



Loudoun County

VIRGINIA

WHERE TRADITION MEETS INNOVATION

Transfer of Development Rights and Purchase of Development Rights Programs Discussion

Transportation and Land Use Committee

July 22, 2020

Overview

- Purchase and Retire (PAR) – Funding Eligibility
- *2019 General Plan (2019 GP)* Conservation Policies
- TDR and Affordable Housing
- Sending and Receiving Areas
- Draft Project Scopes and Work Plans
 - Transfer of Development Rights (TDR) Program
 - Standalone Purchase of Development Rights (PDR) Program

Purchase and Retire – Funding Eligibility

- Virginia Farmland Preservation Fund PDR Match
 - Virginia Office of Farmland Preservation determines eligibility based on published guidelines
 - PAR within in a TDR program (vs. standalone PDR) could still qualify depending on program design and details
- Natural Resources Conservation Service (NRCS) Agricultural Conservation Easement Program (ACEP)
 - Agricultural Land Easement (ALE) Component: Matching funds for qualifying PDR programs
 - PAR likely could still qualify if NRCS eligibility requirements are met

2019 GP Conservation Policies

- Staff identified 32 policies, strategies, and actions regarding land conservation/preservation
- One policy refers to the prioritized protection of land through County-acquired conservation easements
- Several policies support the use of conservation easements to further County environmental, open space, agricultural, and recreational policies
- Unlike TDR, the Code of Virginia does not require Comprehensive Plan policy support before establishing a PDR program

TDR and Affordable Housing

- Arlington County's TDR program includes provisions to protect existing affordable housing by transferring excess development rights to designated growth areas
 - Garden apartments may be designated as sending properties and transfer/sell excess development rights
 - TDR only used once for affordability (Wakefield Manor and Courthouse Manor)
 - Limited applicability to Loudoun
 - Differences in geographic scope – transfers can occur at the neighborhood level through a single TDR transaction
 - Arlington uses special exception site planning rather than rezonings; seldom uses proffers to offset capital impacts

Sending and Receiving Areas

- Further work is needed to developed specific sending and receiving area recommendations
- Draft TDR work plan recommends foundational analyses prior to refining and finalizing sending and receiving area approach:
 - Market study
 - Capital Facilities Analysis & Travel Demand Modeling
- State requires County demonstrate that receiving areas have capacity to absorb transferred density

TDR Work Plan

- Comprehensive Plan Amendment (CPAM) and Zoning Ordinance Amendment (ZOAM) required per state code
 - Sending/Receiving Areas must be identified in the Comprehensive Plan
- Staff recommends initial market study to analyze the value of potential transferable development rights and better determine program viability
- Consultant support needed for foundational studies and analyses to meet state requirements
 - Capital Facilities Analysis
 - Travel Demand Analysis
 - Development rights transfer/conversion ratios

TDR Work Plan (continued)

- Stakeholder and community outreach during CPAM process
 - Agriculture/farming representatives
 - Building industry
 - General public
- ZOAM process would commence during CPAM process to allow for coordinated CPAM/ZOAM review at Planning Commission and Board
- Funding is not identified or included in FY 2021 budget
- Anticipate 36-month process depending on complexity of program and resource allocation

PDR Work Plan

- No Comprehensive Plan Amendment (CPAM) or Zoning Ordinance Amendment (ZOAM) required by state code
- 2019 GP does not include explicit policy support for a PDR program
- Staff's position is that 2019 GP provides adequate policy basis for PDR should the Board wish to pursue it
 - Several plan policies provide support for program goals & guidance regarding prioritization of resources to be conserved
 - The Board may consider adding specific policy support for PDR in a future plan amendment

PDR Work Plan (continued)

- PDR Ordinance could be located within the County Codified Ordinances, rather than Zoning Ordinance
- Timeline would depend on Board direction on program development
 - For example, establishment of a Board-appointed PDR committee would likely extend the timeline
- Funding for consultant support is not identified or included in FY 2021 budget
- Approximate 12-month process from Board endorsement/funding

Way Ahead

- Staff anticipates discussion and guidance on preferred program approaches (e.g., TDR, TDR with PAR, PDR, etc.)
- Following tonight's discussion, TLUC options include:
 - Direct staff to collect additional information on these topics and return to a future TLUC meeting for discussion
 - Forward preferred program approaches to the Board for further discussion and/or action
 - Table discussion on TDR and/or PDR
 - Take no further action on TDR and/or PDR