

MOTION:

**May 4, 2021
Regular Meeting
Ord. No. 21-**

SECOND:

RE: ZONING TEXT AMENDMENT #DPA2017-00008, TRANSFER OF DEVELOPMENT RIGHTS – COUNTYWIDE

ACTION:

WHEREAS, on September 20, 2016, the Prince William Board of County Supervisors (Board) in Resolution Number (Res. No.) 16-731 initiated an amendment to the Zoning Ordinance to create a Transfer of Development Rights (TDR) Program; and

WHEREAS, this zoning text amendment would allow the transfer of residential density from eligible sending areas within the Rural Area to eligible receiving areas transferred through a voluntary process for permanently conserving agricultural and forestry uses of lands and preserving rural open spaces, and natural and scenic resources; and

WHEREAS, on June 24, July 30, and September 24, 2019, the Planning Office held public meetings to discuss a Transfer of Development Rights (TDR) Program as well as other recommendations from the Rural Area Study; and

WHEREAS, on October 23, 2019, November 13, 2019, and December 2, 2020, the Planning Commission held work sessions for the Transfer of Development Rights Program at which the zoning text amendment was available for review and input; and

WHEREAS, the Prince William County Planning Commission held a public hearing on the Zoning Text Amendment on March 17, 2021, recommending denial as stated in Res No. 21-031; and

WHEREAS, the Board duly ordered, advertised, and held a public hearing on May 4, 2021, at which time all interested members of the public were heard and the merits of the above-referenced zoning text amendment were considered; and

WHEREAS, amending the Zoning Ordinance for the above-referenced issue is required by public necessity, convenience, general welfare, and good zoning practice, and is consistent with Section 15.2-2283 of the Code of Virginia, Ann;

NOW, THEREFORE, BE IT ORDAINED that the Prince William Board of County Supervisors hereby adopts Zoning Text Amendment #DPA2017-00008, Transfer of Development Rights.

May 4, 2021
Regular Meeting
Ord. No. 21-
Page Two

ATTACHMENT: Text Amendment

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

ATTEST: _____

Clerk to the Board

Prince William County Conservation Residential District

Article XI. - Transfer of Development Rights (TDR) Program

Sec. 32-1100.01. - Purpose.

Pursuant to the authority granted by §§15.2-2316.1 and 15.2-2316.2 of the Code of Virginia, a transfer of development rights (TDR) program is established, the purpose of which is to transfer residential density from eligible sending areas to eligible receiving areas, and/or transferred through a voluntary process for permanently conserving agricultural and forestry uses of lands and preserving rural open spaces, and natural and scenic resources. The TDR program is intended to supplement land use regulations, resource protection efforts, and open space acquisition programs and to encourage residential density where it can best be accommodated with the least impact on the natural environment and public services by:

Providing a predictable incentive process for property owners of rural and agricultural land to preserve lands with a public benefit;

Implementing the Comprehensive Plan by directing residential land uses to appropriate receiving areas; and

Providing a review system to ensure that transfers of development rights to receiving areas are processed in a timely way and balanced with other county goals and policies and are adjusted to the specific conditions of each receiving area.

Sec. 32-1100.02. - Applicability.

The procedures and regulations in this Chapter apply to the transfer of development rights from land qualifying as sending properties to land qualifying as receiving properties and/or to a transferee. Land utilizing transferred development rights may be developed in receiving areas at the maximum density, above the base density for the applicable zoning district, as identified in county code sec. 32-1100.06 and sec. 32-1100.07 of this article. All development utilizing transferred development rights must conform to the requirements, defined further in this article, applicable to the receiving property.

Sec. 32-1100.03. - Right to Transfer of Development Rights; general provisions.

1. A development right shall only be transferred by means of the recordation of a TDR certificate and a covenant to which the county is a party, or a permanent conservation

Prince William County Conservation Residential District

easement granted to a qualified "holder" as that term is defined in Code of Virginia §10.1-1009, that restricts further development of the sending property and joins all lien holders, who must execute any necessary releases for the transfer of development rights to take place.

- (a) The covenant or permanent conservation easement must limit the future construction of residential dwelling units on a sending property to the total number of development rights established by the zoning ordinance provisions applicable to the property, minus:
 - i. The development rights severed and extinguished from the sending property by the TDR certificate and thereby transferred under this article;
 - ii. Any development rights previously severed and extinguished or limited as a result of an earlier recorded covenant or conservation easement against the property; and
 - iii. The number of existing single-family detached dwelling units located on the sending property, if any, as of the date the TDR certificate is recorded.
2. The county attorney must review and approve any such covenants and/or permanent conservation easements, and related document(s) for form and legal sufficiency.
3. Each transferor must have the right to sever all or a portion of the development rights from a sending property and to sell, trade, and/or barter all or a portion of those development rights to a transferee consistent with the purposes of the county code so long as the requirements of subsection 1(a) of this section are met.
4. Any transfer of development rights under this article only authorizes the use and density transfer as specified in this article. It does not alter or waive the County's Development Construction Standards Manual (DCSM) requirements for any property in the receiving area.
5. No development rights may be transferred from a sending property if those rights are materially restricted from development by covenant, easement, and/or deed restriction.
6. Any transfer of development rights must be recorded among the land records of Prince William County, Virginia.

Prince William County Conservation Residential District

7. No transfer of development rights will be effective until the Planning Director or their designee has recorded the TDR certificate and its related covenant or permanent conservation easement in the land records of Prince William County, Virginia.
8. The monetary or other value of transferred development rights is determined by the seller and buyer.
9. Any proposed transfer of development rights may be initiated only upon application by the property owners of the sending properties of the severed development rights, or of the receiving properties.
10. Development rights from a sending property may be allocated to more than one receiving property and/or transferee.
11. A receiving property and/or transferee without relation to any property may accept development rights from more than one sending property.

Sec. 32-1100.04. - Sending Properties.

1. For the purposes of this article, a sending property must be an entire tax parcel or lot that complies with all the requirements of this article. Sending areas may only be located within the Rural Area the Comprehensive Plan and shown in a "TDR-S" classification on the Long-Range Land Use Map. A sending property shall be maintained in a condition that is consistent with the criteria in this section under which the property was qualified as a sending property.
2. A sending property must comply with all of the following criteria:
 - (a) A sending property must be designated in a sending area on the "TDR-S" sending areas map.
 - (b) A sending property must be at least 20 acres in size.
 - (c) A sending property must be qualified for development of residential uses without further legislative approval by the Board of County Supervisors.
3. If a sending property has any outstanding code violations and/or unpaid taxes, the owner(s) must completely resolve all of these violations, including any required abatement, restoration, and/or payment of penalties or taxes, before the property may be made the subject of a TDR certificate by the planning director or their designee.

Prince William County Conservation Residential District

Sec. 32-1100.05. - Receiving Properties

1. In order for a property in a receiving area to qualify as a receiving property eligible for a transfer of development rights to said property, such property must be:
 - (a) Located in areas designated as receiving areas on the Long-Range Land Use Map of the Comprehensive Plan in one of the following classifications, "TDR-R" or "TDR-D".
 - (b) Served by public sewer and water.
 - (c) Served by state-maintained roads or have the ability to utilize private roads as permitted by the County.
 - (d) Be equal to or less than the maximum allowed dwelling units, as identified in county code sec. 32-1100.06 and sec. 32-1100.07, which may be transferred to the designated receiving area, inclusive of all other dwelling units that have been transferred through a TDR.
2. A receiving property may accept development rights from one or more sending properties, but the units allowed to be transferred to the receiving property may not exceed the maximum applicable dwelling units as specified on the "TDR-R" or "TDR-D" designation of the Long-Range Land Use Map in the Comprehensive Plan.
3. Receiving properties shall meet the development standards of the TDR-R or TDR-D, as identified in county code sec. 32-1100.06 and sec. 32-1100.07 of this article.
4. Should the Board of County Supervisors choose to designate new receiving areas or amend its designations of receiving areas, the development rights permitted to be attached in the receiving areas shall be determined at the time of designation of the new or amended receiving areas and shown on the Long-Range Land Use Map of the Comprehensive Plan.

Sec. 32-1100.06. - TDR-R Development Standards

1. Receiving properties designated in the TDR-R receiving areas shall meet all development and density standards as set forth in the CR-3 and CR-5, Conservation Residential, zoning districts.

Prince William County Conservation Residential District

<u>TDR-R Location</u>	<u>Maximum Cumulative Units Received</u>	<u>Zoning Designation</u>	<u>Unit Type</u>
<u>Location A</u>	<u>58</u>	<u>A-1</u>	<u>Single-Family</u>
<u>Location B</u>	<u>94</u>	<u>A-1</u>	<u>Single-Family</u>

Sec. 32-1100.07. - TDR-D Development Standards

1. With the exception of the minimum density requirement and unit type allowances, receiving properties designated as TDR-D on the Long-Range Land Use Map of the Comprehensive Plan shall meet the development standards of the PMR, Planned Mixed Residential, zoning district, pursuant to county code sec. 32-306.12, and the following:

<u>TDR-D Location</u>	<u>Maximum Cumulative Units Received</u>	<u>Planned Mixed Residential Designation</u>	<u>Unit Type</u>
<u>Innovation</u>	<u>1,500 Dwelling units</u>	<u>Urban High</u>	<u>Multi-family</u>
<u>Jurisdictions outside of PWC*</u>	<u>Determined by Receiving Jurisdiction</u>	<u>Determined by Receiving Jurisdiction</u>	<u>Determined by Receiving Jurisdiction</u>
<u>Potomac Mills</u>	<u>1,500 Dwelling Units</u>	<u>Urban High</u>	<u>Multi-family</u>
<u>Potomac Shores</u>	<u>500 Dwelling Units</u>	<u>Urban High</u>	<u>Multi-family</u>
<u>Virginia Gateway</u>	<u>1,500 Dwelling Units</u>	<u>Urban High</u>	<u>Multi-family</u>

*As permitted by § 15.2-2316.2 Code of Virginia, subject to the other jurisdiction's agreement.

2. Residential units may be developed in a mixed-use building.
3. Receiving properties may contain other structures and uses as otherwise allowed in the base zoning district of the receiving properties. The standards set forth in this section shall supersede the base zoning district standards.

Prince William County Conservation Residential District

Sec. 32-1100.08. - Calculation of Development Rights.

1. The number of residential development rights that a sending property is eligible to send to a receiving property and/or transferee shall be determined by applying the sending property base density established in this article to the area of the sending property after deducting all the following:
 - (a) Development rights previously transferred in accordance with this article;
 - (b) Development rights previously extinguished or limited as a result of a recorded conservation easement or similar easement or covenant on/against the property;
 - (c) The number of existing single-family dwellings on the sending property;
 - (d) The amount of any Resource Protection Area, submerged land (i.e., lakes, ponds, streams), floodplains, and steep slopes as determined by Prince William County GIS Data; and
 - (e) The amount of any land contained within easements (including, but not limited to, easements of roads, railroads, electrical transmission lines, gas, or petroleum pipelines) in favor of governmental agencies, utilities and nonprofit corporations.
2. If a sending property contains no dwelling units, a development right equal to that for one single-family detached dwelling units must be maintained for the property.
3. For the purposes of calculating the amount of development rights a sending property can transfer, the square footage or acreage of land contained within a sending property shall be determined by a valid recorded plat or survey, submitted by the applicant property owner that has been prepared and stamped by a land surveyor licensed in the Commonwealth of Virginia.

For the purposes of the transfer of development rights program only, transferrable density shall be determined by the character areas shown on the Rural Character Area Map of the Comprehensive Plan and calculated as follows:

<u>Zoning District and Land Use</u>	<u>Character Area</u>	<u>Maximum Density in Dwelling Units per acre (without TDR)</u>	<u>Maximum Density for Dwelling Units per acre with TDR Transfers</u>
<u>A-1</u>	<u>Agriculture and Forest</u>	<u>1 unit per 10 acres</u>	<u>1 unit per 5 acres</u>

Prince William County Conservation Residential District

<u>A-1</u>	<u>Estates and Subdivisions</u>	<u>1 unit per 10 acres</u>	<u>1 unit per 3 acres</u>
<u>A-1</u>	<u>Older Lot Enclaves</u>	<u>1 unit per 10 acres</u>	<u>1 unit per 10 acres</u>
<u>A-1</u>	<u>Gateway Corridor</u>	<u>1 unit per 10 acres</u>	<u>1 unit per 10 acres</u>
<u>A-1</u>	<u>Bull Run Mountainside</u>	<u>1 unit per 10 acres</u>	<u>1 unit per 10 acres</u>

4. Any fractions of development rights that result from the calculations in subsection 1 of this section shall not be included in the final determination of total development rights available for transfer.
5. Development rights from one sending property may be allocated to more than one receiving property and/or transferee and one receiving property and/or transferee may accept development rights from more than one sending property.
6. The determination of the number of residential development rights a sending property has available for transfer to a receiving property and/or transferee shall be documented in a TDR letter of intent to issue a transfer of development certificate issued by the Director of Planning or their designee, pursuant to the provisions of this article, and shall be considered a final determination, not subject to revision. Such a determination shall be valid only for purposes of the transfer of development rights program and for no other purpose. Any changes to the proposed sending property shall void any issued letters of intent.
7. A sending property transferee may extinguish TDR development rights, sever and hold TDR density rights, sever and sell TDR development rights, or apply TDR rights to a receiving property in a receiving area in order to obtain approval for development at a residential density greater than would otherwise be allowed on the land in the receiving area, up to the maximum density outlined in this section.

Sec. 32-1100.09. - Transfer of development rights sending property development limitations.

1. Following the transfer of residential development rights, a sending property that has retained a portion of its development rights may subsequently accommodate remaining residential dwelling units on the sending property consistent with the requirements of the base zoning district and all other applicable County Code requirements. A sending property that retains a portion of its development rights may also transfer the remainder of those development rights

Prince William County Conservation Residential District

through the TDR program; provided, however, that fractional development rights must not be transferred.

2. On sending properties with environmental features defined as Resource Protection Area (RPA), the development rights must be severed from the areas outside of the specified environmental features, and any such areas on the sending property that have either hydric soils or steep slopes exceeding twenty-five percent (25%) must not be eligible for any consideration regarding the transfer of development rights. If development rights are retained on the sending property, future subdivision and development cannot occur on the areas where any development rights have already been severed and those areas cannot be considered as a portion of any buildable lot.
3. The limitations in this section must, when development rights are severed from a sending property, be included in a covenant or permanent conservation easement applicable to the sending property which must be recorded in the land records of Prince William County, Virginia. The county attorney must review and approve the covenant or permanent conservation easement as to form and legal sufficiency. A plat must accompany, and be recorded with, the deed delineating and describing the location of the portion of the property to be conserved.
4. Unless otherwise specified in this article, or unless expressly provided in the related covenant or permanent conservation easement, the severance of development rights from a sending property shall not deprive the owner of such sending property of the right to use that portion of the property from which development rights have been severed for any agricultural or forestal uses or structures.

Sec. 32-1100.10. - Sending Property Certification.

1. The director of planning or their designee shall be responsible for determining that a proposed sending property meets the qualifications of this article. The director of planning or their designee shall render a determination or denial under this subsection within sixty (60) days of the date of submittal of a completed sending property determination application. If the determination is that a property meets the qualifications of this article, the director of planning or their designee shall issue the determination in the form of a letter of intent to issue a transfer of development rights certificate. A letter of intent issued under this subsection shall be valid until the development rights are severed and extinguished through

Prince William County Conservation Residential District

the transfer process, or unless applicable zoning changes are approved that would affect the sending property, or unless the property is developed.

2. Determinations of sending property qualifications under this article are appealable to the Board of Zoning Appeals, as provided by law, by filing a notice of appeal with the Director of Planning or their designee within thirty (30) days of the date of the determination.
3. The director of planning or their designee shall be responsible for maintaining permanent records of action taken pursuant to the transfer of development rights program under this article including records of letters of intent issued, TDR certificates issued, deed restrictions and covenants known to be recorded, and development rights retired, otherwise extinguished, or transferred to specific properties and/or transferees.
4. Responsibility for preparing a completed application for a determination that a proposed sending property meets the qualifications of this article rests exclusively with the applicant/property owner. An application for a transfer of development rights to issue a transfer of development rights letter of intent shall contain:
 - (a) A certificate of title for the sending property dated no more than thirty (30) days before the date that a complete TDR application is submitted; said certificate to be prepared by an attorney admitted to practice law in the Commonwealth of Virginia;
 - (b) Five (5) copies of a valid recorded plat or survey of the proposed sending parcel and a legal description of the sending property prepared by a land surveyor licensed in the Commonwealth of Virginia;
 - (c) A plan showing the area of request and existing and proposed dwelling units and any areas already subject to a conservation easement or other similar encumbrance;
 - (d) A completed density calculation worksheet for estimating the number of available development rights;
 - (e) The application fee as established by the Board of County Supervisors; and
 - (f) Such additional information required by the director of planning or their designee as necessary to determine the number of development rights that qualify for transfer.
5. A transfer of development rights letter of intent issued by the director of planning or their designee shall state the following information:
 - (a) The name of the transferor;
 - (b) The name of the transferee, if then known;

Prince William County Conservation Residential District

- (c) A legal description of the sending property on which the calculation of development rights is based;
 - (d) A statement of the size, in acres, of the sending property on which the calculation of development rights is based;
 - (e) A statement of the number of development rights, stated in terms of number of dwelling units, eligible for transfer;
 - (f) If only a portion of the total development rights are being transferred from the sending property, a statement of the number of remaining development rights, stated in terms of number of dwelling units, remaining on the sending property;
 - (g) The date of issuance;
 - (h) The signature of the director of planning or their designee; and
 - (i) A serial number assigned by the director of planning or their designee.
6. No transfer of development rights under this article shall be recognized by Prince William County as valid unless the instrument of transfer contains the transfer of development rights certificate issued under this section.

Sec. 32-1100.11. - Instruments of Transfer

- 1. Upon receipt of a determination of development rights document for a sending property, the TDR applicant may request the planning director or their designee to issue a TDR certificate to sever all or some of the development rights from the sending property that is the subject of the application. If such an applicant wishes to transfer development rights, the applicant must request a TDR certificate in writing from the planning director or their designee and file with the planning director or their designee a covenant to which Prince William County is a party and that restricts the development of the sending property to the extent the applicant desires to sever and extinguish development rights from the sending property for the purpose of transferring those development rights to a receiving property or a transferee without regard to a particular property.
- 2. Upon receipt from an applicant of a request for the issuance of a TDR certificate, the planning director or their designee must determine whether his decision to issue a determination of development rights document has been appealed to the board of zoning appeals (BZA). If the planning director or their designee's decision to issue a determination

Prince William County Conservation Residential District

of development rights document to an applicant has been appealed to the BZA, then the planning director or their designee must withhold the issuance of a TDR certificate to that applicant until the issues raised in that appeal have been finally decided by the BZA and/or the courts.

3. If the planning director or their designee's decision to issue a determination of development rights document to an applicant has not been appealed to the BZA, then the planning director or designee must proceed with the issuance of a TDR certificate. In this regard, the planning director or their designee must submit the covenant or conservation easement filed by the applicant to the county attorney for approval as to form and legal sufficiency. If the county attorney reviews the covenant or conservation easement and approves it as to form and legal sufficiency, the planning director or their designee must prepare and record the TDR certificate and the related covenant(s) or conservation easement(s) in the land records of Prince William County, Virginia, and must provide a copy to the finance director or their designee.. Upon such recordation, the development rights that are the subject of the TDR certificate must be deemed severed and extinguished from the sending property, and the planning director or their designee must notify the applicant of the applicable deed book, page number, instrument number, and/or plat book where the recorded documents may be found in the county land records.
4. The instruments recorded for the purpose of transferring development rights must comply with the requirements of this section and must consist of the following:
 - (a) The names of the transferor and the transferee;
 - (b) The number of residential development rights that are being transferred;
 - (c) A legal description and plat of the sending property prepared and certified by an engineer or land surveyor licensed in the Commonwealth of Virginia;
 - (d) The TDR certificate(s);
 - (e) A plat showing the portion of the sending property that is restricted from development as a result of the transfer of development rights;

Prince William County Conservation Residential District

- (f) A covenant(s) to which the county or a qualified "holder" is a party, approved by the county attorney as to form and legal sufficiency, specifying the number of development rights severed from the sending property and the number of development rights remaining on the sending property, and stating that the sending property may not be subdivided or developed to a greater density than permitted by the development rights remaining on the sending property;
 - (g) A covenant that the transferor grants and assigns to the transferee, its heirs, assigns, and successors, a specified number of development rights from the sending property to a receiving property and/or a transferee without relation to any particular property;
 - (h) A covenant by which the transferor acknowledges that he has no further use or right to use the development rights being transferred; and
 - (i) A covenant that all provisions of the TDR certificate and related covenants must run with and bind the sending property in perpetuity and may be enforced by the county.
- 5. The covenants recorded as part of instruments transferring development rights must be endorsed and approved by all lien holders.
 - 6. The instruments of transfer of development rights must be recorded prior to the approval of any development permits for the receiving property, including, but not limited to, building permits.

Sec. 32-1100.12. - Transfer process.

Development rights must be transferred using the following processes:

- 1. Following the issuance of a determination of development rights document, and the filing by the applicant of a request for a TDR certificate with all other required documents and information, and compliance with all other provisions of this Article, the planning director or their designee issues a TDR certificate agreeing to a transfer of development rights in exchange for the required covenant(s), to which the county or a qualified holder is a party, restricting development on the sending property.
- 2. The applicant at whose request a determination of development rights document has been issued may, if all other requirements of this article are satisfied, request that the planning

director or their designee issue the TDR certificate to said applicant or to another person or legal entity specified by the applicant, who may transfer those development rights to an eligible receiving property or may hold those development rights without relation to any particular property.

3. The owner of development rights severed from a sending property may transfer those rights to a receiving property or to another person, who may hold those development rights without relation to any particular property. In applying for the transfer of development rights to a receiving property or a transferee without relation to any particular property, the applicant must provide the planning director or their designee with the following:
 - (a) A TDR certificate issued in the name of the applicant or another person or legal entity and an option to purchase the development rights covered by the certificate signed by the applicant and the owner(s) of the receiving property or to a transferee without relation to any particular property; and
 - (b) Proof satisfactory to the planning director or their designee that there are no delinquent taxes or penalties owed on the development rights being transferred.
4. If development rights that are the subject of a TDR certificate are transferred to another person or legal entity who wishes to hold those development rights without relation to any particular property, the planning director or their designee must invalidate, in whole or in part, the TDR certificate that created those rights, and must issue a new TDR certificate in the name of the new owner of those development rights. The planning director or their designee records the new TDR certificate in the land records of Prince William County, Virginia, upon payment to the planning director or their designee of any applicable fees by the party requesting the transfer of development rights.
 - (a) If development rights that are the subject of a TDR certificate are approved by the planning director or their designee to attach to a receiving property, then the planning director or their designee must invalidate in perpetuity, in whole or in part, the TDR certificate that created those rights to the extent those rights are transferred to the receiving property.

- (b) Development rights from a sending property must be considered severed and extinguished from the sending property and transferred to a receiving property or a transferee without relation to any particular property when the planning director or their designee records the TDR certificate and the applicable covenant(s) to which the county or a qualified holder is a party and any other required documents in the land records of Prince William County, Virginia.

Sec. 32-1100.13. - Development approval procedures.

1. A request to utilize transferred development rights on an eligible receiving property must be in the form of a subdivision plan or final site plan submitted to the department of development services in accordance with the requirements of Chapter 32 Article VIII and Chapter 25 of the County Code and meeting all development standards of this article. Prior to approval of such plan, the applicant must provide the Planning Director or their designee proof that the transfer of the development rights has been completed.
2. A final recorded plat for a subdivision or site plan using transferred development rights must contain a statement setting forth the development proposed, the base zoning classification of the property, the number of development rights used, and a notation of the recordation of the transfer/conveyance.



STAFF REPORT

BOCS Meeting Date:	May 4, 2021
Agenda Title:	Zoning Text Amendment #DPA2017-00008, Transfer of Development Rights
District Impact:	Countywide
Requested Action:	Adopt Zoning Text Amendment #DPA2017-00008, Transfer of Development Rights.
Department:	Planning Office
Staff Lead:	Parag Agrawal, AICP

EXECUTIVE SUMMARY

This is a request to establish and adopt a Transfer of Development Rights (TDR) Ordinance into the Zoning Ordinance. The program allows for landowners in designated areas of the county to sever their residential development rights and transfer them to other areas of the County. The TDR program is intended to complement and supplement land use regulations, resource protection efforts, and open space acquisition programs and to encourage residential density where it can best be accommodated with the least impact on the natural environment and public services by:

- Providing a predictable incentive process for property owners of rural and agricultural land to preserve lands with a public benefit;
- Creating permanent conservation easements on properties that voluntarily choose to sever their residential development rights;
- Implementing the Comprehensive Plan by directing residential land uses to appropriate receiving areas; and
- Providing a review system to ensure that transfers of development rights to receiving areas are processed in a timely manner.

It is the recommendation of staff that the Prince William Board of County Supervisors (Board) approve Zoning Text Amendment #DPA2017-00008, Transfer of Development Rights, contingent upon the approval of #CPA2018-00009, Rural Area Plan and #DPA2017-00009, Conservation Subdivision.

The Planning Commission recommended denial of Zoning Text Amendment #DPA2017-00008, Transfer of Development Rights, to the Board. The Planning Commission also recommended denial of #CPA2018-00009, Rural Area Plan and #DPA2017-00009, Conservation Subdivision.

BACKGROUND

- A. Purpose of the Zoning Ordinance - Under Section 15.2-2283 of the Code of Virginia, the zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public.
- B. Rural Preservation Study - Through Directive (DIR) 14-82, the Board directed staff to review the Zoning Ordinance to implement some of the recommendations of the Rural Preservation Study, including a Transfer of Development Rights Program. The purpose of the Rural Preservation Study was to provide an overview of the County's rural preservation policies and an evaluation of their effectiveness; identify additional rural preservation tools that may be appropriate and effective; and make recommendations regarding possible amendments to the County's land use planning policies. The study was completed and presented to the Board on May 6, 2014. Several of the study's recommendations relate directly to elements of the Comprehensive Plan (e.g., land use, open space, infrastructure, etc.).

The Board initiated a zoning text amendment through Resolution Number (Res. No.) 16-731. The initiation was to amend the Prince William County Zoning Ordinance to create a Transfer of Development Rights Program.

- C. Existing Comprehensive Plan – Numerous existing long-range policies call out for the review and development of policies including the transfer of development rights to support the County's open space, environmental, and land use policies.
- D. Current Zoning Ordinance Language – The current Zoning Ordinance does not provide for the Transfer of Development Rights. The proposed text to adopt a Transfer of Development Rights (TDR) Ordinance in the Zoning Ordinance is offered as an alternative development option/opportunity for the County to support conservation and preservation. This tool would provide an opportunity to permanently preserve open space and farmland in the rural area.
- E. Proposed Recommendation – The Board directed the Planning Office to bring forward recommendations from the Rural Preservation Study (2014). The first recommendation of the Study was to adopt a vision. Additional recommendations of the Rural Preservation Study include implementing (existing) policies to incentivize and encourage land preservation through Purchase of Development Rights (PDR), Transfer of Development Rights (TDR), rural cluster with dedication of permanent conservation easements, and policies aimed at studying and stimulating a rural economy. Staff prepared and posted on the Planning Office webpage a draft document and associated draft language entitled, "Summary of Staff Recommendation: Rural Preservation," dated September 17, 2019.

- F. State Code – Section 15.2-2316.1 and Section 15.2-2316.2 of the Code of Virginia, addresses the County's authority to implement the TDR program. Pursuant to state code, TDR program may be established provided mandatory provisions are included in the TDR ordinance which include:
- Recordation of documents necessary for all transactions related to severing, transferring, or affixing development rights;
 - Prohibitions against the use and development of the sending property are permanent;
 - Severance of development rights from the sending property;
 - The purchase/sale/exchange of the development rights;
 - Monitoring the severance, ownership, assignment, and transfer of development rights;
 - A map showing sending and receiving areas (map must be in the Comprehensive Plan)
 - The identification of any parcels in a receiving area that are inappropriate as receiving properties;
 - The permitted uses and the maximum increases in density in the receiving area;
 - The minimum standards to sever or transfer development rights from a sending property;
 - Provide for an equal or higher number of development rights that are eligible to be used in a Receiving Areas than are severable from properties in the Sending Areas;
 - An assessment of the infrastructure in the receiving area; and
 - A locality may not require property owners to sever or transfer development rights as a condition of the development of any property.
- G. Major Points of Proposed Text Language – Properties are eligible for the TDR Program if the properties have more than one eligible development right, as determined by this ordinance. Properties are required to keep at a minimum one (1) development right on their property. The transfer of development rights program creates a private marketplace for landowners in the sending areas and developers in the receiving area to negotiate the value of their development rights. The sending area includes the majority of the Rural Area. Two (2) locations have been identified as receiving areas in the Rural Area and four (4) locations in the Development Area (Regional Activity Centers). The proposed text also provides for other jurisdictions outside of Prince William County to be receiving areas. Multi-jurisdictional transfers require a mutual agreement. The receiving areas in the Rural Area are limited and can receive far fewer units than the receiving areas in the Development Area.

- a. Receiving areas within the Rural Area are required to develop according to the development standards in the proposed Conservation Residential zoning district and would allow connection to public sewer. They must be single-family detached dwelling units with a minimum acreage of one (1) acre per dwelling unit with 60% of open space dedicated in a permanent conservation, open-space, or other appropriate easement. A buffer around the entire property must be identified and no sewer easements may cross or traverse the buffer, which provides a permanent barrier for further extension of sewer into the Rural Area.
- b. Receiving areas in the Development Area are required to be developed as multifamily units and must meet the development standards identified in the PMR, Planned Mixed Residential, zoning district and develop with a minimum density of thirty-one (31) dwelling units per acre.

To incentivize utilization of this tool to preserve open space and farmland, properties identified in the Agriculture and Forest Rural Character Area may transfer at a density of one (1) unit per five (5) acres and properties identified in the Estates and Subdivisions Rural Character Area may transfer at a density of one (1) unit per three (3) acres. Staff believes this is a more effective tool to preserve open space because it incentivizes use of the program and allows private citizens to fund the transfer through a development right purchasing process. The parcel transferring the development rights would then be placed in a permanent conservation, open-space, or other appropriate easement.

CURRENT SITUATION

- A. Initiation of Comprehensive Plan Update – Under Section 15.2-2229 of the Virginia Code, the Board may consider amendments to the Comprehensive Plan. On August 3, 2016, the Board approved the proposed scope of work for comprehensive plan amendments which included incorporating recommendations from existing studies such as the Rural Preservations Study. (Res No. 16-647)
- B. Comprehensive Plan Update Community Conversations – The Planning Office held a series of Community Conversations public meetings on the Comprehensive Plan Update. The meetings were held on October 30, 2018, November 13, 2018, and November 14, 2018. Opportunities for feedback on the development of the Rural Area Plan, which includes the proposed Transfer of Development Rights Program, were made available through direct feedback to staff members and through use of a mobile application designed specifically for public engagement related to the Comprehensive Plan update.

Community Engagement Sessions – The Planning Office held a series of Community Engagement public meetings on the Rural Area Plan. The meetings were held on June 24, 2019, July 30, 2019, and September 24, 2019, to gather stakeholder ideas and thoughts on the Rural Area and to distribute information and answer questions regarding the staff recommendations for rural preservation.

The stakeholders represented a large cross-section of groups with varying interests in the rural policies of Prince William County and provided a broad perspective on the many issues the County faces with planning for rural preservation.

- C. Proposed Language – Draft language was published on the project website on September 17, 2019, and notifications were sent to all who subscribe to PWC Alerts. A project website was developed and maintained by the Planning Office throughout the project. This website included all project information including meeting materials, maps, survey results, presentations, etc. Notification of the public meetings was provided on the project website, the County's homepage, and through newspaper advertising.
- D. Planning Commission Work Session and Public Meeting – The Planning Commission held work sessions on the proposed language on October 23, 2019, November 13, 2019, and December 2, 2020.
- E. Planning Commission Public Hearing – A public hearing before the Planning Commission was properly advertised for March 17, 2021, and notifications were sent to all who subscribe to PWC Alerts. The text and maps are also available on the Planning web site www.pwcgov.org/PlanUpdate. The Planning Commission recommended denial of Zoning Text Amendment #DPA2017-00008, Transfer of Development Rights Program.

STAFF RECOMMENDATION

The Planning Office recommends approval of Zoning Text Amendment #DPA2017-00008, Transfer of Development Right Program, contingent upon the approval of #CPA2018-00009, Rural Area Plan and #DPA2017-00009, Conservation Subdivision for the following reasons:

- Provides a predictable incentive process for property owners of rural and agricultural land to preserve lands with a public benefit;
- Implements the Comprehensive Plan by directing residential land uses to appropriate receiving areas;
- Provides a review system to ensure that transfers of development rights to receiving areas are processed in a timely way; and
- The TDR program creates a voluntary, market-based method of relocating development rights away for environmentally or culturally sensitive areas and directing them toward existing developed areas with existing infrastructure.

Community Input

As required by Section 15.2-2204, Code of Virginia, notice of the Zoning Text Amendment has been advertised and the proposed amendment has been published on the Prince William County government web site and has been available in the Planning Office. The Planning Office also received feedback during public meetings held June 24, 2019, July 30, 2019, and September 24, 2019.

The Planning Office has received hundreds of emails (reflected in a 281-page spread sheet posted on the webpage) and received feedback through response cards which were completed by participants at the July 30, 2019 Community Feedback meeting. Copies of the responses received are located on our web page, <https://www.pwcgov.org/government/dept/planning/Pages/Rural-Area-Plan.aspx>.

The comments ranged from strongly agree to strongly disagree where some residents confirmed their desire for no change to current rural policy while others supported a wholesale adoption of the Rural Preservation Study Recommendations. There was significant feedback for “no change” to the rural policies. A majority of participants did not support the TDR zoning text amendment that would increase density within the Rural Area.

Legal Issues

Legal issues, if any, are appropriately addressed through the County Attorney's Office.

Timing

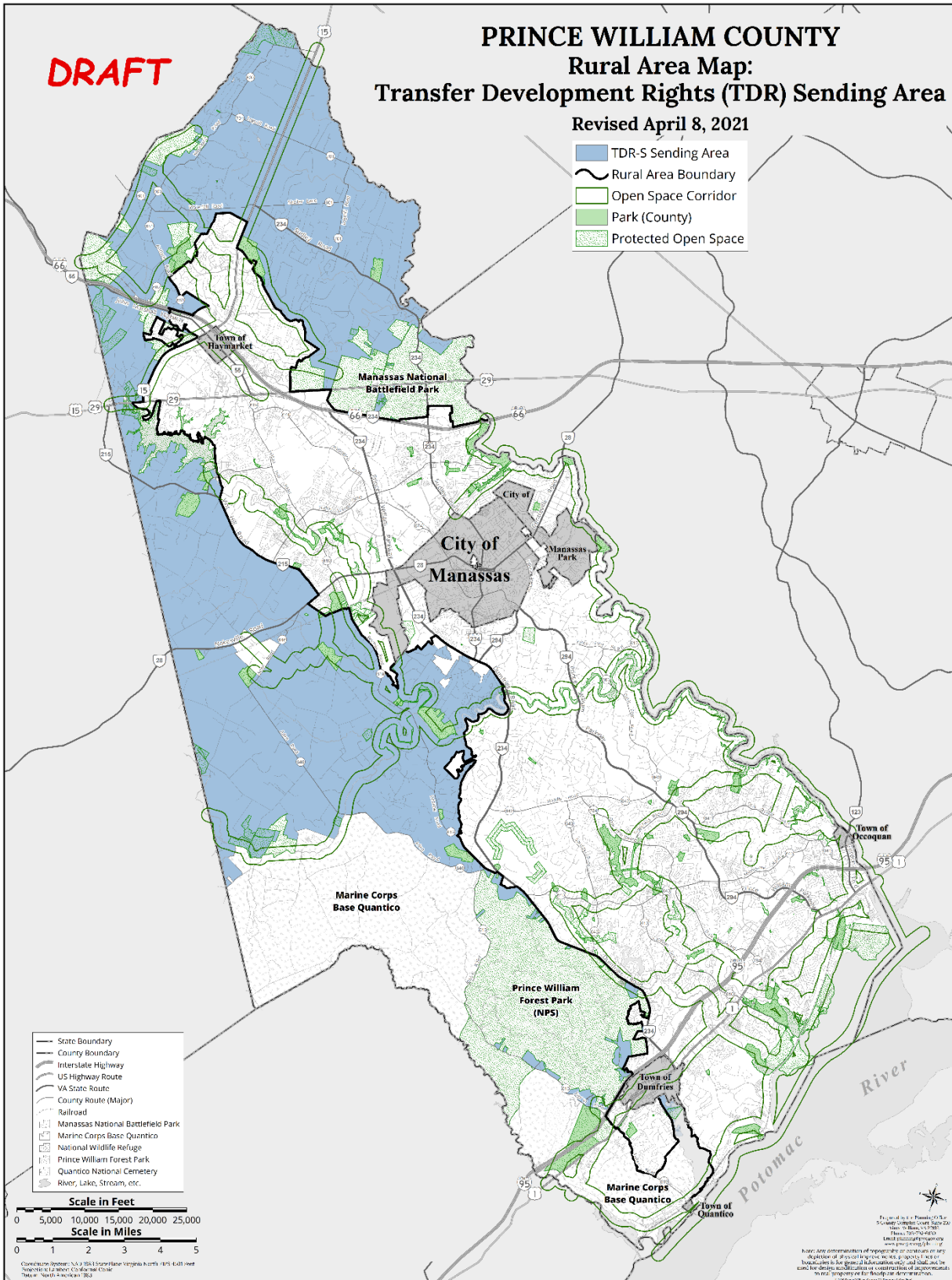
There is no time requirement for the Board of County Supervisors to take action on this zoning text amendment.

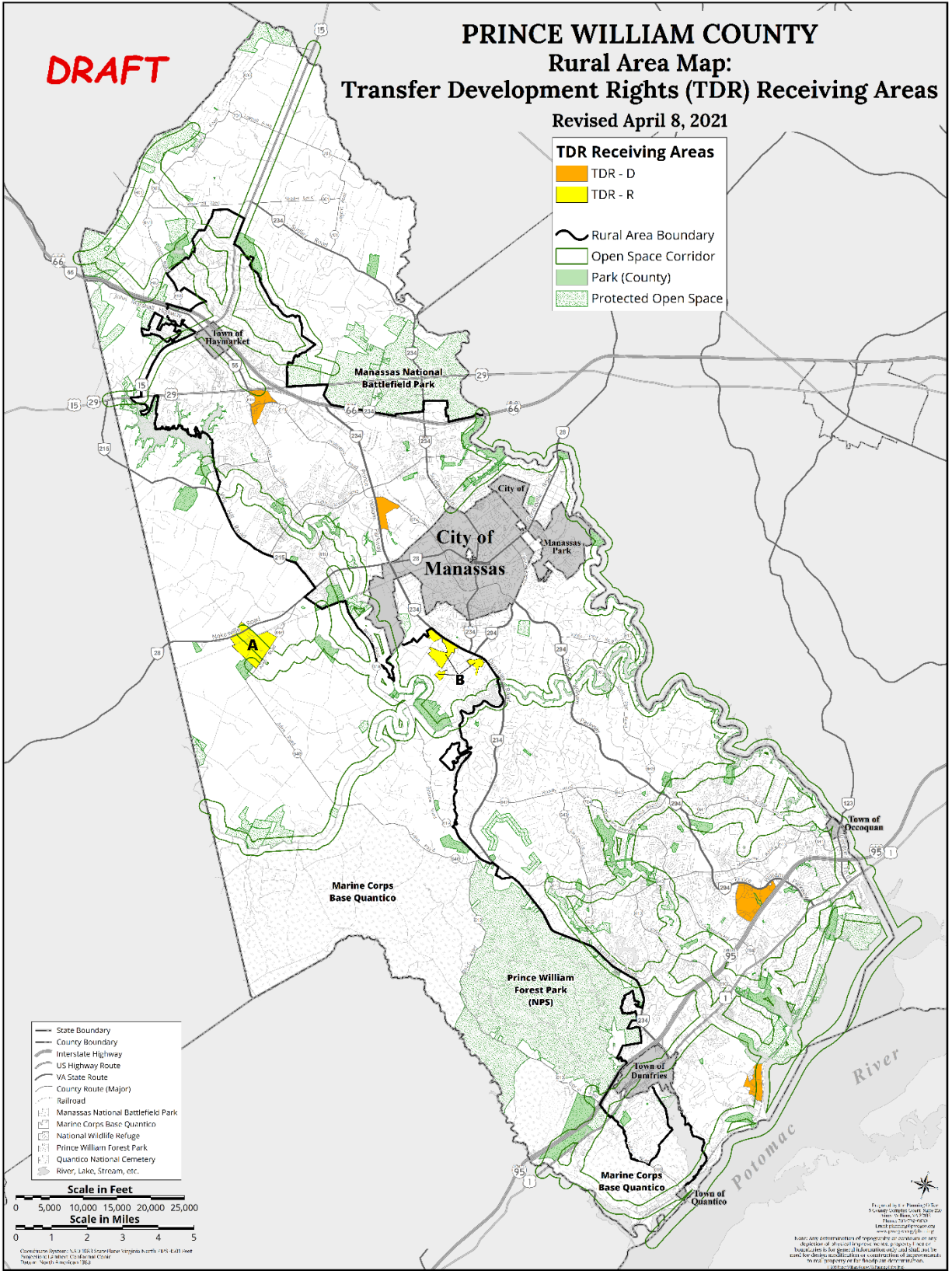
STAFF CONTACT INFORMATION

Alexander Stanley | (703) 792-7359
AStanley@pwcgov.org

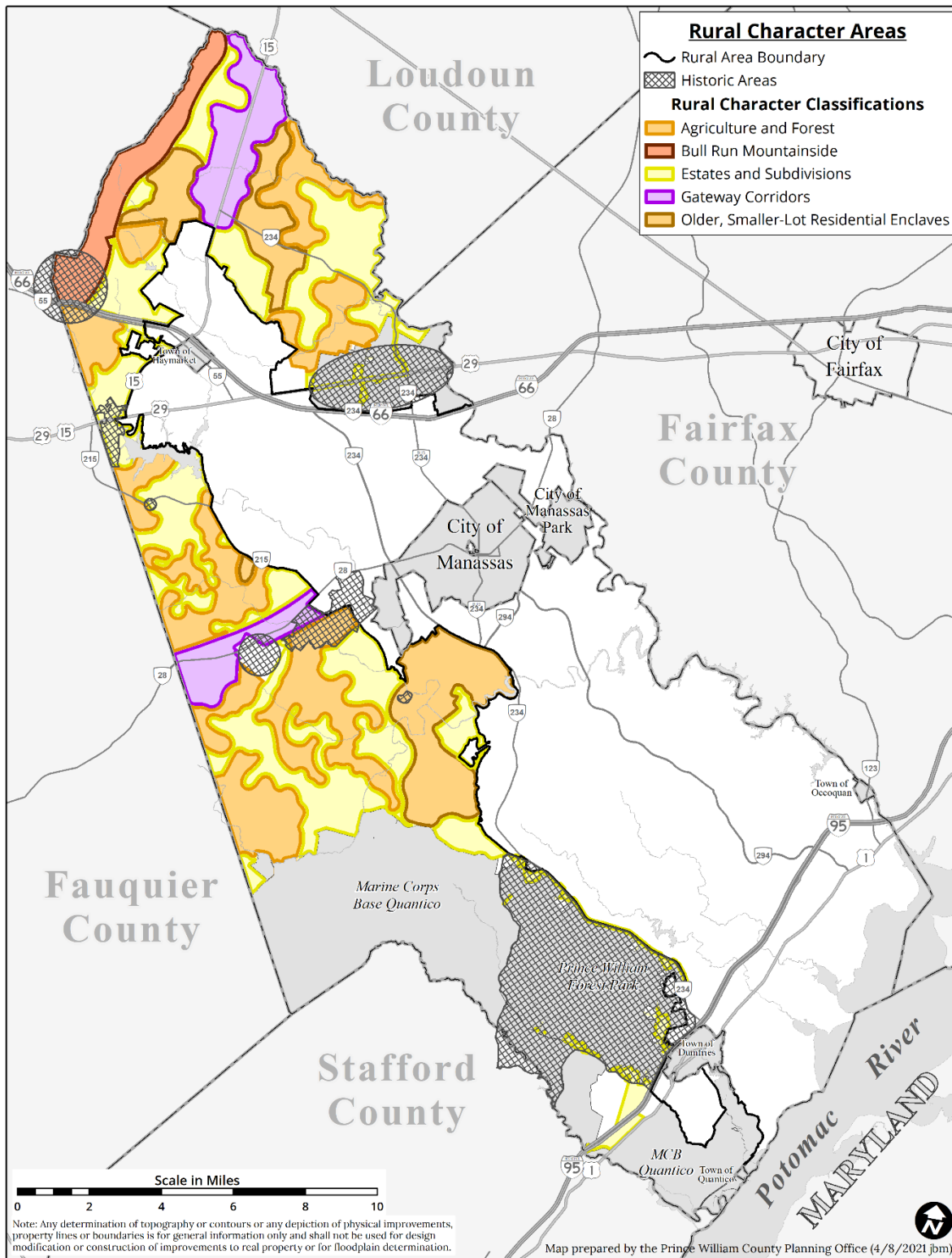
ATTACHMENTS

- Area Maps (as shown in CPA2018-00009)
- Staff Analysis
- BOCS Initiating Resolution
- Planning Commission Resolution





Rural Character Area Map



Long-Range Land Use

The Transfer of Development Rights (TDR) Program is a zoning tool intended to implement multiple policies and action strategies in #CPA2018-00009, Rural Area Plan. (LR Policy 1, 2, and 3) TDR relocates residential development rights from areas that may not be best suited for residential development and transfers them to areas identified as appropriate for increased residential density. The TDR ordinance incentivizes this transfer of development rights by providing a density multiplier for severed development rights. This will lead to an overall increase in the total dwelling units that could be built by-right in the County, however this will locate dwelling units closer to infrastructure in areas already intended for growth.

Transfers of development rights are a by-right process and will not require Board action to approve.

The following table summarizes the maximum potential changes in residential development in the TDR Sending Areas and the TDR Receiving Areas:

TDR Sending Areas					
	Total Potential Acreage to be Developed	Potential Protected Open Space Acreage	Remaining Acreage to be Developed	Severable By-Right Dwelling units	Maximum Transferable Development Rights
Agricultural and Forest	13,045	10,210	2,835	1,021	2,042
Estates and Subdivisions	3,552	2,470	1,082	247	823
Bull Run Mountainside	266	190	76	19	19
Gateway Corridors	3,650	2,900	750	290	290
Older, Smaller Lot Residential Enclaves	232	120	112	12	12
Total	20,745	15,990	4,755	1,599	3,196

TDR-Rural Receiving Area					
	Total Potential Acreage to be Developed	Potential Protected Open Space Acreage	Remaining Acreage to be Developed	By-Right Dwelling units	Maximum Transferable Development Rights
Area A	174	104	70	17	58
Area B	282	169	113	28	94
Total	456	273	182	45	152

Environment

The TDR-D, Transfer of Development Rights-Development Area Receiving Areas enables the transfer of over 1,500 by-right single-family detached dwelling units out of the Rural Area and into areas that are already developed and places a permanent conservation, open-space, or other appropriate easement on those properties in the Rural Area. The TDR-R, Transfer of Development Rights-Rural Area Receiving Areas, enables the transfer of 152 dwelling units to other areas located in the Rural Area but establishes a higher level of development standards, including development standards requiring the permanent protection of 60% open space. Adoption and implementation of the TDR program will help to achieve numerous existing Comprehensive Plan Policy Goals: Open Space Policy 4, Open Space Policy 5, and Environment Policy 3.

Sanitary Sewer

PS 1.1 Extension of public sewer in the TDR-R areas is permitted through an approved TDR process.

Individual applicants will be responsible to bear the cost of onsite and offsite public sewer improvements necessary to their proposed developments and will be required to pay any and all fees associated with those connections.

Schools

Direct impacts to the TDR program are a net negative in overall student enrollment. This net change is facilitated by the change in unit type. The student generation factors provided by the Prince William County School Division (PWCS) show a lower generation rate for multi-family dwelling units when compared to single-family detached dwelling units. A marginal increase in the projection for elementary students is also related to the change in unit type. The 2020-21 Office Student Enrollment documents produced by PWCS show the only available existing capacity in the school system in at the elementary school level.

Potential Level of Service Impact						
		Severable By-Right Single Family Detached	Tansferred Rural Single Family Detached	Transferred Multi-Family	Total Transferred	Net Change
Dwelling Units Generated		1,599	152	3,044	3,196	+1,597
Students Generated	ES	436	43	487	530	+94
	MS	254	24	222	246	-8
	HS	364	33	264	297	-67
	Total	1,054	100	973	1073	-19
Percentage of School Facility Needed	ES	47%	5%	52%	57%	+10%
	MS	17%	2%	15%	17%	-
	HS	14%	1%	10%	11%	-3%

*As of July 2019

Rural Area Plan Policies/Tools

The Rural Area Plan policies and tools are connected and interdependent. No individual policy can achieve the overall goals of the Rural Area Plan. The Rural Area Plan provides a suite of tools to help implement and achieve the policies of the the Rural Area Plan.

BOCS Initiating Resolution

MOTION: PRINCIPI

**September 20, 2016
Regular Meeting
Res. No. 16-731**

SECOND: NOHE

**RE: INITIATE A ZONING TEXT AMENDMENT TO CREATE A
TRANSFER OF DEVELOPMENT RIGHTS PROGRAM**

ACTION: APPROVED

WHEREAS, in accordance with Sections 15.2-2285 and 15.2-2286 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, convenience, general welfare, and good zoning practice require such change; and

WHEREAS, in 1998, Prince William County's Comprehensive Plan was amended as such that the County was divided into two main areas: the Development Area and the Rural Area (also known as the Rural Crescent); and

WHEREAS, the Prince William County Rural Preservation Study was completed in 2014, the purpose of this study was to be able to review the County's current preservation policies, to determine the effectiveness of these policies, and to provide the Board of County Supervisors with recommendations on how to improve the County's land use planning policies in relation to preserving open spaces; and

WHEREAS, on July 8, 2014, Supervisor Nohe (DIR 14-82) requested that staff provide additional information regarding implementation of the Rural Preservation Study, review the Zoning Ordinance to look for opportunities to eliminate barriers or create new incentives for more rural economic development, look for remedies for farmers who raise and slaughter livestock specifically for religious events, and further investigate opportunities to purchase property development rights and how that relates to other elements of the Study's recommendations; and

WHEREAS, rural preservation is important in Prince William County to address loss of farmland, reduce sprawl and focus growth in the development area, encourage environmental preservation, protect the Prince William Forest and Manassas National Battlefield Park, protect Marine Corps Base Quantico's training mission, and protect historic and cultural resources; and

WHEREAS, the amendment would allow transfer of development rights in the County to allow the creation of a market in development credits for the purpose of permanently protecting the land from being developed. The County gives development credits to landowners in a designated sending area from which the development credits will be sent and the land is preserved by a deed of easement (conservation easement). The development credits can be purchased by developers and landowners for use in designated receiving areas, and proposed developments are allowed to be built at a higher than normal density; and

BOCS Initiating Resolution

September 20, 2016
Regular Meeting
Res. No. 16-731
Page Two

WHEREAS, this resolution will authorize the staff time and resources necessary for research, analysis and to conduct public hearings with the Planning Commission and the Board of County Supervisors; and

WHEREAS, amending the Zoning Ordinance for the above-referenced issue is required by public necessity, convenience, general welfare and good zoning practice, and is consistent with Section 15.2-2283 of the Code of Virginia, Ann.;

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors does hereby initiate an amendment to the Prince William County Zoning Ordinance to create a Transfer of Development Rights Program.

Votes:

Ayes: Anderson, Caddigan, Jenkins, Lawson, Nohe, Principi, Stewart

Nays: None

Absent from Vote: None

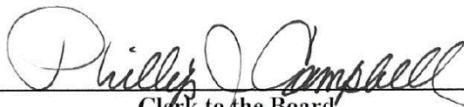
Absent from Meeting: Candland

For Information:

Planning Director

County Attorney

ATTEST: _____


Clerk to the Board

Planning Commission Resolution



PRINCE WILLIAM
COUNTY

Planning Commission

PLANNING COMMISSION RESOLUTION

MOTION: TAYLOR

SECOND: BERRY

**RE: ZONING TEXT AMENDMENT #DPA2017-00008
TRANSFER OF DEVELOPMENT RIGHTS
COUNTYWIDE**

ACTION: RECOMMEND DENIAL

**March 17, 2021
Regular Agenda
RES. No. 21-031**

WHEREAS, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

WHEREAS, this is a request to establish and adopt a Transfer of Development Rights (TDR) Ordinance into the Zoning Ordinance; and

WHEREAS, this zoning text amendment to allow the transfer of residential density from eligible sending areas within the Rural Area to eligible receiving areas transferred through a voluntary process for permanently conserving agricultural and forestry uses of lands and preserving rural open spaces, and natural and scenic resources.; and

WHEREAS, by way of Resolution No. 16-731, the Board of County Supervisors initiated a zoning text amendment on September 20, 2016 to create a Transfer of Development Rights Program; and

WHEREAS, amending the Zoning Ordinance for the Transfer of Development Rights Program is required by public necessity, convenience, general welfare and good zoning practice and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann.; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on March 17, 2021, at which time public testimony was received and the merits of the above-referenced request were considered; and

WHEREAS, the Prince William County Planning Commission believes that public general welfare as well as good planning practices are served by the denial of this request; and

Planning Commission Resolution

March 17, 2021
Regular Meeting
RES. No. 21-031
Page 2

NOW, THEREFORE, BE IT RESOLVED that the Prince William County Planning Commission hereby recommends denial of Zoning Text Amendment #DPA2017-00008, Transfer of Development Rights, on the regular agenda.

Votes:

Ayes: Berry, Fontanella, McKay, Milne, Moses-Nedd, Perry, Taylor

Nays: McPhail

Absent from Vote: None

Absent from Meeting: None

Abstain from Vote: None

MOTION CARRIED

Attest:



Robbyn Smith
Clerk to the Planning Commission



PRINCE WILLIAM
COUNTY

Items 14-B to 14-E

Rural Preservation Study Implementation

#CPA2018-00009, Rural Preservation

#DPA2017-00009, Conservation Residential

#DPA2017-00008, Transfer of Development Rights

#DPA2017-00007, Purchase of Development Rights

Parag Agrawal, AICP

May 4, 2021

Rural Preservation Study Implementation



#CPA2018-00009, Rural Preservation (Rural Area Plan)

- Initiated on August 3, 2016

#DPA2017-00009, Conservation Residential Zoning Districts (CR-3 and CR-5)

- Initiated on September 20, 2016

#DPA2017-00008, Transfer of Development Rights

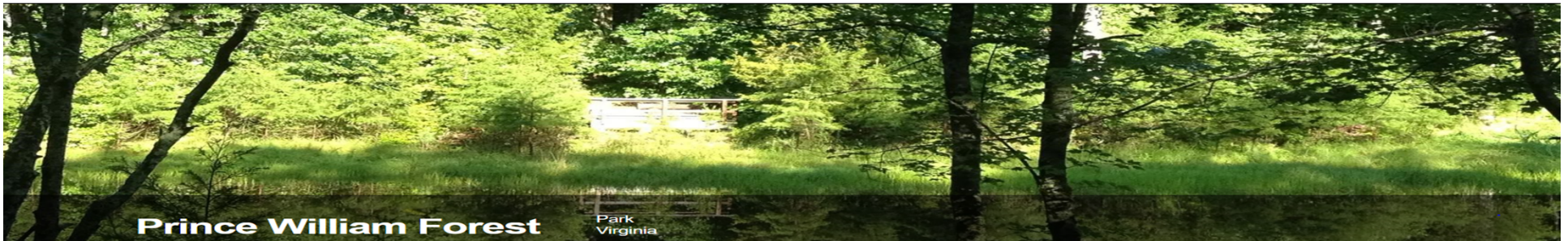
- Initiated on September 20, 2016

#DPA2017-00007, Purchase of Development Rights

- Initiated on September 20, 2016

#DPA2016-00007, Agritourism and Arts Overlay District

- Adopted on February 16, 2021

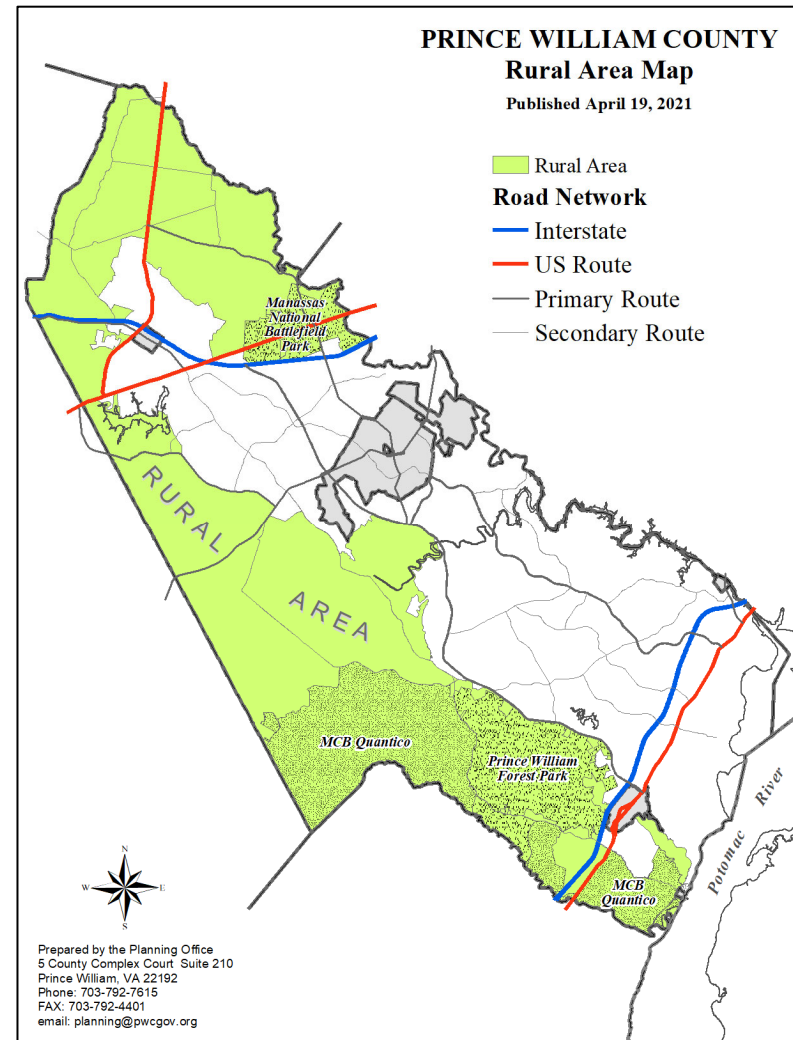


Prince William County Rural Area



2008 Comprehensive Plan:

The purpose of the Rural Area designation is to help preserve the County's agricultural economy and resources, the County's agricultural landscapes and cultural resources, the quality of the groundwater supply, and the open space and rural character presently found there. The Rural Area also protects Prince William Forest Park and Manassas National Battlefield Park County Registered Historic Sites, which serve as key anchor points within the Rural Area classification.



Prince William County Rural Area



Facts:

53 Percent (116,866 acres) of the County is in the Rural Area:

- National Forest
- Battlefields
- Quantico Marine Corps Base
- Private Properties

33 Percent (73,692 acres) of the County is non-federal and non-state land in the Rural Area.

Rural Area Population:

- Current Population: 35,000
- COG 2045 Projections: 38,465

Land Use Categories: Majority AE (ER, CRHS, P&OS)

Zoning Categories: Majority A1 (M1, SR1, SR5)



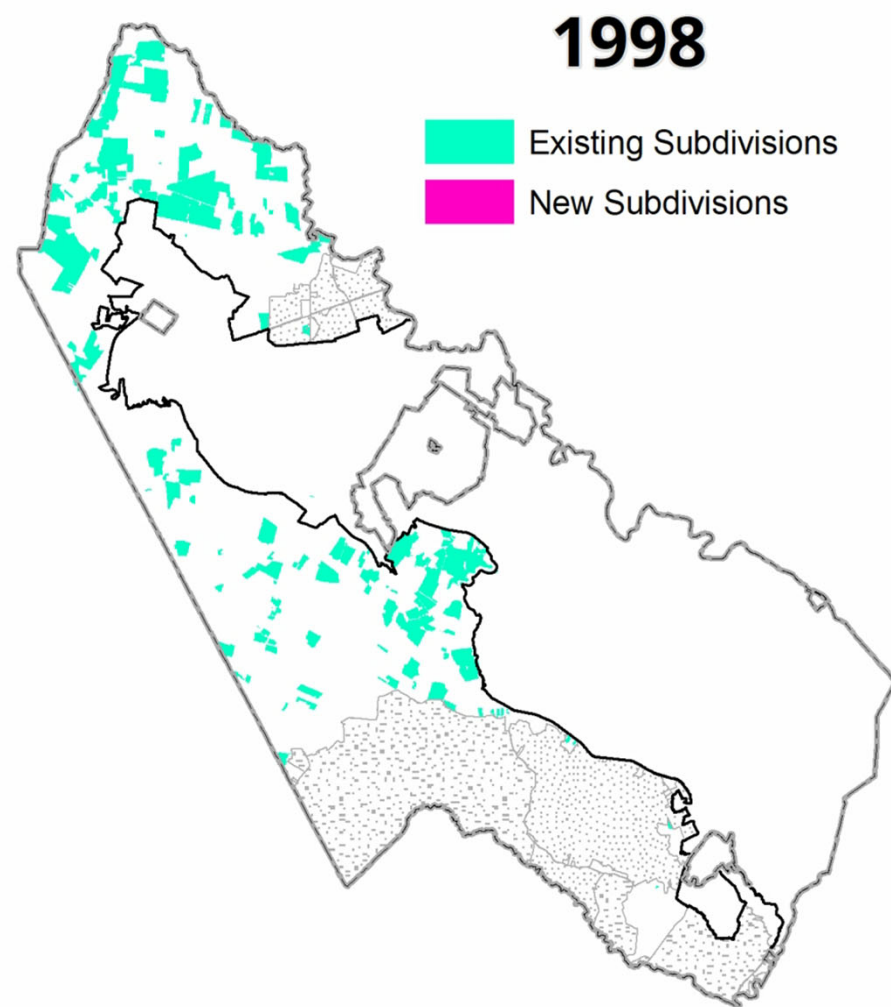
Prince William County Rural Area



Facts:

- 13,897 acres were subdivided into residential subdivisions (2009-2019)
- Approx. 17000 acres (20 acres +lots) of land is undeveloped (2020)
- Approx. 1700 new homes could be built based on existing policy (1 home/ 10 acre)
- Current projects = 100 homes/ year

Rural Area Subdivision Growth from 1998 through 2018



Map prepared by the PWC Planning Office (7/1/2019 rth)



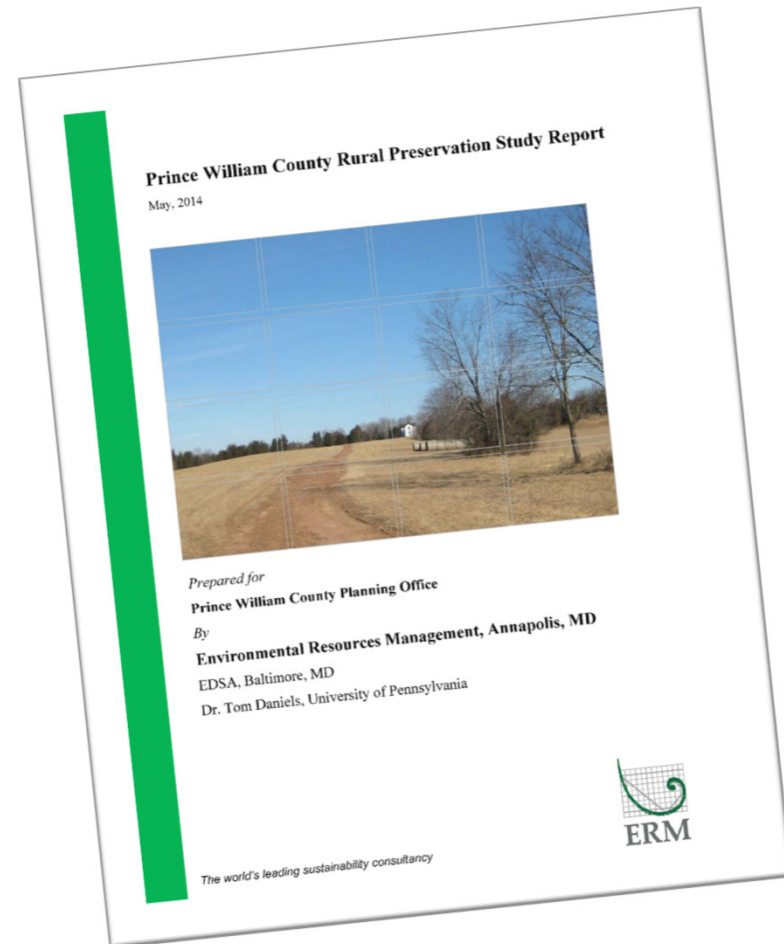
Background | Why We Are Here

Rural Area Preservation Study

- Presented in May of 2014
- Evaluated the effectiveness of current rural preservation policies
- Recommended new preservation tools

The BOCS directed the Planning Office to provide draft policies and ordinances to implement the

[Rural Area Preservation Study](#)



Rural Preservation Recommendations

The Board of County Supervisors directed the Planning Office to bring forward recommendations from the Rural Preservation Study. The five recommendations the Planning Office considered are:

1



Adopt the Rural Area Plan

- Adoption of a vision statement
- Recommendations for policies and action strategies
- The Rural Area Sector Plan including maps to support the other recommendations

2



Adopt a Purchase of Development Rights (PDR) Program

3



Adopt a Transfer of Development Rights (TDR) Program

4



Adopt a Agritourism & Arts Overlay District

5



Adopt a Conservation Residential Land Use Designation

- Designate appropriate areas of the Rural Area
- Zoning Text Amendment for a new zoning district: Conservation Residential.

APPROVED

Rural Preservation Plan Components



#CPA2018-00009, Rural Preservation (Rural Area Plan)

- **Vision Statement**

Preserves open space, environmental resources, and cultural resources; honors and respects property rights of county landowners; promotes availability of farmland (via easements) and agritourism

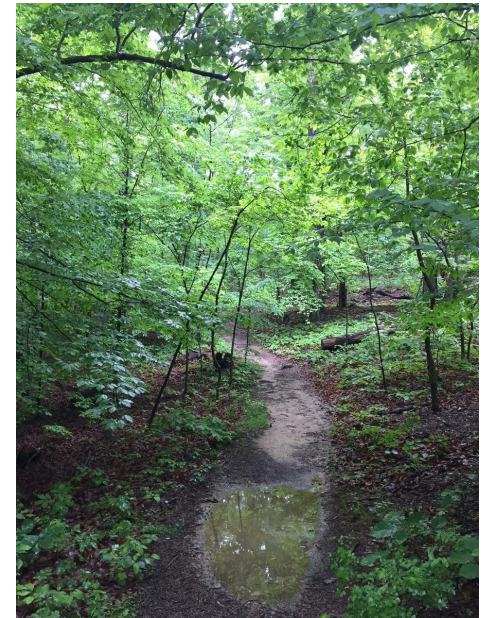
- **Rural Character Areas**

Rural character means a landscape dominated by or with a strong presence of rural elements; 5 primary character areas

- **Establishes policies and strategies**

(Rural Economic Development; Cultural Resources; Environment, Open Space and Recreation)

- **Amends Long Range Land Use Map**



Rural Preservation (Rural Area Plan)

#CPA2018-00009



Intent

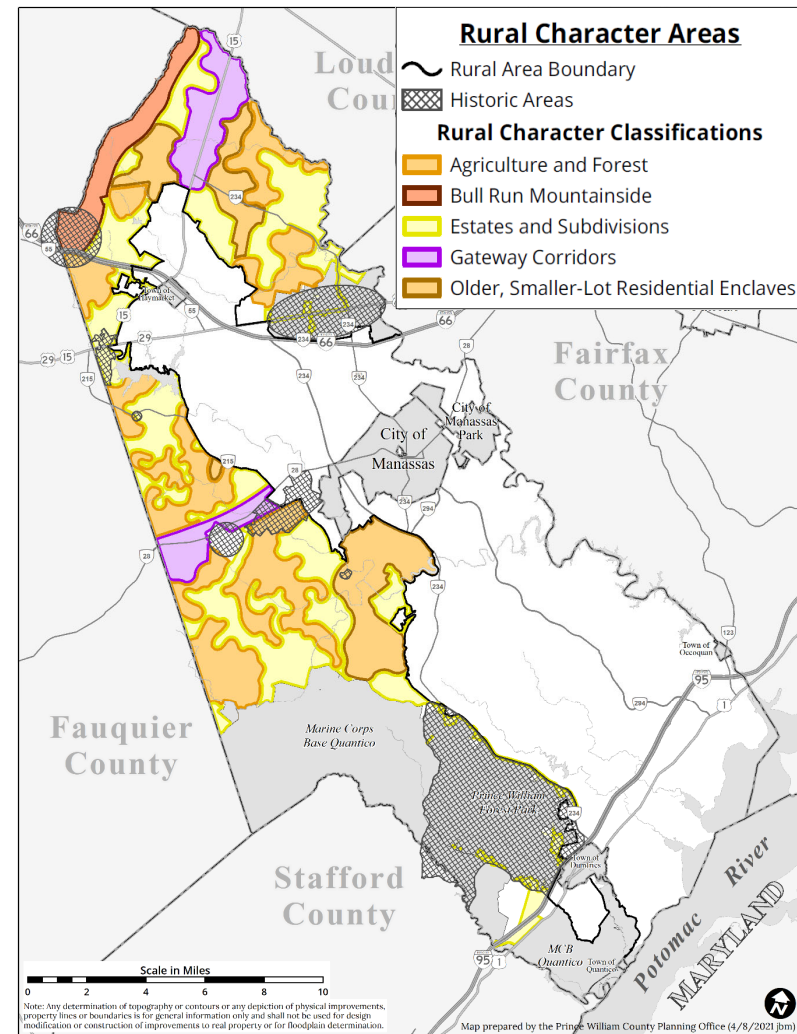
The intent of the Rural Area Plan is to provide policy guidance on uses and development within the Rural Area, including:

- Preservation tools
- Designate rural character areas
- Enhance rural economy
- Preservation of cultural resources and farmland

Rural Area Plan Maps

The CPA includes a new map and revisions to the Long-Range Land Use (LRLU) Map:

- Rural Character Area Map (NEW)
- TDR Sending and Receiving Areas (Addition to LRLU Map)
- Conservation Residential Areas (Addition to LRLU Map)



Rural Preservation Plan Components

#DPA2017-00009, Conservation Residential

Requires a rezoning, public hearings, and legislative approval

Two new zoning districts:

- CR-3 – One dwelling unit per three acres
- CR-5 – One dwelling unit per five acres

60% Open Space requirement

Public Sewer is permitted but not required



Conservation Residential Impact Summary

Existing Permitted Units	±175 units
Potential Additional Units	±216 units
Max. Units with CR Program	±391 units
Acres Conserved	±1000 acres

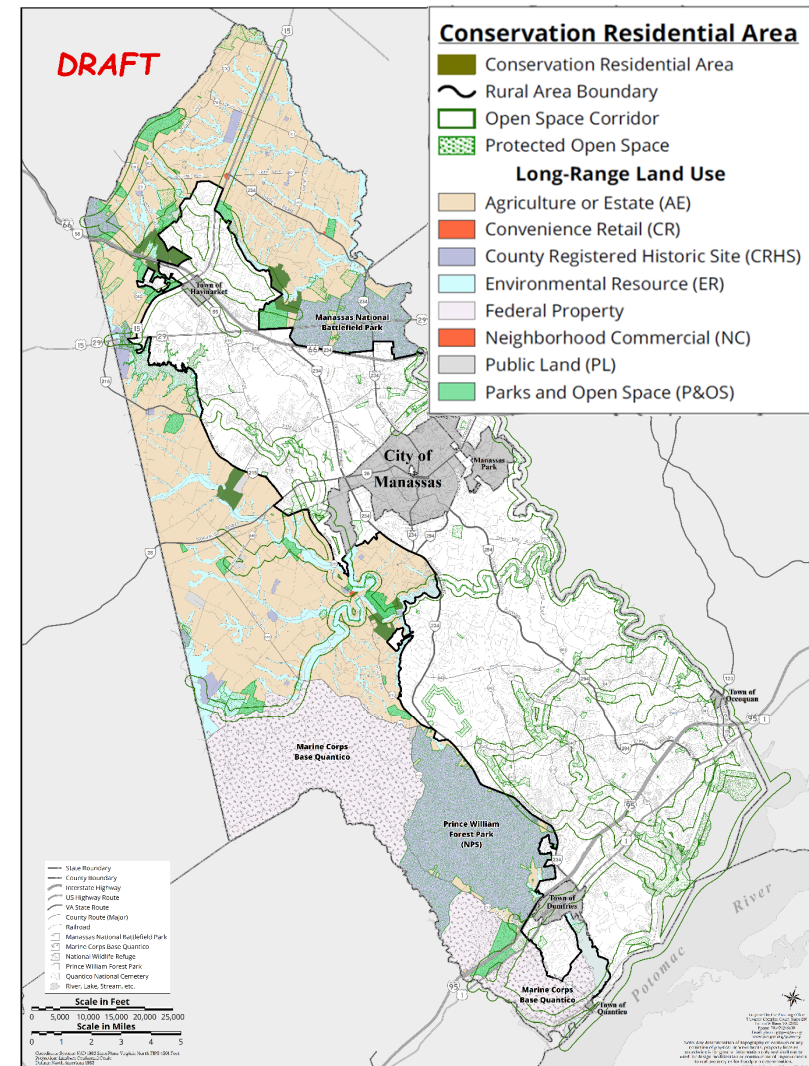
Conservation Residential (CR) #DPA2017-00009

Conservation Residential (CR)

Zoning districts encourage cluster development which will minimize impacts on the natural environment

Key Considerations

- Incentivizes preservation
- Creates permanent protected open space
- Directs development to appropriate areas
- Alternative development option



Rural Preservation Plan Components

#DPA2017-00008, Transfer of Development Rights

Private marketplace: Administered publicly

Sending Area Eligibility:

A-1 Property in Rural Area with more than 1 development right

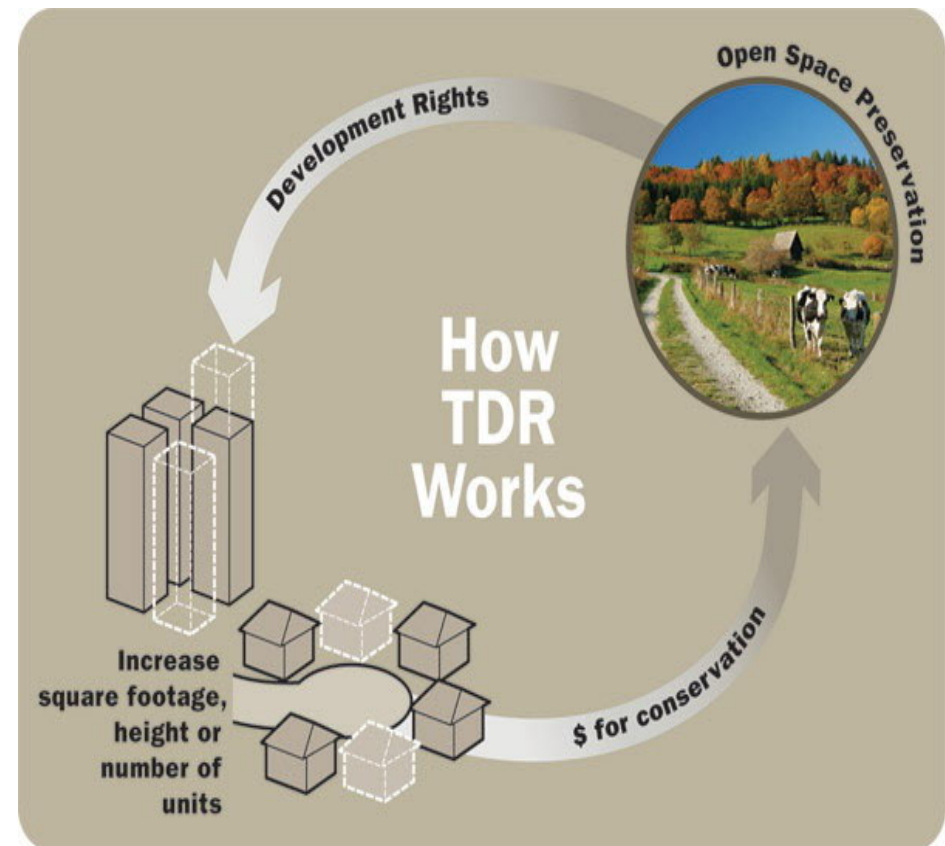
Receiving Area Eligibility:

Four areas in the Development Area:

- PMR Urban High development standard

Two areas in the Rural Area:

- CR development standard



Transfer of Development Rights (TDR)

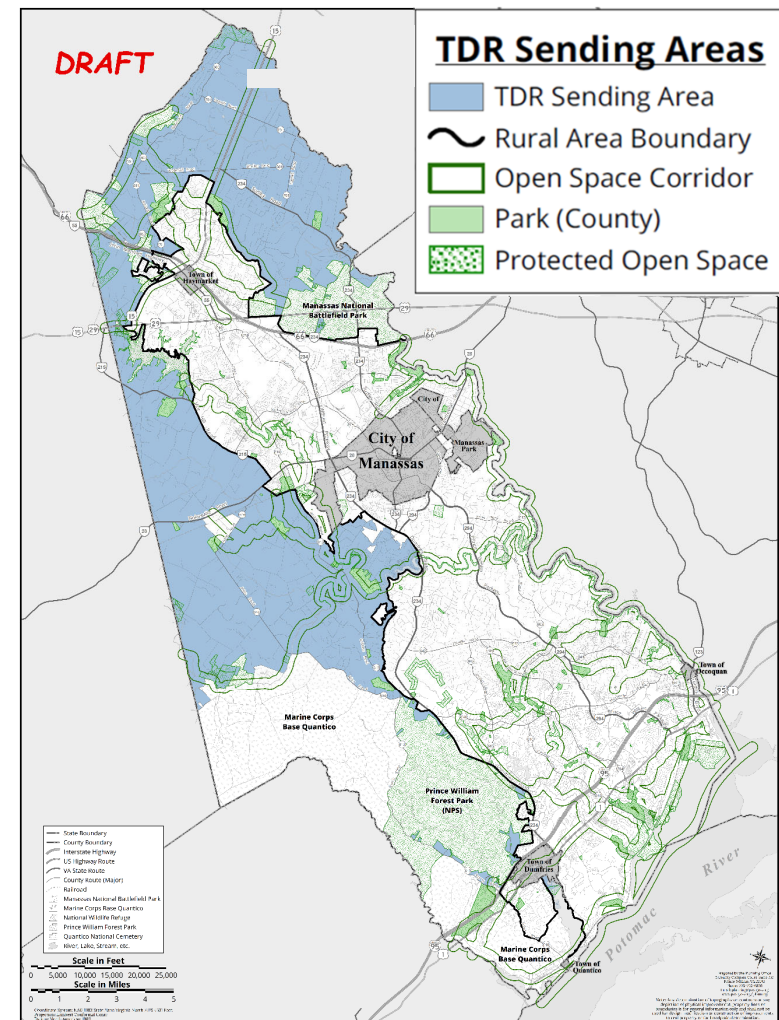
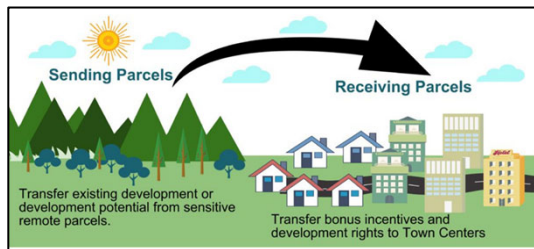
#DPA2017-00008

Transfer of Development Rights (TDR)

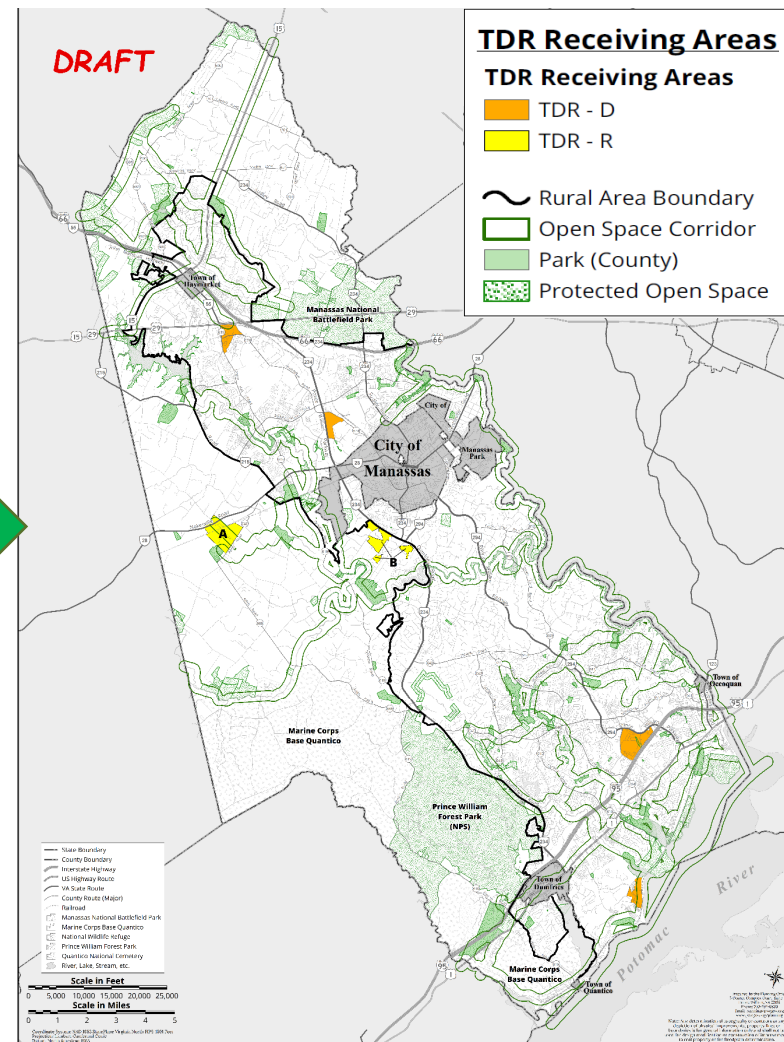
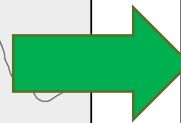
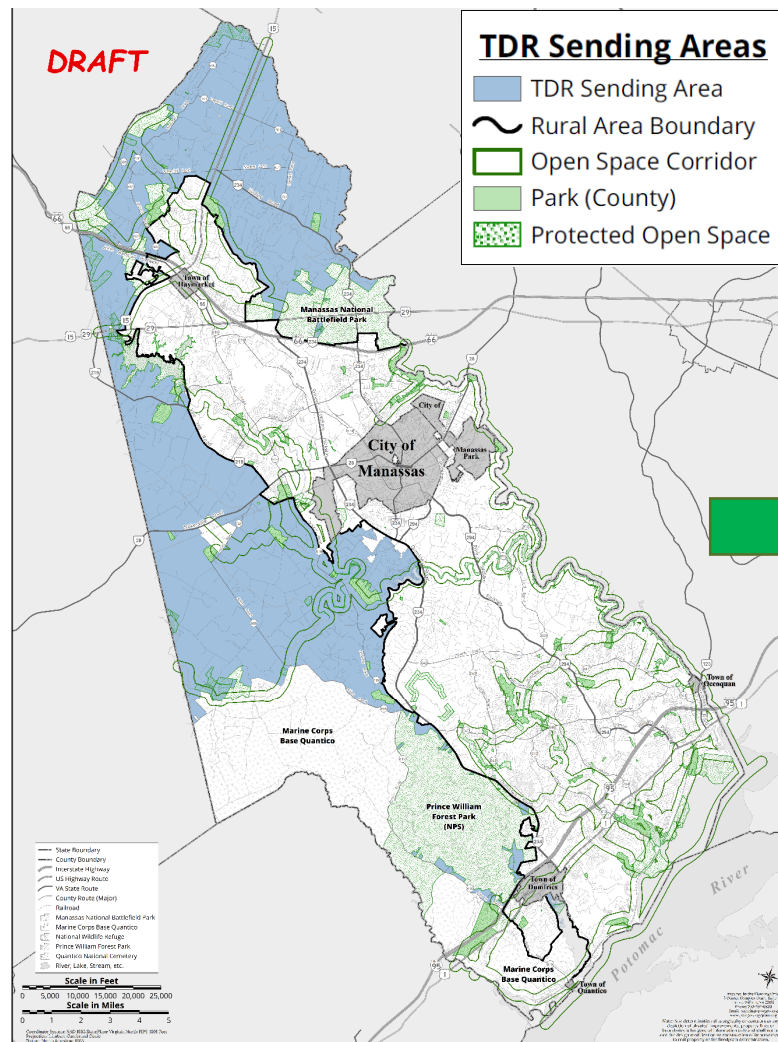
allows landowners to sever their residential development rights and **transfer** them to other areas of the County

Key Considerations

- Incentivizes preservation
- Creates permanent protected open space
- Directs development to appropriate areas
- Provides a review system ensuring timely processing



TDR Sending and Receiving Areas



Rural Preservation Plan Components



#DPA2017-00007, Purchase of Development Rights

Publicly Funded: Local, state and federal funds

Voluntary: Residents choose to conserve their land

Eligibility:

Properties located in Rural Area

20+ acres of undeveloped A-1 Property

(acreage requirements may be met with multiple contiguous properties)



Purchase of Development Rights (PDR) #DPA2017-00007



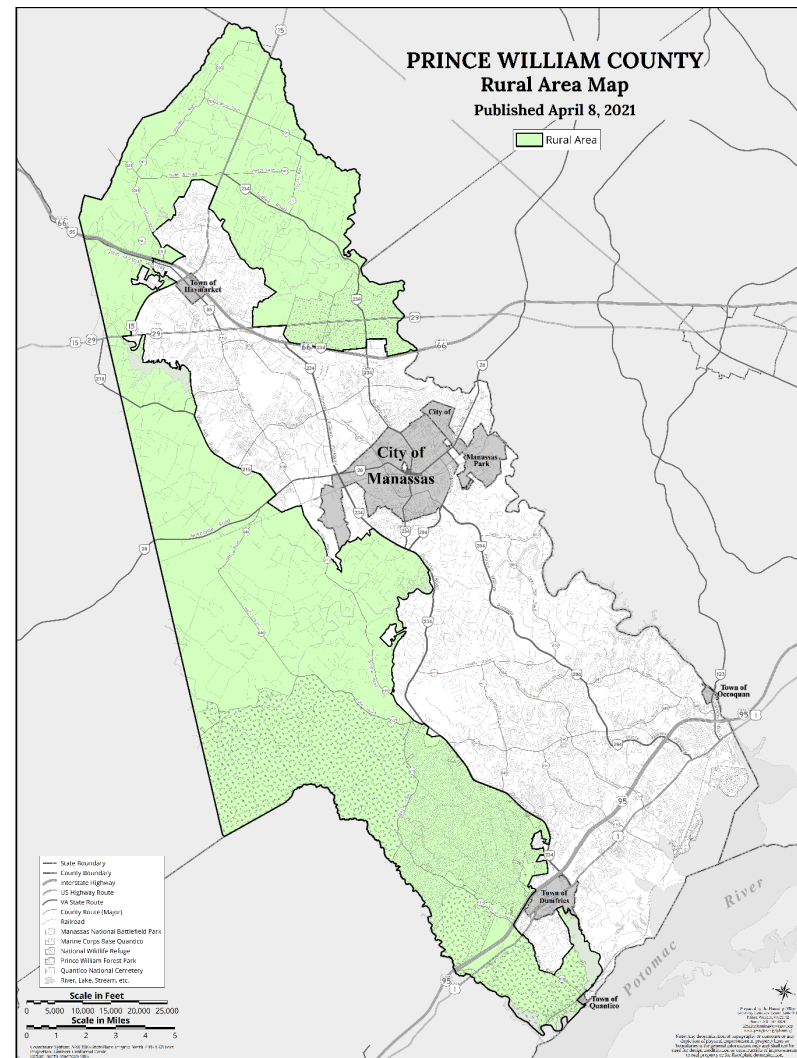
Purchase of Development Rights (PDR)

allows landowners to sever residential development rights to **permanently** conserve:

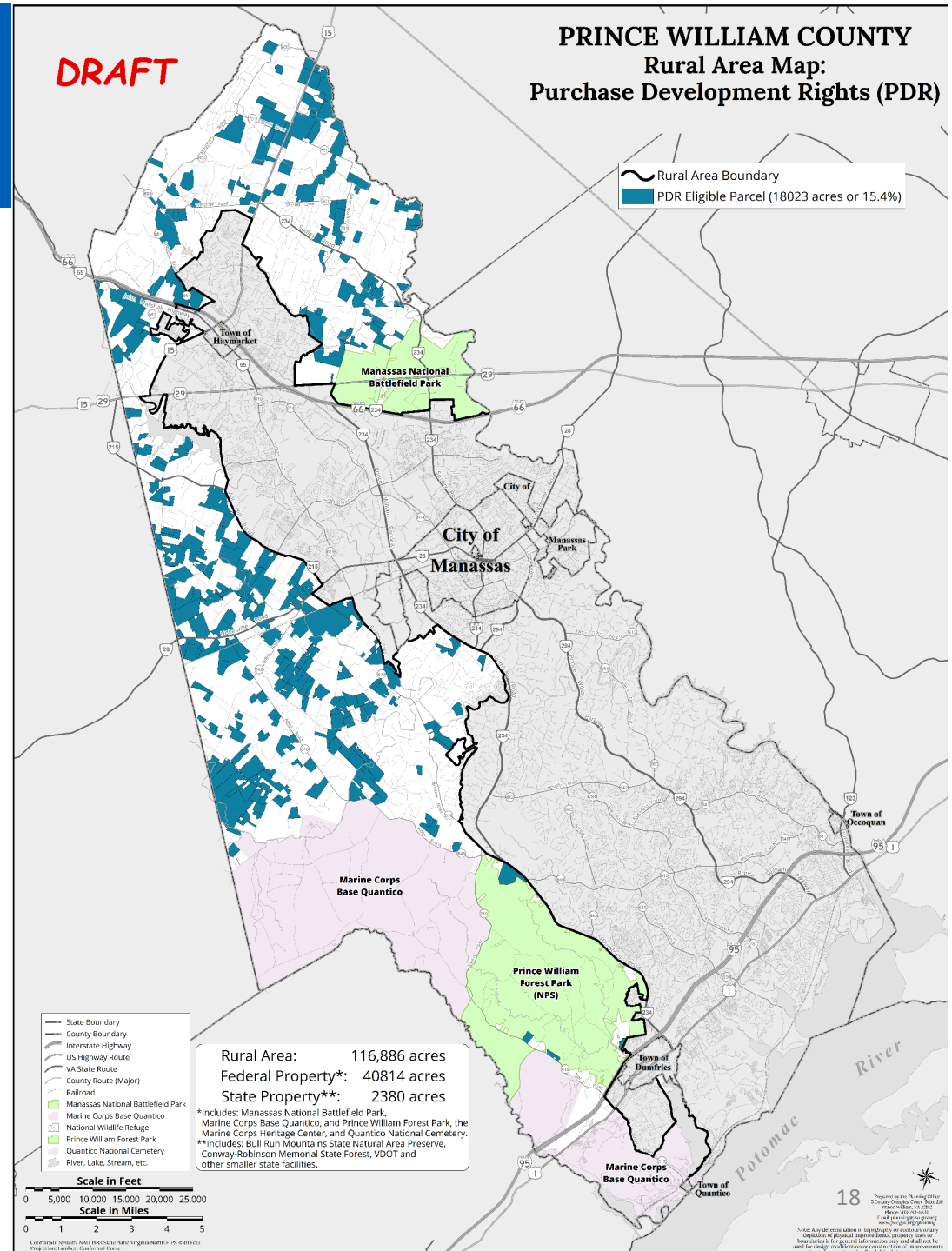
- Agricultural and forestry uses
- Rural open spaces
- Historic and cultural landscapes
- Natural and scenic resources

Key Considerations

- Voluntary program
- Includes properties no less than 20 acres (allows for multiple contiguous parcels)
- Creates permanent conservation easements
- Recommended with other preservation tools



PDR Eligible Properties



Examples of Existing PDR Programs

Funding can come from several places:

- Federal
- State
- Private grant programs



Locality*	Easements	Acres Protected	Local Funding	State PDR	Other	Total Funding	Cost per Easement	Cost Per Acres
Fauquier	14	4,013	\$2,716,145	\$2,133,900	\$100,000	\$4,955,046	\$353,585	\$1,234
Stafford	6	447	\$1,392,394	\$1,374,603	\$180,000	\$2,946,997	\$491,166	\$6,599
Albemarle	15	2,644	\$2,588,616	\$2,028,457	-	\$4,617,073	\$307,805	\$1,747
Virginia Beach	7	484	\$2,566,424	\$1,604,642	-	\$4,171,066	\$595,867	\$8,613

*Sample of similar/surrounding localities

Source: Office of Farmland Preservation (OFP) Annual Report

Public Participation

Community Engagement

The Planning Office held numerous public engagement sessions including:

- Three Community Conversations
- Three Community Engagement Sessions
- Three Planning Commission Work Sessions

Feedback

The Planning Office received feedback in the form of:

- Emails
- Comment Cards
- Mobile Application

Community Concerns ranged from strongly **agree** to strongly **disagree** with a significant feedback for “**no change**” to existing policies



Planning Commission Recommendation



Recommendation of Approval

[#DPA2017-00007, Purchase of Development Rights](#) with the following recommendations:

- Incorporate Planning Commission and citizen changes as deemed appropriate. Remove ambiguous statements and terminology. Publish and distribute revisions to the Planning Commission.
- Remove reference to Purchase of Development Rights areas and replace them with the “Rural Area as shown in the Comprehensive Plan”.
- The PDR Program administrator and Committee shall each have an extensive background in the Agricultural Industry.

Recommendation of Denial

The Planning Commission recommended Denial of:

[#CPA2018-00009, Rural Area Plan](#)

[#DPA2017-00009 Conservation Residential](#)

[#DPA2017-00008, Transfer of Development Rights](#)

- Concerns in implementing multiple programs.
- The County should evaluate the efficacy of a PDR program before implementing additional policies.

Staff Recommendation

1 Recommend Approval of
#DPA2017-00007, Purchase of Development Rights Program

2 The Planning Office
Recommends Approval of
Comprehensive Plan
Amendment #CPA2018-00009,
Rural Area Plan for the Following
Reasons:

- Establishes a new vision, goals, and action strategies to guide preservation tools
- Identifies special character areas recognizing the diverse makeup of the Rural Area

Contingent
upon approval
of CPA

3 Recommend Approval of
#DPA2017-00009 Conservation
Residential

4 Recommend Approval of
#DPA2017-00008, Transfer of
Development Rights Program