Worksheet

101 acres of qualifying land including 75 acres of irrigated agricultural land in a designated drinking water recharge protection are, with public access to the Carson River.

Base TDRs (section 16.14.040 D.I.)	25
Water Right Equivalent (section 16.14.040 D.2)	75
Bonus for Water Resource Protection (section 16.14.040.E.1.)	15
Bonus for beneficial public access (section 16.14.040 E.2)	10
Bonus for total over 100 acres (section 16.14.040 E.3)	10
<b>Example TOTAL TDRs</b>	<b>135</b>

- F. A sending site may qualify to send one ERC for every legal parcel which could have been created under the existing zoning if that number is greater than the number of development rights determined under section D, subsection 4 of this section.

- G. The number of ERCs that a sending site is eligible to send to a receiving site shall be proposed by the landowner following the above described criteria and subject to final approval by the Board.
- H. ERCs from one sending site may be allocated to more than one receiving site and one receiving site may accept ERCs from more than one sending site.
- I. The determination of the number of ERCs a sending site has available for transfer to a receiving site shall be valid for transfer purposes only, shall be documented in a TDR certificate letter and shall be considered a final determination, not to be revised due to later changes to the sending site's zoning and/or revisions to this document or process. The TDR certificate letter will inventory the number of ERCs available for transfer and (if compensation value has been established by contract or exchange) the assigned value. The TDR certificate letter details are addressed in Subsection 16.14.080B4.

**Section 16.14.060 Development Limitations:**

A. Following the transfer of ERCs from a sending site, the portion of the parcel or parcels not designated as a sending site may accommodate ERCs on the buildable portion of the parcel, or parcels. This site must comply and be consistent with the land use regulations of that zoning district.

- B. Nonresidential uses on parcels zoned A-5 or A-10 shall be limited as follows:
  - 1. Only those uses directly related to, and supportive of the criteria under which the site limitations shall be included in the conservation easement.
  - 2. The portion of the parcel outside the sending site may develop nonresidential uses consistent with the land use district.

*The final number of development rights certified for transfer in item (e) shall not be revised due to subsequent rezoning or other changes to the sending site. Issued certificates of TDRs shall be valid for transfer only. They shall not entitle the landowner to building permits, which are dependent upon all applicable development approvals.*

CHURCHILL COUNTY  
APPLCIATOIN FORM  
TRANSFER OF DEVELOPMENT RIGHTS  
PROGRAM CERTIFICATE

RETURN TO:

FOR COUNTY USE ONLY:

Date Received \_\_\_\_\_  
Completed Application Date \_\_\_\_\_  
\_\_\_\_\_ Approval Date \_\_\_\_\_

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**I. LAND OWNER INFORMATION**

Name \_\_\_\_\_ Phone No. \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Alternate Phone No. \_\_\_\_\_  
City and State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Email \_\_\_\_\_

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**II. PROPERTY INFORMATION**

Tax Parcel Number (s) \_\_\_\_\_  
\_\_\_\_\_

Property Address or Nearest Street or Road \_\_\_\_\_  
\_\_\_\_\_

Total Acreage of property \_\_\_\_\_ Total Acreage you wish to enroll in TDR Program  
\_\_\_\_\_

Are there any existing dwelling units located on the property? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, how many? \_\_\_\_\_

Are there any other buildings on the property? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, how many? \_\_\_\_\_

What is the current zoning of the property (\_\_\_\_\_)?

\_\_\_\_\_

Describe how the property is currently being used (e.g. agriculture, forestry, home site, etc.)

\_\_\_\_\_  
\_\_\_\_\_

Are there any existing easements or deed restrictions affecting this property? (e.g. power line corridors, access easements, forestry moratoriums, etc.)

If so, please describe briefly. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Does the property have any submerged lands per Churchill County Code \_\_\_\_\_?  
(Submerged land is any land at or below the ordinary high water mark such as streams, ponds, lakes, and wetlands with standing water year-round.)

Please attach a site plan showing all submerged lands, existing and proposed residential units and other buildings, and any existing easements on the property. If more than one zoning designation exists on the property, please identify the boundary between the zones and the area within each.

Please attach a legal description of property to this application form.

Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

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### III. STATEMENT OF INTENT:

I wish to qualify \_\_\_\_\_ the entire property, or  
\_\_\_\_\_ a portion of the property under the TDR  
Program.

I want to retain \_\_\_\_\_ (number) dwelling units or development rights  
with the property for existing or future development.

I intend to \_\_\_\_\_ maintain the property in private ownership, or

\_\_\_\_\_ explore the possibility of dedicating the property to Churchill County or to another public or private non-profit agency.

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**IV. SENDING SITE CRITERIA:**

I believe the property would qualify as a sending site because it contains one or more of the following public benefits as defined in Churchill County Code \_\_\_\_\_:

- Agricultural Production District lands, zoned A, from which development rights have not already been purchased.
- Other rural properties designated as a proposed rural or resource area regional trail, river access or open space.
- Habitat for federally threatened or endangered species. (\*2)  
List the species you believe to be present. \_\_\_\_\_
- Designated urban separators or base buffer zoned \_\_\_\_\_.

\*1. An approved forest stewardship plan is required for TDR approval.

\*2. An approved wildlife habitat management plan is required for TDR approval.

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**V. TITLE COMPANY INFORMATION**

A title report must be supplied by the landowner as part of the TDR application.

Name of the Title Company: \_\_\_\_\_

Address: \_\_\_\_\_

City and State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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**VI. MORTGAGE COMPANY INFORMATION**

Are there any liens or mortgages on the property? Yes \_\_\_\_\_ No \_\_\_\_\_

Mortgage Holder's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City and State: \_\_\_\_\_ Zip Code. \_\_\_\_\_

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## VII. ESTIMATED DENSITY CALCULATION

We ask that you complete this worksheet to assist yourself and the Churchill County Planning Department with evaluating the property. This is not a binding determination of the number of development rights particular parcel may qualify to transfer.

To estimate the number of development rights that can be transferred from a sending site, the total area available for transfer must first be determined. The area available for transfer is the total sending site area minus a number of possible deductions (listed in Step 1). Then the transfer area is multiplied by the base density for the zoning designation of the sending site.

Density calculations must be done separately for portions of a sending site that are within different zoning designations. Any fractions of development rights that result from these calculations shall not be included in the final determination of total development rights available for transfer.

### Step 1. Deductions:

\_\_\_\_\_ Square feet in existing conservation easements or similar encumbrances.

\_\_\_\_\_ Square feet in submerged lands.

\_\_\_\_\_ Square feet in other areas required by Churchill County to remain unbuilt.

\_\_\_\_\_ Square feet of land area required by the zone for existing or proposed development.

\_\_\_\_\_ **Total Deductions (in square feet).**

### Step 2. Sending Site Area Calculation:

\_\_\_\_\_ total area of sending site (in square feet)

subtract \_\_\_\_\_ total deductions (in square feet)

\_\_\_\_\_ Total Available Sending Site Area (in square feet)

### Step 3. Convert Area to Acres:

\_\_\_\_\_ total available sending site area (in square feet) from Step 2.

Divide by 43,560 square feet per acre

\_\_\_\_\_ **Total sending site area in acres.**

**Step 4. Estimate Available Development Rights**

Multiply the total sending site acreage from Step 3 by the base density for the appropriate zone as listed below.

Base densities listed are for transfer purposes only and do not imply actual development potential of a parcel. If a sending site contains more than one zone designation, repeat the calculations for each zone.

Sending Sites Zoned:	Base Density
R-1 and designated as urban separator	4 rights/acre
RA outside of a rural forest focus area	see density tables in CC_____
RA within a rural forest focus area	0.2 right/acre
A-10 or A-35 within agricultural production area	0.2 right/acre
F within forest production district	0.2 right/acre

**Estimated Available Development Rights** \_\_\_\_\_

Any fractions of development rights that result from these calculations shall not be included in the final determination of total development rights available for transfer. Total available development rights calculated shall be rounded down to the nearest whole number.

The estimated number of available development rights calculation is provided to assist you with evaluating the property and developing your management goals. This is not a binding determination of the number of development rights a particular parcel may qualify to transfer.

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**III APPLICATION CHECKLIST** *Is the following information attached?*

- Legal Description
- Title Report
- Site Plan
- Wildlife Management Plan (if needed)

- Forest Stewardship Plan (if needed)
- Affidavit of compliance with Forest Practice Application requirements (if needed)
- Application Fee \*

\* Note: An initial deposit toward the Churchill County Planning Department review fee of **\$75.00** will be required once the application has been screened for completeness. Additional fees (based on an hourly rate of **\$15.00 an hour** up to a maximum of **\$150.00** will be assessed for application review. The **\$150.00** maximum includes the initial deposit fee.

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### IX. PROPERTY OWNER CERTIFICATION

I hereby certify that the information furnished on this application and the attachments are true, that I am the legal owner of the property described above, that I have marketable title to the property, and that I have the legal right to restrict the use of the property. I grant permission to Churchill County to seek an update from the Title Company prior its issuance of a Development Credit Transfer Certificate.

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Signature of Owner (Applicant)

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Date

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Signature of Co-Owner (Co-Applicant)

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Date