

**BOARD OF SUPERVISORS
TRANSPORTATION AND LAND USE COMMITTEE
INFORMATION ITEM**

SUBJECT: **Transfer of Development Rights and Purchase of Development Rights Programs Discussion**

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the pleasure of the Committee

STAFF CONTACTS: Randall Farren, AICP, Planning and Zoning
Alaina Ray, AICP, Director, Planning and Zoning
Courtney Sydnor, County Attorney's Office

PURPOSE: To continue the Transportation and Land Use Committee's (TLUC) discussion regarding the potential development of a Transfer of Development Rights (TDR) program for Loudoun County and to provide additional information regarding the potential development of a Purchase of Development Rights (PDR) program for the County.

BACKGROUND: At the Board Business Meeting on December 4, 2018, the Board directed (9-0) staff to research several issues related to the practical and legal parameters of a TDR program and prepare an Information Item for the February 21, 2019, Board Business Meeting. Following discussion at the Board Business Meeting on February 21, 2019, the Board forwarded (6-3: Buona, Letourneau, and Meyer opposed) the item to a future TLUC meeting for further discussion.¹

At the TLUC meeting on November 20, 2019, TLUC members discussed the potential establishment of a TDR program, including a discussion of the issues outlined in the December 4, 2018, Board Member Initiative (BMI) regarding TDR. The Committee requested additional information regarding the viability of various sending and receiving areas, potential conversion of residential development rights to commercial floor area, and the feasibility of establishing a County TDR bank. The Committee endorsed the development of a TDR program prototype for the County and forwarded (2-1-2: Meyer opposed; Randall and Volpe absent) the item to a future TLUC meeting for further deliberation.² At the TLUC meeting on May 21, 2020, TLUC members deliberated each of the discussion points as identified in the item.³ The Committee requested that staff further research several topics and return to a future TLUC meeting for discussion.

¹[Staff's response to the BMI](#) from the Board Business Meeting on February 21, 2019 can be viewed online.

²[The TDR item](#) from the TLUC meeting on November 20, 2019 can be viewed online.

³[The TDR item](#) from the TLUC meeting on May 21, 2020 can be viewed online.

ISSUES: At the May 21, 2020 TLUC meeting, Committee members requested additional information from staff on several topics, including:

1. [Purchase and Retire](#): Additional information regarding the Purchase and Retire (PAR) option, including whether this would be eligible for grants similar to a Purchase of Development Rights (PDR) program;
2. [Loudoun County 2019 General Plan \(2019 GP\) Conservation Policies](#): Existing conservation policies in the 2019 GP and identification of additional policies that may be utilized to support a PDR program;
3. [Draft Project Scopes and Work Plans](#): Separate scopes and timelines for development and implementation of TDR and PDR programs;
4. [TDR and Affordable Housing](#): Approaches to resolving potential policy conflicts between the Affordable Dwelling Unit (ADU) program and a TDR program; and
5. [Sending and Receiving Areas](#): Staff recommendations for sending areas (including which sending areas should be prioritized and methods to incentivize their participation), receiving areas, and transfer/conversion ratios for both residential and commercial uses.

Responses to each of these issues are provided below.

Purchase and Retire

The TDR enabling statute includes a permissive provision that enables a locality to provide in their ordinance for the purchase of development rights for the purpose of retiring the purchased rights, an approach referred to as “purchase-and-retire.”⁴ Such a provision in a TDR ordinance would function similarly to a PDR program within the TDR program framework. As noted in the May 21, 2020, TLUC item, several Maryland jurisdictions operate TDR programs with a PAR component.⁵ In 1993, Calvert County, Maryland integrated a PAR function into its TDR program by which the County will purchase up to ten development rights from participating sending area property owners. Each year, the County announces the purchase price for these rights, which helps to stabilize prices and establish a reference point for private market transactions.⁶ None of the Virginia localities operating TDR programs currently exercise the PAR provision.

At the May 21, 2020, TLUC meeting, the Committee requested that staff research whether a PAR program would be eligible for the same grants and funding opportunities as a standalone PDR program. Staff’s research, including discussions with staff from the Virginia Department of Agriculture and Consumer Services (VDACS) Office of Farmland Preservation (OFP), identified the Virginia Farmland Preservation Fund (VFPPF) as the primary state-administered matching grant and the USDA Natural Resources Conservation Service (NRCS) Agricultural Conservation Easement Program (ACEP) as the primary federal source of such funds.

⁴[Va. Code § 15.2-2316.2\(C\)\(1\)](#)

⁵[The TDR item](#) from the TLUC meeting on May 21, 2020 can be viewed online.

⁶ Nelson, Arthur C. et al. *The TDR Handbook*. Island Press. 2012.

The VDACS OFP allocates annual matching funds from the VFPPF to localities operating qualifying PDR programs. In order to qualify for VFPPF grants, OFP must certify a locality's PDR program using the *Application for Certification of a Local PDR Program*.⁷ This helps OFP ensure that a local PDR program generally conforms to the VDACS *Model Purchase of Development Rights (PDR) Program for Virginia* document and includes the following nine components:

1. Use Value Taxation,
2. Adopted ordinance or resolution,
3. Program goals and purposes,
4. Action plan for education/outreach,
5. Easement valuation process,
6. Agricultural enhancement strategy (e.g. comprehensive plan, agricultural zoning, use value taxation, agricultural and forestal districts, etc.),
7. Deed of easement template,
8. Monitoring and enforcement strategy, and
9. Program evaluation mechanism.

Should the County elect to pursue a PAR program, each of these elements would have to be included in the PAR section of the TDR ordinance in order for PAR transactions to qualify for OFP matching funds. County staff contacted VDACS OFP staff and inquired whether a combined TDR/PAR program would pose any challenges to qualifying for OFP's PDR matching funds. OFP staff indicated that a combined program would not inherently disqualify the County from receiving matching funds. OFP staff noted that eligibility for such funding would depend on the details of the program itself. Additionally, OFP is available to coordinate with the County and review proposed draft ordinances for eligibility prior to adoption. This would apply whether the County elected to pursue a PAR program or a standalone PDR program.

The primary potential federal funding source for PDR programs is the USDA NRCS ACEP Agricultural Land Easement (ALE) component. The ALE component, like VFPPF, provides up to a 50 percent match for qualifying conservation easement purchase programs. NRCS publishes eligibility requirements for their cost-share assistance agreements, which are substantially more complicated and stringent than the VFPPF program.⁸ However, as with the state programs, the use of a PAR program rather than a standalone PDR program would likely not preclude the County's eligibility for such funds, which will depend on the details of the program itself as well as the eligibility of each parcel of land proposed to be enrolled.

Staff notes that developing a PAR program provision could increase timelines and resource needs for development of a TDR program. Further, coordination of a PAR program with a TDR ordinance would likely be more complicated than adopting a standalone PDR program.

2019 GP Conservation Policies

⁷<https://www.vdacs.virginia.gov/pdf/programcertification.pdf>

⁸https://www.nrcs.usda.gov/wps/PA_NRCSCconsumption/download?cid=nrseprd1560226&ext=pdf

Staff reviewed the 2019 GP to determine whether additional policies would be needed to support the establishment of a County PDR program. Further research indicates that, unlike TDR, the Code of Virginia does not stipulate that a locality must include a PDR program in its Comprehensive Plan in order to establish a PDR program.⁹ While lacking explicit references to a PDR program, staff has concluded that the 2019 GP contains adequate policy foundation to support the development of a PDR program without a Comprehensive Plan Amendment (CPAM), should the Board choose to do so. During its review of the 2019 GP, the Planning Commission directed staff to remove all policy references to a PDR process or program, specifically, from the plan. During the Board's review of the 2019 GP, the Board elected not to reintroduce these concepts into the plan. At this time, staff's position is that other policies that were included in the adopted plan, and address conservation measures and open space preservation can be recognized as foundational to the concept of a PDR program or process. At some point in the future, should the Board wish to proceed with a PDR program or process, staff would recommend including a specific statement in future amendments to the 2019 GP that identifies the goals and action steps to support a PDR program or process so that the County's position is made clear to all residents and stakeholders.

Although the 2019 GP does not include any policies that explicitly support the establishment of a PDR program, one policy refers to the prioritized protection of land through County-acquired conservation easements, which could be considered analogous to a PDR program:

Chapter 3, NEHR Action 1.4.A: Prioritize protection of the following priority open space areas through conservation easements acquired by the County or others, participation in the Open Space Preservation Program, development design, and other means:

- i. Key natural, environmental, and heritage resource features not already protected from development by conservation easements or regulation,*
- ii. Rural areas immediately adjacent to the Towns, JLMAs, and Rural Historic Villages that help form greenbelts and gateway buffers,*
- iii. Areas adjacent to the Potomac, Catoctin, Bull Run, Goose Creek, and Broad Run floodplains to protect water quality,*
- iv. Properties on the State or National Registers of Historic Places and within local historic districts,*
- v. Corridors and sites that the County has identified for trails and parks and additions to existing parks provided they permit the construction of such facilities, and*
- vi. Other areas of local natural, historic, or cultural significance including designated scenic rivers and roads.*

In all, staff identified 32 policies, strategies, actions, and narrative text policy references in the 2019 GP that support the use of tools like PDR as part of the County's overall land conservation and preservation strategy (Attachment 1). Three policies specifically support the use of County-acquired conservation easements to achieve County land use, conservation, and preservation goals. Seven policies specifically refer to using public conservation easements, County cost-share

⁹The Virginia Open Space Land Act ([Va. Code Ann. Section 10.1-1700 et seq](#)) provides the statutory authority for localities to acquire interests in real property for the purpose of open space land preservation. While the code does not require that the locality's Comprehensive Plan define or describe a PDR program, it does specify that the use of such open space lands shall conform to the local Comprehensive Plan.

initiatives, or public purchase of open space assets. Three policies specifically support the use of conservation easements to preserve and secure access to corridors and sites identified for trails and parks, a concept that dovetails with the County's linear parks and trails Emerald Ribbons initiative. Six policies refer to conservation easements as a potential tool to realize a number of County goals, policies, and initiatives. The remaining policies speak more generally to the County's overall land conservation goals and objectives. Staff notes that the County operates a Conservation Easement Assistance Program that is distinct from a PDR program, although it shares similar objectives. Under the Conservation Easement Assistance Program, the County subsidizes a portion of the cost of placing qualifying private property under perpetual conservation easement for applicants that meet income requirements.¹⁰ Under this program, funding is disbursed to the participating land trust and may be used for upfront easement costs including attorney's fees, land appraisal and survey fees, processing and document fees, and stewardship costs. Unlike PDR, the Conservation Easement Assistance Program does not direct County funding to the actual purchase and/or retirement of development rights, which is instead negotiated between the qualifying property owner and the representative land trust. Further, the County is not responsible for stewardship of conserved properties. Under a PDR program, the County would be directly involved in prioritizing and negotiating the purchase of open space easements. PDR programs can also result in additional conservation stewardship responsibilities for participating localities, especially those that designate a local government agency as the sole easement holder.¹¹

Draft Project Scopes and Work Plans

Per the request of TLUC, staff has developed draft project scopes and work plans for hypothetical standalone PDR and TDR programs, provided as Attachments 2 and 3, respectively. As reflected in the Project Assumptions in the attached documents, these draft work plans are heavily contingent on the Board's preferred direction for development of each program. This is especially true of the TDR work plan, which is substantially more complicated than the PDR work plan. This complexity is largely due to the additional statutory requirements of developing a TDR ordinance, which include amending the County's Comprehensive Plan and Zoning Ordinance, in addition to the substantial foundational analyses required to properly calibrate such a program to local market and regulatory constraints. Staff estimates that a standalone PDR program could be developed within 12 months of the Board's endorsement and initiation of funding. A TDR program is estimated to take approximately three years from initiation and funding of foundational studies, depending on the Board's preferred course of action on TDR program development, and specifically Board direction on the six decision points outlined in the May 21, 2020, TLUC item.¹²

Purchase of Development Rights Work Plan

¹⁰The program provides up to \$15,000, or half of the upfront costs, whichever is less. Applicants must demonstrate a gross household income that does not exceed 115% of the Area Median Income (\$139,495 as of January 2020)

¹¹With the County's previous PDR program, efforts were made to establish a co-holder for each easement. The co-holding land trusts of those easements conduct stewardship. Were the County to establish a new PDR program, management and stewardship responsibilities would be considered during the program development process. This could include consideration of requiring easement co-holders in order to minimize ongoing costs to the County.

¹²[The TDR item](#) from the TLUC meeting on May 21, 2020 can be viewed online.

Attachment 2 provides a draft work plan for adoption of a local PDR program. As noted above, staff has concluded that there are no state statutory requirements for a local PDR program to be described in a locality's Comprehensive Plan and, therefore from a statutory perspective a CPAM would not be required to establish such a program. Based on staff's research, other localities such as Albemarle County and Clarke County have elected to include their PDR ordinance within their local code of ordinances, rather than their zoning ordinance. Because PDR transactions are not tied to the local zoning code except for the purposes of determining potential development rights and appraising participating properties, adopting a PDR ordinance into the County Codified Ordinances would likely be appropriate and result in a more streamlined process than would a Zoning Ordinance Amendment (ZOAM).

Staff's draft PDR work plan includes a research and analysis phase and several weeks of focus groups and outreach to stakeholders and interested members of the public prior to drafting the PDR ordinance. This would allow staff to draft a PDR program that is responsive to current community concerns and tailored to the Board's open space policy priorities, such as an interconnected parks and trails system. Following these initial phases, the work plan provides time for the staff to present the draft PDR ordinance to relevant local and regional advisory bodies before returning to the Board for further deliberation and adoption. Staff estimates that this process would take approximately 12 months from initial Board endorsement and funding. However, staff further notes that this timeline and associated cost estimates are based on several assumptions that facilitate an abbreviated and streamlined project plan, as reflected in the draft work plan provided as Attachment 2. For example, should the Board pursue the addition of a PDR stakeholder body or Board-appointed PDR Committee, it would likely extend the timeline and may necessitate additional consultant support. Further, the extent to which the Board chooses to utilize elements of the County's previous PDR program as a foundation for a new program could impact resource and staffing needs for this effort.

Transfer of Development Rights Work Plan

Attachment 3 provides a draft work plan for adoption of a local TDR program. As previously noted, in order to comply with state statutory requirements, development of a TDR program would require substantial foundational studies, and development and adoption of both a CPAM and ZOAM.

Previous TDR information items have noted the considerable risk associated with committing substantial resources to the development and administration of a TDR program, which assumes a market for transferable development rights will exist following program adoption. Staff notes two observations that could signify limitations to an active TDR market:

1. In recent years, legislative residential projects have been proposed and constructed below the maximum planned density or the density otherwise allowed within Suburban residential zoning districts. By-right residential developments have used the maximum density bonus provisions of Article 7 (ADUs) more often than legislative residential rezonings. A residential market study evaluating the past five years of residential development projects

would test this observation and provide the Board with data-driven assumptions on demand for a residential TDR market.

2. Requests for increases in allowable nonresidential floor area ratio (FAR) are infrequent, with the exception of data centers. Data center developers routinely seek increases in FAR through the legislative process, which often entails a relatively straightforward Special Exception (SPEX) request. County policies generally support data centers maximizing their capacity in the smallest footprint possible, and requested FAR increases for data centers are often supported and approved. Additional barriers to FAR increases may drive data center developers to seek larger parcels of land in order to achieve their development goals. An ordinance change requiring development rights transfers to achieve additional density, as compared to a relatively inexpensive and straightforward SPEX process, may disincentivize the development of data centers at their maximum density. A market study quantifying the relative value of increased floor area to data center developers would help gauge appropriate residential-to-nonresidential conversion ratios and determine whether a residential-to-nonresidential TDR market is feasible.

For these reasons, staff's recommended draft work plan includes the development of a market study at the outset to provide the Board with additional information regarding reasonable expectations for developer participation in a TDR market and therefore the potential feasibility and viability of a TDR program. This would provide an opportunity for the Board to review the results of this market study before formally endorsing and dedicating additional funding to the further development of a TDR program.

Should the Board initiate development of a TDR program, the work plan would begin with a foundational research phase. This phase would include consultant-produced foundational analyses as required by the state code to quantify transferable rights and demonstrate the capacity of receiving areas to absorb these rights in terms of infrastructure, road capacity, and capital facilities.¹³ Staff notes that the Board's direction on several of the decision points outlined in the May 21, 2020, TLUC item will help determine which of these analyses are needed and the requisite level of detail.¹⁴ These decision points are as follows:

1. *Whether to move ahead with developing a TDR program.*
2. *Preferred areas to designate as sending areas and/or areas that should not be considered further, as well as other policy priorities that may be integrated into the designation of sending areas.*
3. *Preferred areas to consider for designation as receiving areas and/or areas that should not be considered further.*

¹³[Va. Code § 15.2-2316.2\(B\)\(11\)](#)

¹⁴[The TDR item](#) from the TLUC meeting on May 21, 2020 can be viewed online.

4. *Whether a TDR framework should provide for the conversion of residential development rights from a sending area into some amount of commercial or industrial floor area in receiving areas.*
5. *Resolution of potential policy goal conflicts if both TDR and affordable housing are incentivized through density bonuses.*
6. *Whether a TDR bank should be considered as part of a potential TDR program for Loudoun County. Staff notes that a TDR bank could be developed and implemented as a separate initiative following the establishment of a TDR program.*

To provide an example of how these decisions might affect the overall TDR program scope of work, should the Board elect to pursue a program that only designates nonresidential receiving areas, a comprehensive capital facilities analysis may not be necessary as such impacts are primarily associated with residential development. Other factors that may affect the needed foundational studies include the geographic scope and distribution of sending and receiving areas, whether or not the Board elects to pursue a PAR component, and the extent to which receiving area densities exceed those anticipated in the 2019 GP.

Following the study and research phase, staff would engage focus groups and stakeholders, including representatives from the local agricultural community and building industry, to better incorporate the concerns of potential program participants into the draft TDR program. The work plan proposes that staff then develop the CPAM language, which would comprise most of the details of the TDR program itself, and receive initial guidance from advisory bodies and the Board before initiating the ZOAM. Having conducted necessary public outreach before and during the CPAM phase, the team would then begin an abbreviated ZOAM process. Planning Commission and final Board review of the CPAM and ZOAM would be coordinated to ensure that final adjustments to either amendment could be accommodated efficiently.

Staff estimates that this process would take approximately 36 months from initial Board endorsement and funding, based on the draft work plan provided as Attachment 3. Staff further notes, however, that the first 12 months of this process would focus largely on the procurement and development of the aforementioned market study and the Board's review of the study results, which is intended to provide insight into the viability of a TDR program prior to the Board's formal endorsement of fully developing a program. Following the Board's formal endorsement, the draft work plan projects an approximate 26 month process to develop, review, and take action on the requisite CPAM and ZOAM.

TDR and Affordable Housing

The May 21, 2020, TLUC item included a discussion of the policy tension between a potential TDR program and the County's affordable housing programs, both of which rely on density bonuses to incentivize participation. Staff noted in the prior TLUC information item several potential approaches to mitigating competition between these two programs, such as requiring that transferred development rights be applied to the construction of affordable housing, designating

certain zoning districts wherein either option is the exclusive means of achieving maximum density, or specifying certain community design standards in receiving areas to encourage more affordable market-rate products.

As staff noted at the May 21, 2020, TLUC meeting, Arlington County operates a TDR program, which is somewhat unconventional for a highly urbanized County. In response to Committee member requests for additional information on this program, DPZ and Office of Housing staff conducted a call with staff from the Arlington County Planning Division on Friday, June 5, 2020. The Arlington County program specifies that an area or property can qualify as a sending area for the purposes of retaining existing affordable housing. Specifically, Arlington has designated historic garden apartment buildings as potential sending areas. These complexes often contain what Arlington County defines as Market-Rate Affordable Housing units, which are units that have affordable rent by virtue of their age, location, condition, or amenities, rather than through income limits as imposed or regulated by the County. This provision of the Arlington TDR program has been used once, to preserve the Wakefield Manor and Courthouse Manor apartment complexes. Development rights from these complexes were transferred to a nearby receiving area, resulting in the retention of 80 Market-Rate Affordable Housing units and five additional Committed Affordable Units, which are locally regulated.

Staff notes that the Arlington County's approach to using TDR to retain affordable housing has limited applicability to Loudoun. Arlington County's limited geographic area and the even more limited geographic and programmatic scope of its TDR program has allowed the County to tailor its program to County goals at the neighborhood level. Despite this, the Arlington County TDR program's affordable housing provisions are rarely utilized. In terms of capital impacts, Arlington County does not rely on proffers, which has enabled the County to integrate TDR into its planning framework without the proffer considerations in play in Loudoun and other Virginia localities. Finally, Arlington County's designation of sending areas to preserve affordable housing would not resolve the aforementioned policy tension between affordable housing and land conservation, as development rights purchased and transferred from affordable housing sending areas may compete with other development rights being transferred from open space sending areas, and vice versa.

Should the Committee and/or Board continue discussion of establishing a potential TDR program, staff will continue to research methods to mitigate the potential tension between a TDR program and the County's ADU program that are likely to be most appropriate and effective for Loudoun County. However, competition for limited bonus density is inherent to operating two programs that rely on bonus-based incentives, and it is unlikely that a resolution exists within the TDR framework itself. The County would likely have to pursue other tools outside of the TDR program framework to help address the County's affordable housing and land conservation goals to offset any adverse impacts between the two programs.

Sending and Receiving Areas

Staff will need additional time to develop a general framework for potential TDR sending and receiving areas, however, any significant progress toward development of recommendations for specific sending and receiving areas and development rights conversion ratios will require further

guidance from the Board regarding TDR policy goals and resources. Also, as reflected in the draft TDR work plan provided as Attachment 3 to this item, staff would recommend that a market study first be conducted to gauge the viability of a transferable development rights market, including consideration of residential-to-residential and residential-to-nonresidential transfers, and the potential value of transferable rights. Should a market study indicate a viable market and the Board endorse continued development of a TDR program, staff would begin other analyses to measure the specific impacts to capital facilities and infrastructure within potential receiving areas to better understand where transferred development rights can best be accommodated.

FISCAL IMPACT: This item is informational in nature, and there is no associated fiscal impact. However, should the Board direct staff to continue development of either TDR or PDR programs, the fiscal impact will depend on which program(s) the Board elects to pursue, the Board's preferred course of action, and the goals for each program. Funding sources for the development of a TDR program or a PDR program have not been identified.

As discussed above, due to the complicated nature of the TDR work plan, staff recommends engaging a consultant to perform an analysis to understand the potential TDR market in the County and to help identify appropriate and viable sending and receiving areas. In addition, consultant services would be required to conduct analyses to ensure existing or planned infrastructure, transportation networks, and capital facilities in the receiving areas are capable of absorbing the transferred density, per the statutory requirements of the Code of Virginia.

Should the Board wish to undertake development of a TDR or PDR program, funding for these analyses and any other resources needed to support the development of these programs would need to be identified. This is especially true of a TDR program, which would require substantially more consultant support than a PDR program. The FY 2021 Adopted Budget does not have unallocated funding for these programs, and funding would need to be redirected or identified should the Board wish to initiate their development prior to FY 2022. Alternatively, funding for these efforts could be programmed into the FY 2022 budget, which will be adopted in April 2021. Additionally, should the Board move forward with the development of either a TDR or a PDR program, existing staff is near capacity under the Board's current work plan. If staff resources are redirected to these programs, this would affect other ongoing projects.

Although developing a PDR program would not require the same level of consultant support as developing a TDR program, implementing a PDR program would require ongoing staffing and funds for easement purchases, program management, and monitoring and stewardship of assets. These costs would need to be identified and programmed into future budgets.

ATTACHMENTS:

1. 2019 GP Land Conservation Policies
2. Draft PDR Work Plan and Scope
3. Draft TDR Work Plan and Scope

Land conservation policies excerpted from the *Loudoun County 2019 General Plan*

Chapter 2, TPA Strategy 2.1 Provide a network of protected open space that maintains natural, environmental, and heritage resources and reinforces the TPA's unique character.

Chapter 2, TPA Action 2.1.D: Establish programs and regulatory mechanisms to increase publicly accessible open space, consistent with County facilities plans, through easements, land dedications, and purchase.

Chapter 2, RPA Farmland Preservation and Protection, text: To support the rural economy and ensure that agriculture continues as a long-term use in the RPA, the County will continue to develop and support voluntary participation in programs that provide assistance and reduced tax burdens to landowners. Such programs and measures as the Land Use Assessment Program, the Agricultural and Forestal District (AFD) program, and public/private conservation easements will be used to encourage landowners to use their land to expand the rural economy, rather than convert it to residential use. These programs also assist in the protection of the RPA's unique manmade and natural environment, which directly benefit the rural economy.

Chapter 2, RPA, Farmland Preservation and Protection, text: The County should commit to supporting efforts to increase the total acreage of land held in conservation easements as part of an overall land use strategy to further reduce density in the RPA, and ensure that farmland and open space are available in perpetuity for future generations. The County may consider cost-share initiatives to assist in establishing conservation easements and/or public/private partnerships with existing land trusts to leverage efforts and funding to support the recordation of additional conservation easements.

Chapter 2, RPA Action 1.1.B: Consider cost-share initiatives to assist in establishing conservation easements, in order to reduce the land that is available for residential development and to provide landowners with financial options to support working farms, rural economy uses, and/or stewardship of the land.

Chapter 2, RPA Action 3.3.C: Develop additional incentives to retain and encourage agricultural enterprises and support land preservation.

Chapter 2, RPA, Action 3.4.A: Regularly review, update, and enhance the Land Use Assessment Program and other voluntary agricultural programs, such as the Agricultural and Forestal District (AFD) program, to strengthen the rural economy, preserve rural character, and maintain the viability of farming.

Chapter 2, Towns and JLMAs, Action 1.1.G: Work with the Towns, interested groups and nonprofit foundations to identify open-space and agricultural-preservation strategies such as: donation of conservation easements, fee-simple purchase, clustering, and the possible creation of a conservation service district.

Chapter 2, Towns and JLMAs, Leesburg Action 1.4.E: Preserve the rural character of the viewsheds along Route 15 as it approaches the Town of Leesburg from the north and south by encouraging additional conservation easements and instituting design guidelines.

Chapter 2, Towns and JLMAs, Hillsboro Action 1.6.A: Encourage the establishment of a greenbelt around the Town using conservation easements, development design techniques and other means to help maintain the distinct edge and rural community identity of the Town of Hillsboro.

Chapter 2, Towns and JLMAs, Middleburg, text: To preserve the character of the Town and the rural area that surrounds it, Middleburg promotes a defining edge between in-town development and open and agricultural lands outside of town. The defining edge will be established by the uses and development pattern of the Rural South Place Type and by identifying the lands adjacent to the Town as priority open space areas for conservation easements.

Chapter 2, Towns and JLMAs, Middleburg Action 1.8.B: (Chapter 2-126) Be an active partner with the Middleburg community and interested preservation groups to identify open-space and agricultural preservation approaches such as conservation easements, land acquisition, and development standards to promote and implement open-space preservation around the Town of Middleburg that helps establish a greenbelt and protect the rural appearance of roadways leading into the Town.

Chapter 2, Towns and JLMAs, Purcellville, text: The Town supports a greenbelt extending to incorporate properties that fall within approximately one-quarter mile of the Town limits, with a defining edge” within the RPA. The Town supports preservation and protection programs within these areas.

Chapter 2, Towns and JLMAs, Purcellville Action 1.9.A: Establish a “defining edge” by implementing the uses and development pattern of the Rural North Place Type and by identifying the lands adjacent to the Town of Purcellville as priority open space areas for conservation easements.

Chapter 2, Towns and JLMAs, Purcellville Action 1.9.F: Avoid high density development between the current boundaries of Purcellville and Round Hill and expand open space around Franklin Park to help maintain a greenbelt between communities.

Chapter 2, Towns and JLMAs, Purcellville Action 1.9.G: Enhance the gateways to the Town of Round Hill by developing features or retaining a clear distinction between the surrounding rural area and the edge of the town. Techniques may include measures to protect existing trees, hedgerows, viewsheds, and vistas; design guidelines for lot configuration to retain the rural lot pattern; new landscaping and entrance features and other techniques.

Chapter 3, Historic and Archaeological Resources, text: The cultural heritage of the County is reflected in its remaining rural landscapes, scenic road networks, historic structures, and archaeological sites. Identification, preservation, conservation, and sensitive reuse of these resources is critical for the retention of the County’s distinctive character. Where these resources have not yet been identified or studied, public and private resource surveys are increasingly

important to inventorying and preserving them. Most of these elements will remain in private ownership and can be preserved through private stewardship, protective buffers, donation of open space easements, County historic district zoning standards, and context-sensitive site design. A number of incentive-based programs can also be used, including state and federal tax credit programs.

Chapter 3, NEHR Action 1.1.B: Identify those properties that are not conducive to development due to sensitive environmental, cultural, and historical characteristics, and promote their preservation through various public and private programs (such as the Open Space Preservation Program, conservation easements, etc.).

Chapter 3, NEHR Action 1.1.F: Use a design process that conserves natural, environmental, and heritage resources and incorporates any such features into the site design; Use Value Assessment Program; AFDs; public-private partnerships; and other regulatory and incentive-based efforts (e.g., a potential TDR program) for the preservation, conservation, restoration, and management of the County's natural, environmental, and heritage resources. Explore and implement additional incentive-based approaches.

Chapter 3, NEHR Call-out box: Transfer of Development Rights (TDR) and Conservation Easements are tools available to the County and public and private entities to protect and preserve open space, farms, and natural, environmental, and heritage resources in perpetuity, allowing landowners to retain ownership of their property, while maximizing the economic value of the land.

Chapter 3, NEHR Strategy 1.2: Promote private, state, and federal conservation programs and their allocated resources to advance conservation programs within the County through public and private means such as grants, voluntary easements, and dedications.

Chapter 3, NEHR Action 1.2.A: Study and, if feasible, aid in the establishment of a public-private conservation partnership to facilitate communication, grants, easements, education, and partnership opportunities to conserve and protect natural, environmental, and heritage resources.

Chapter 3, NEHR Action 1.4.A: Prioritize protection of the following priority open space areas through conservation easements acquired by the County or others, participation in the Open Space Preservation Program, development design, and other means:

- i. Key natural, environmental, and heritage resource features not already protected from development by conservation easements or regulation,
- ii. Rural areas immediately adjacent to the Towns, JLMAs, and Rural Historic Villages that help form greenbelts and gateway buffers,
- iii. Areas adjacent to the Potomac, Catoctin, Bull Run, Goose Creek, and Broad Run floodplains to protect water quality,
- iv. Properties on the State or National Registers of Historic Places and within local historic districts,
- v. Corridors and sites that the County has identified for trails and parks and additions to existing parks provided they permit the construction of such facilities, and

- vi. Other areas of local natural, historic, or cultural significance including designated scenic rivers and roads.

Chapter 3, Surface Water Resources Action 2.5.B: Protect lands that are critical to the quality of key water supplies through easement, fee simple acquisition, regulatory measures, or other sufficient measures. Restore filtration and erosion control functions through the re-naturalization and native revegetation of these areas.

Chapter 3, Prime Agricultural Soils Action 3.2.B: Encourage the retention and conservation of prime agricultural soils within open space areas.

Chapter 3, HASR Strategy 5.1: Preserve cultural and scenic character through conservation and preservation of designated heritage areas, battlefields, cemeteries, scenic corridors, Scenic Rivers, the Potomac River, significant geological features, archaeological sites, historic structures and their settings. Convey the benefit of these resources to the public through public education in collaboration with private landowners and preservation organizations.

Chapter 3, HASR Action 5.1.K: Preserve and protect significant cultural and scenic resources from development impacts by promoting private or public acquisition and/or conservation easements.

Chapter 3, NHR Action 6.1.A: Use open space requirements, passive recreation, nature preserves, incentives, and regulations to protect areas of natural biodiversity and rare, threatened, and endangered plant and animal species, and plant communities in keeping with the federal Endangered Species Act and to foster the implementation of the Virginia Wildlife Action Plan.

Chapter 3, NHR Action 6.2.B: Identify essential wildlife corridors and encourage protection of these areas through conservation easements acquired by the County or others, participation in the Open Space Preservation Program, development design, and other means.

Chapter 6, Introduction, text: Loudoun County maintains a strong commitment to preserving open space and agricultural land and protecting natural, environmental, and heritage resources. Conservation easements in 2018 protect over 72,000 acres of land throughout the County. The County holds over 26,000 acres of these easements. Over the years, County policies have emphasized preserving open space in its natural setting, undisturbed, to protect the environmental value of the space. The Comprehensive Plan recognizes the community desire and economic value to expanding public access to and enjoyment of open space through trails and recreational uses. A key objective is to create a connected network of parks, trails, and natural areas, which can offer expanded environmental, design, and recreational benefits.

Chapter 6, Fiscal Action 1.4.C: Work with the United States Department of the Interior, the Virginia Tech Conservation Management Institute, the Virginia Department of Historic Resources, NOVA Parks, and other local, regional, and state organizations and the incorporated Towns to define and recommend areas for open space preservation and development of a trail network that links the County's natural, historic, and recreational resources.

Chapter 6, Open Space Action 3.1.H: Seek through public purchase, proffer, donation, or third-party easement, the preservation of natural areas and the development of linear parks, recreation space, and trails.

Chapter 6, Open Space Action 3.1.K: Encourage protection of the following priority open space areas through conservation easements acquired by the County or others, participation in the Open Space Preservation Program, development design, and other means:

- i. Key natural, environmental, and heritage resource features not already protected from development by conservation easements or regulation;
- ii. Rural areas immediately adjacent to the Towns, JLMAs, and Rural Villages that help form greenbelts and gateway buffers;
- iii. Areas adjacent to the Potomac River, Catoctin Creek, Bull Run, Goose Creek, and Broad Run floodplains, to protect water quality;
- iv. Properties on or eligible to be listed on the State or National Registers of Historic Places and within local historic districts;
- v. Corridors and sites identified for trails and parks and additions to existing parks; and
- vi. Other areas of local natural, historic, or cultural significance including but not limited to designated scenic rivers and roads, ridgelines, and battlefields.
- vii. Amend the zoning ordinance and development regulations as needed to permit a percentage of the open space required on an individual site to be met through off-site permanent open space that creates a more usable, desirable, or environmentally significant open space (see 3.1.J, above) located in the same planning subarea identified in the latest Capital Needs Assessment.

Project Plan

Project Title: Purchase of Development Rights Program

PURPOSE

The County desires to explore a variety of tools to support agricultural land uses; protect natural, environmental, and heritage resources; and maintain Loudoun County's scenic viewsheds. One tool is a Purchase of Development Rights (PDR) program, by which the County can compensate property owners who agree to restrict development of their land.

BACKGROUND

Loudoun County operated a PDR program between 2000 and 2004, resulting in perpetual open space easements covering 42 parcels and approximately 2,600 total acres at a cost of approximately \$8.9 million.¹ The County Board of Supervisors (Board) voted to suspend funding of the program in 2004. Concurrent with recent discussions regarding the potential establishment of a County Transfer of Development Rights (TDR) program, the Transportation and Land Use Committee requested that staff prepare a scope and cost estimate for the potential establishment of a PDR program for the County.

PROJECT STRATEGY AND SCOPE

Project Strategy

Staff will provide the necessary support to develop and implement the PDR program and consultant assistance will be limited to education and outreach support and creation of digital and print promotional materials. Staff anticipates significant input from the Board, advisory bodies, staff, and community stakeholder groups to inform the project deliverables.

Project Scope

PDR program development is anticipated to take an estimated 12 months from Board initiation. Assuming the Board directs staff to initiate the project in October of 2020, staff estimates that the requisite program structure and ordinance amendments could be in place to implement the project by the end of calendar year 2021.

The Virginia Office of Farmland Protection's document "A Model Purchase of Development Rights (PDR) Program for Virginia" will help inform the focus of the program development, which will include the following elements:

1. Defined goals and purpose, including target areas for prioritization;
2. Education and outreach strategy;
3. Development of a PDR ordinance for adoption into the County's Codified Ordinances;
4. Valuation/appraisal processes;

¹ This figure does not reflect the total cost or value of acquired open space easements, which were partially funded through grants and in-kind easement donations from participating property owners.

5. Demonstration of PDR as a component of the County's larger agricultural enhancement strategy as outlined in the Loudoun County 2019 General Plan;
6. Development of a deed of easement template;
7. Establishment of a monitoring and enforcement program;
8. Establishment of a program review and evaluation schedule; and
9. Reporting as required by State Code or funding partners.

DELIVERABLES

1. A Board-endorsed project plan
2. Education and outreach strategies (pre- and post-adoption)
3. Amendment to the Codified Ordinances
4. PDR program documentation, including instructions and guidelines for program participation
5. PDR program staffing and implementation plan
6. Webpages and promotional content, digital and print

PROJECT ASSUMPTIONS

1. The 2019 General Plan provides adequate policy support for establishment and development of a PDR program without necessitating a Comprehensive Plan Amendment (CPAM).
2. The PDR ordinance would most appropriately be located in the County's Codified Ordinances.
3. Staffing levels will be maintained or increased throughout the program's development and staffing resources will not be diverted to other initiatives.
4. The project schedule assumes that the Board identifies and/or reallocates funding during FY 2021 for consultant support identified below. Otherwise, such efforts could not be funded until FY 2022 if programmed, resulting in a commensurate expansion in the timeline.
5. County staff has the required technological tools (e.g., GIS software, knowledge, and data) to carry out necessary analyses in accordance with the Board's policy priorities and direction.
6. Adding a PDR stakeholder body or Board-appointed PDR Committee would lengthen the time needed to develop the program.
7. Although this effort will produce a staffing and implementation plan, this scope does not account for ongoing staffing and resource needs necessitated by the adoption of a PDR program.

PROJECT CONSTRAINTS

1. Ongoing staffing and budgetary constraints.
2. Other initiatives requiring significant dedication of staff resources.

PROJECT ORGANIZATION AND TEAM

DPZ planning and administrative staff, Office of Mapping and Geographic Information (OMAGI) staff, and County Attorney's Office (CAO) staff will comprise the core project team. While not a core project team member, the DPZ Director will be ultimately responsible for ensuring project objectives are met. Staff will further consult the Commissioner of the Revenue's Office regarding real estate tax assessment considerations.

STAKEHOLDERS

1. Board of Supervisors
2. County and Regional Agencies
 - a. County Administration
 - b. Commissioner of the Revenue
 - c. County Attorney's Office
 - d. Building and Development
 - e. Economic Development
 - f. Parks, Recreation, and Community Services

- g. Virginia Cooperative Extension
- h. Soil and Water Conservation District
- 3. County Advisory Boards
 - a. Planning Commission
 - b. Heritage Commission
 - c. Agricultural District Advisory Committee
 - d. Historic District Review Committee
 - e. Rural Economic Development Council
 - f. Economic Development Advisory Commission
 - g. Goose Creek Scenic River Advisory Board
 - h. Water Resources Technical Advisory Committee
- 4. Residents, local organizations, business/property owners, developers, and other citizen groups
 - a. Loudoun Farm Bureau
 - b. Ruritan Clubs
 - c. Piedmont Environmental Council
 - d. Loudoun County Preservation and Conservation Coalition
 - e. Realtor Associations
 - f. Other groups as directed by the Board

Community Outreach Plan

The public engagement and noticing objectives for this project are to consult stakeholders and the general public regarding the establishment of a PDR program; collaborate as necessary on issues of mutual interest, such as eligibility requirements and prioritization strategies; and inform interest groups and potential participants about the changes once they are adopted. Outreach tools will include: focus groups, interactive maps and/or geographic models, discussion items at applicable advisory bodies and community group meetings, informational materials, public noticing via e-notification or mail inserts, website postings, and an online survey.

PROJECT TASKS AND SCHEDULE

Task	Who	When
1. Receive Board direction to develop PDR program and funding authorization	Project Leadership	September 2020
2. Refine project plan and confirm staff for project	Project Leadership	October 2020
3. Issue RFP for consultant assistance	Procurement	October 2020
4. Research and analysis	PDR Program Team	October 2020 – December 2020
5. Consultant selection, contract negotiation	Director and Project Leadership	January 2021
6. Focus groups/outreach	PDR Program Team	January 2021 – February 2021
7. Draft PDR ordinance	PDR Program Team	February 2021 – April 2021
8. Present to advisory bodies	Project Leadership	May – June 2021
9. Present to Board/Board committees	Project Leadership	July 2021 – September 2021
10. PDR program/Ordinance adoption	Board of Supervisors	October 2021

PROJECT RESOURCES

DPZ planning and administrative staff would largely handle the development of a potential PDR program with likely support from Department of Finance and Budget, County Attorney’s Office, OMAGI GIS staff and other County agencies as needed. As noted above, this project plan assumes that staffing is maintained at the levels funded for FY2021 and additional staff positions to support this task are not anticipated, though additional resources would be needed to support the ongoing operational needs of the program after implementation.

Development of a PDR program would benefit from some level of consultant support for outreach and the development of educational and promotional materials. These may include print materials, websites and interactive web tools. Consultant support to the core project team on program development, including research and identification of best practices, is also anticipated. As outlined in the table below, this consultant support is estimated to cost approximately \$38,500. This is a baseline estimate based on the Project Assumptions listed above. The Board’s preferred approaches to program development may necessitate adjustments to these estimates. Such factors include whether the Board elects to stand up a PDR stakeholder body or Board-appointed PDR Committee and the degree to which the Board chooses to utilize elements of the County’s previous PDR program as a foundation for a new program.

Task	Baseline Estimated Cost
Planning and zoning support	\$15,000
Outreach	\$20,000
Contingency	\$3,500
Total	\$38,500

Project Plan

Project Title: Transfer of Development Rights Program

PURPOSE

The County desires to explore a variety of tools to support agricultural land uses; protect natural, environmental, and heritage resources; and maintain Loudoun County's scenic viewsheds. One tool is a Transfer of Development Rights (TDR) program providing for the voluntary severance of development rights from qualifying sending area properties and sale/transfer of those rights for the purposes of attaching them to qualifying receiving area properties. This program is intended to conserve sending area lands for and direct development to areas of the County planned for growth.

BACKGROUND

In February 2019, the Board of Supervisors (Board) directed staff to prepare a TDR information item for consideration at the Transportation and Land Use Committee (TLUC). Following TLUC discussion at the November 2019 and May 2020 TLUC meetings, the Committee directed staff to prepare a scope and cost estimate for the establishment of a TDR program for the County.

PROJECT STRATEGY AND SCOPE

Project Strategy

The development of a TDR program will be staff-driven but will require substantial consultant support for a market study, foundational analyses, and elements of the program itself. This work plan includes market analyses at the outset of the TDR initiative to provide the Board with additional information regarding the feasibility of a TDR program and better inform the Board and staff of viable approaches to transfer ratios. Staff further anticipates significant input from the Board, County agencies, advisory bodies, and community stakeholder groups to inform the project deliverables.

Project Scope

TDR program development is anticipated to take an estimated 36 months from Board initiation. Assuming the Board directs staff to initiate the project in September of 2020, staff estimates that the requisite program structure and ordinance amendments could be in place to implement the project by the first quarter of the 2024 calendar year. Primary elements of the TDR program development will include:

1. Defined goals and purpose based on policy direction from the Board.
2. Supporting analyses, including:
 - a. Quantifying transferable development rights from Sending Areas and capacity of Receiving Areas;
 - b. Travel Demand Modeling;
 - c. Capital Facilities Analysis; and
 - d. Other studies as necessitated by the Board's preferred program approach.
3. Development of a TDR program for adoption into the County's Comprehensive Plan, including:
 - a. Program purpose, goals, and specific policies, including any areas to be prioritized for conservation through the use of enhanced Sending Area transfer ratios;

- b. Maps of Sending Areas and Receiving Areas;
 - c. Options for transferring development rights (e.g., residential-to-residential transfers and/or residential-to-commercial conversions); and
 - d. Neighborhood design standards for participating Receiving properties, per Code of Virginia Section 15.2-2316.2(C)(12).
4. Development of a TDR ordinance for adoption into the County's Zoning Ordinance, including:
 - a. Eligibility requirements for Sending Properties and Receiving Properties;
 - b. Applicable Sending Area Zoning Districts, including residential TDR transfer ratios and/or commercial floor area conversion ratios;
 - c. Applicable Receiving Area Zoning Districts, including permitted uses and maximum by-right density/floor area ratio (FAR) without TDR and maximum by-right density/FAR with TDR;
 - d. Standards and procedures for recording the severance of development rights from a sending property, conveyance of development rights to one or more parties, and affixation of development rights to receiving properties;
 - e. Defined instruments assuring prohibitions against the use and development of a sending property and binding the landowner and successors in interest;
 - f. A system for monitoring severance, ownership, assignment, and transfer of transferable development rights;
 - g. Administrative procedures for determination of compliance with the TDR ordinance;
 - h. Real estate tax assessment considerations; and
 - i. Other provisions as permitted under the Code of Virginia, if so directed by the Board.
 5. Establishment of a program review and evaluation schedule.

DELIVERABLES

1. Market analyses
2. A Board-endorsed project plan
3. Foundational analyses
4. Education and outreach strategies, pre- and post-adoption
5. Comprehensive Plan Amendment (CPAM)
6. Zoning Ordinance Amendment (ZOAM)
7. TDR program staffing and implementation plan
8. Webpages and promotional content, digital and print

PROJECT ASSUMPTIONS

1. The TDR program development will not be part of the Zoning Ordinance Rewrite (ZOR) initiative. Staff anticipates that TDR would be coordinated with the ongoing ZOR initiative to the extent possible; however, the ZOR is expected to be complete before the development of the TDR program, necessitating a separate ZOAM to implement TDR.
2. Required foundational analyses will depend on the Board's direction for TDR program development (e.g., geographic scope of sending and receiving areas; whether the program provides for residential-to-residential transfers, residential-to-nonresidential conversions, or both, etc.). Staff would anticipate general direction from the Board on these decision points prior to the Board formally endorsing and initiating the development of a TDR program.
3. The project schedule assumes that staffing levels will be maintained or increased throughout the program's development and staffing resources will not be diverted to other initiatives.
4. The project schedule assumes that the Board initiates a market study to analyze the potential TDR market in Loudoun and evaluate the feasibility of establishing a TDR program prior to formally endorsing the development of a TDR program.
5. The project schedule assumes that the Board identifies and/or reallocates funding during FY 2021 for the development of a market study. Otherwise, such studies could not be funded until FY 2022 should the FY 2022 Adopted Budget include funding, prolonging the timeline by 9 months at a minimum.

6. This scope does not account for ongoing staffing and resource needs necessitated by the potential development and adoption of a TDR program, such as management, implementation, and ongoing outreach. Staffing and resource needs will depend on the design and scope of the TDR program and will be identified during the development of the program. As such, the draft work plan proposes a staffing and implementation plan as a distinct deliverable, which will provide information to the Board in order to program personnel and operating and maintenance needs for the TDR program in a future fiscal year budget.

PROJECT CONSTRAINTS

1. Ongoing staffing and budgetary constraints.
2. Other initiatives requiring significant dedication of staff resources.

PROJECT ORGANIZATION AND TEAM

DPZ planning and administrative staff will comprise the core project team. Under staff's guidance, consultants will complete necessary analyses and provide support to the TDR program development. While not core project team members, the DPZ Director will be ultimately responsible for ensuring project objectives are met, and the Assistant Director of Zoning Services (Zoning Administrator) and County Attorney will ensure the proposed Zoning Ordinance Amendment is able to be administered and enforced. DPZ will further consult the Commissioner of the Revenue's Office regarding real estate tax assessment considerations.

STAKEHOLDERS

1. Board of Supervisors
2. County and Regional Agencies
 - a. County Administration
 - b. Commissioner of the Revenue
 - c. County Attorney's Office
 - d. Building and Development
 - e. Economic Development
 - f. Loudoun Water
 - g. Office of Housing
 - h. Office of Mapping and Geographic Information
 - i. Parks, Recreation, and Community Services
 - j. Transportation and Capital Infrastructure
 - k. Virginia Cooperative Extension
 - l. Soil and Water Conservation District
 - m. Other agencies as necessitated by Board direction on program development
3. County Advisory Boards
 - a. Planning Commission
 - b. Heritage Commission
 - c. Agricultural District Advisory Committee
 - d. Historic District Review Committee
 - e. Rural Economic Development Council
 - f. Economic Development Advisory Commission
 - g. Affordable Dwelling Unit Advisory Board
 - h. Housing Advisory Board
 - i. Goose Creek Scenic River Advisory Board
 - j. Water Resources Technical Advisory Committee
 - k. Zoning Ordinance Action Group
4. Residents, local organizations, business/property owners, developers, and other citizen groups
 - a. Loudoun Farm Bureau

- b. Ruritan Clubs
- c. Northern Virginia Building Industry Association
- d. Commercial Real Estate Development Association (NAIOP)
- e. Piedmont Environmental Council
- f. Loudoun County Preservation and Conservation Coalition
- g. Chamber of Commerce
- h. Realtor Associations
- i. Other groups as directed by the Board

Community Outreach Plan

The public engagement and noticing objectives for this project are to consult stakeholders and the general public regarding the establishment of a TDR program; collaborate as necessary on issues of mutual interest, such as eligibility requirements, prioritization strategies, and transfer and conversion ratios; inform interest groups, affected property owners, and other potential participants about the changes prior to adoption; and develop a plan to engage Sending Area and Receiving Area property owners and developers following adoption. Outreach tools will include: focus groups, discussion items at applicable advisory bodies and community group meetings, informational materials, public noticing via e-notification or mail inserts, website postings, and an online survey.

PROJECT TASKS AND SCHEDULE

Task	Who	When
1. Receive Board direction on TDR decision points; endorsement and funding authorization to initiate market study	Board; Project Leadership	September 2020
2. Issue RFP for consultant assistance	Procurement	October 2020
3. Consultant selection, contract negotiation	Director and Project Leadership	January 2021
4. Conduct market study	Consultant	January 2021 – July 2021
5. Develop project plan	TDR Program Team	April 2021 – June 2021
6. Review market study, possible Board direction to initiate and endorse project plan	Board; Project Leadership	September 2021
7. Add TDR ZOAM to annual ZOAM Work Plan	Board of Supervisors	Summer/Fall 2021 (in coordination with Strategic Initiatives Plan)
8. Consultant Scope of Work, confirm staff for project	Project Leadership	September 2021
9. Form Staff Technical Advisory Committee (STAC)	Various departments/agencies	September 2021
10. Project kickoff	TDR Program Team	October 2021
11. Develop foundational analyses; internal research, analysis, STAC meetings	Consultant/DPZ staff	October 2021 – May 2022
12. Outreach/focus groups	TDR Program Team	May 2022 – July 2022
13. Draft TDR program CPAM	TDR Program Team	August 2022 – November 2022

14. Internal CPAM review and refinement	TDR Program Team, STAC/ referral agencies	November 2022 – January 2022
15. Present draft CPAM to Planning Commission and other advisory bodies	Project Leadership	February 2023 – March 2023
16. Present draft CPAM to Board/Board committees	Project Leadership	April 2023 – June 2023
17. TDR program ZOAM kickoff	TDR Program Team	May 2023
18. Draft initial TDR program ZOAM language	TDR Program Team	May 2023 – July 2023
19. Internal ZOAM review and refinement	TDR Program Team, referral agencies, advisory bodies	July 2023 – September 2023
20. ZOAM Resolution of Intent to Amend development and adoption	TDR Program Team, Board of Supervisors	Summer 2023
21. Present CPAM and ZOAM and receive recommendations at Planning Commission	Project Leadership	September 2023– October 2023
22. Review and adopt CPAM and ZOAM at Board committees and full Board	Director and Project Leadership	November 2023 – December 2023

PROJECT RESOURCES

DPZ planning and administrative staff would largely handle the development of a potential TDR program with likely support from other County agencies as needed. As noted above, this project plan assumes that staffing is maintained at the levels funded for FY2021 and additional staff positions to support this task are not anticipated, though additional resources would be needed to support the ongoing operational needs of the program after implementation. It further assumes allocation of funding for consultant studies and project support, absent which staffing needs would increase.

Consultant support is anticipated for the following elements of the program development:

- Market study and foundational analyses (i.e., capital facilities analysis, travel demand modeling)
- Development of transfer ratios and/or conversion ratios
- Outreach and the development of educational and promotional materials

As outlined in the table below, total consultant support costs are estimated at \$350,000., This is a baseline estimate based on the Project Assumptions listed above. The Board’s preferred approaches to program development may necessitate adjustments to these estimates. Such factors include the geographic scope of designated sending and receiving areas; the potential establishment of a purchase and retire (PAR) component; potential provisions for residential-to-residential and/or residential-to-nonresidential transfers; and preferred approaches to management and/or recordation of development rights transfers.

Task	Baseline Estimated Cost
Market Study	\$60,000
Capital Facilities Analysis	\$150,000
Travel Demand Model	\$30,000
Planning and Zoning support	\$60,000
Outreach	\$20,000
Contingency	\$30,000