

# Transfer of Development Rights

Prince William County:

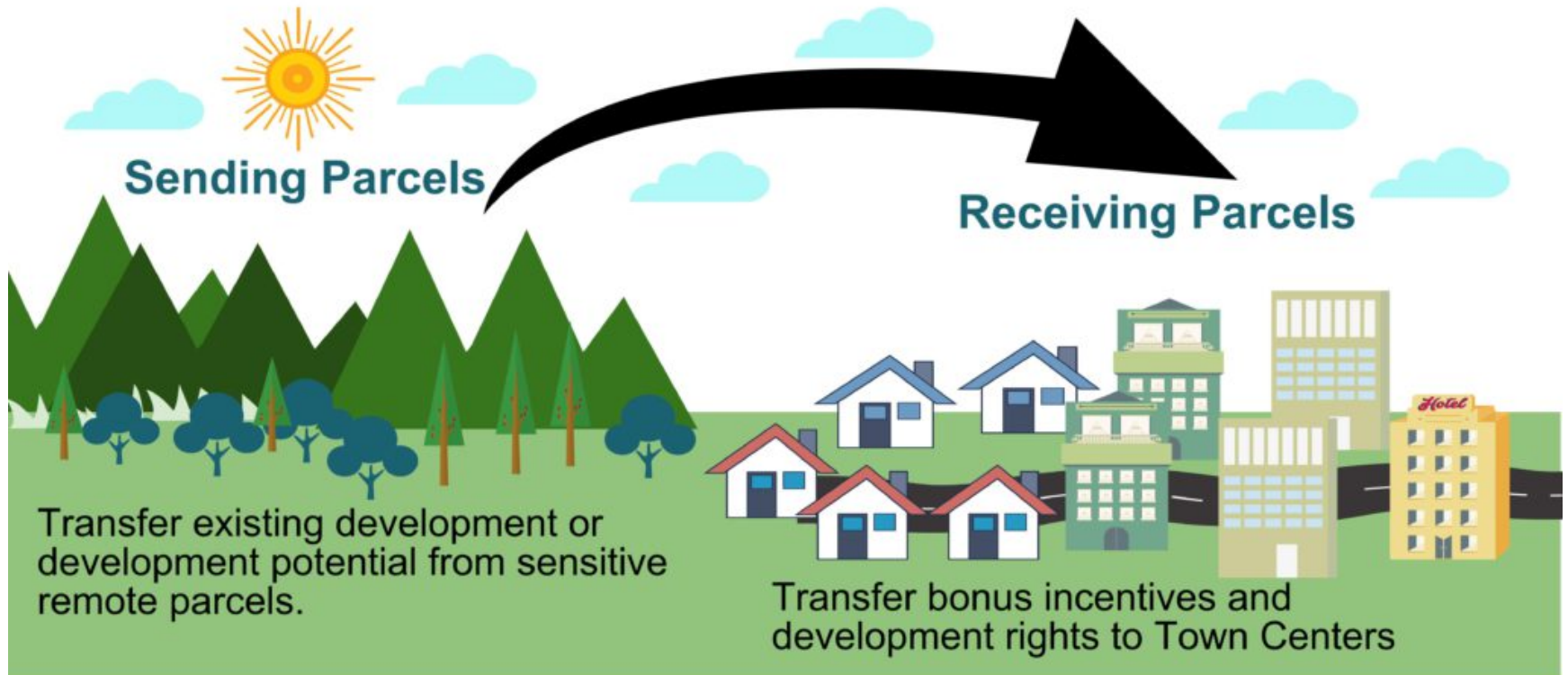
Keep Your Green

September 30, 2019

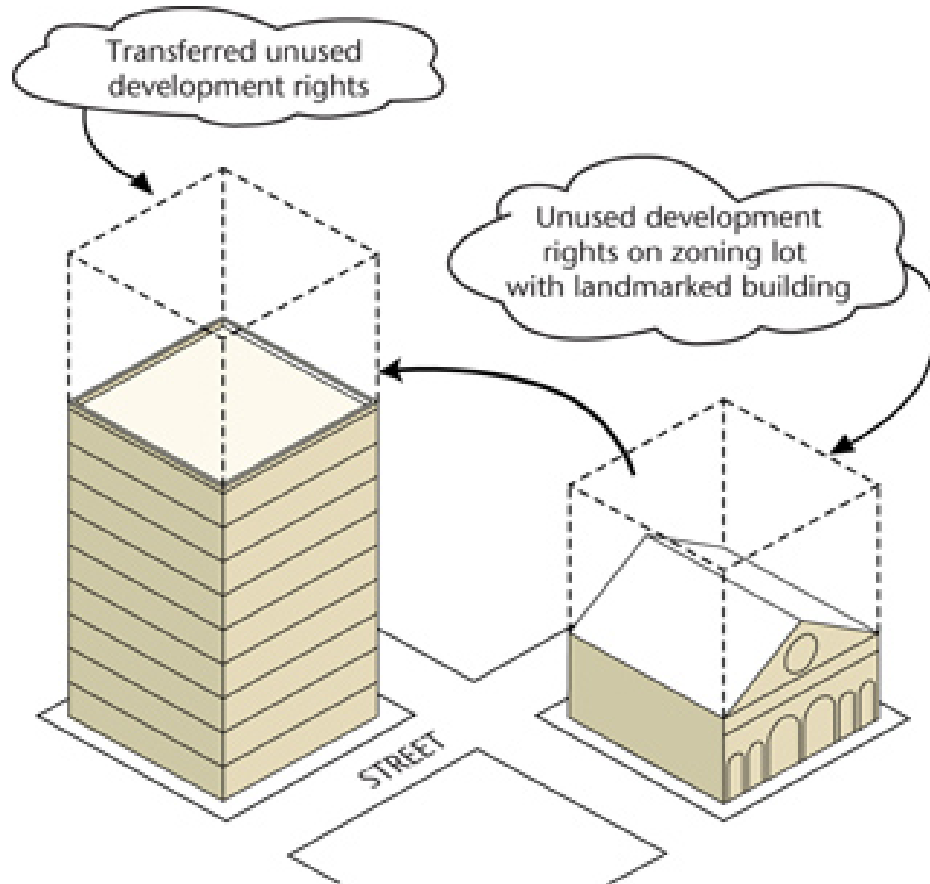
# TDR Definition

- TDR = a voluntary, market-driven growth management tool that permits higher intensity development in designated “receiving” areas in exchange for land or resource protection in designated “sending” areas (American Planning Association)

# How it Works



# How it Works



# TDR Variations

- Some programs permit transfer only within one jurisdiction; others can cross city-county boundaries.
- Some require developers to buy rights directly from sending owners; others establish a bank where purchased rights are held.

# Advantages/Strengths

- TDR works best in a strong real estate market; there must be incentive to acquire rights as well as incentive to preserve land or resources.
- Can be very effective in protecting resource lands.



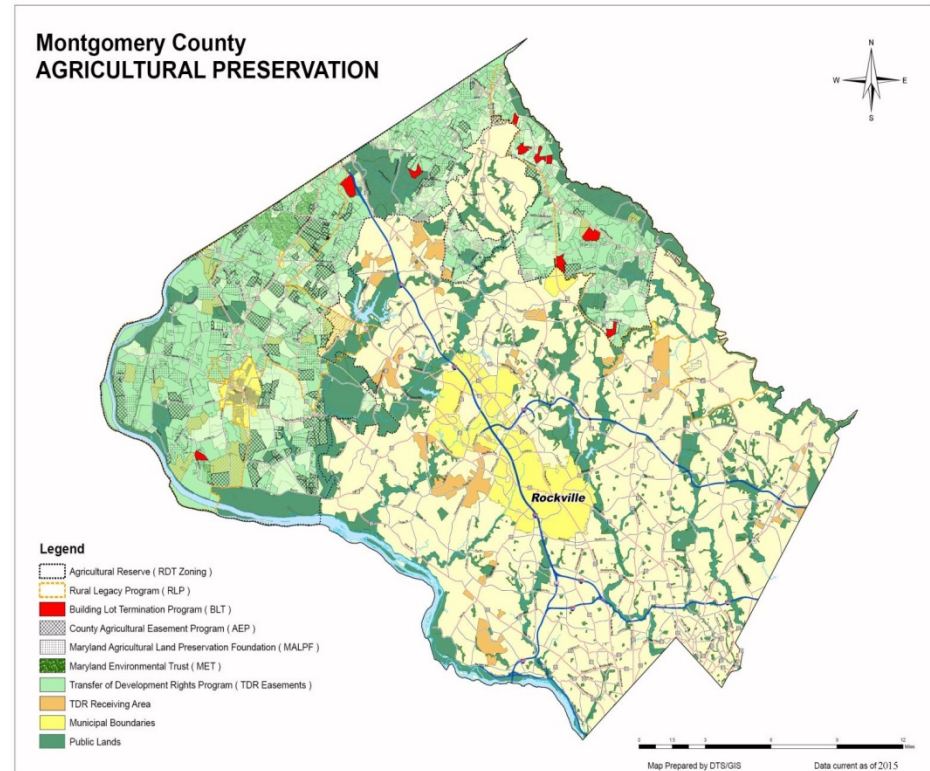
# Drawbacks/Weaknesses

- Determining the boundaries of sending and receiving areas can be tricky.
- Determining allocation and exchange rates can be challenging.
- TDRs must have community support.



# Where It's Worked Well

- Montgomery County, MD, has the most successful TDR program in the U.S.
- Operational since 1980
- Involved downzoning (from 1 DU/5 ac to 1 DU/25 ac) and purchase of rights in 93,000-acre Agricultural Reserve
- Approximately 80,000 acres preserved in easement





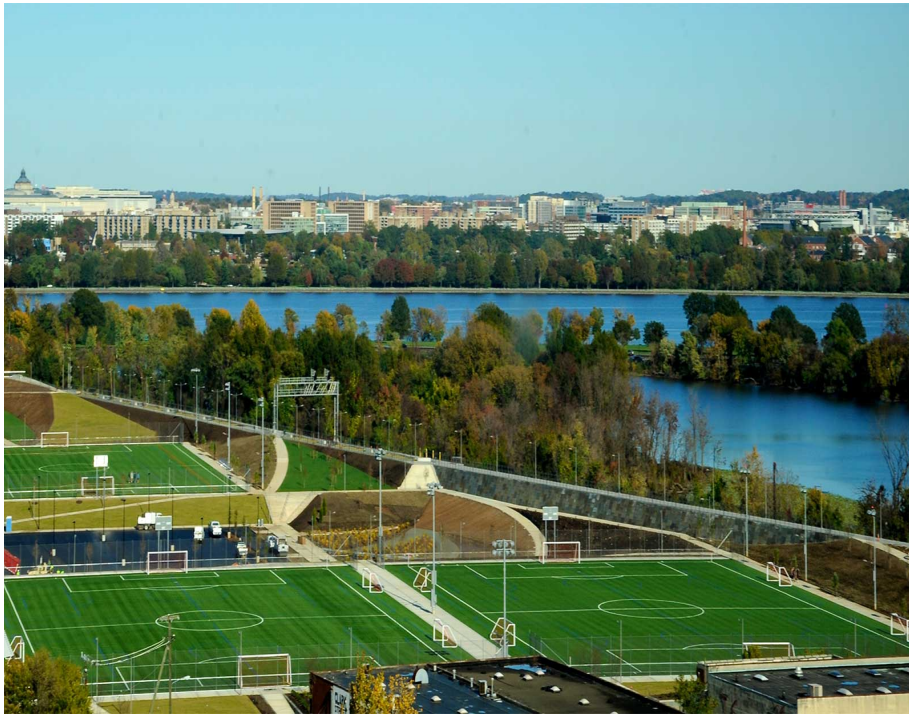
# TDR in Virginia

- Virginia enabled TDR programs in 2006
- Enabling legislation was amended in subsequent years (to clarify and allow time between severing of rights and their transfer)
- Programs have been developed in:
  - Arlington County – 2009
  - Frederick County – 2010
  - Stafford County - 2013

# Where It's Worked Well

- Arlington County has had 10 TDR transactions
- Sending areas = where there's a desire to further open space, historic preservation, affordable housing, or community facilities
- Receiving sites qualify through site plan process
- Success: Clarendon, Ballston, Pentagon City

# Pentagon City



- Rights transferred from Long Branch Park to Pentagon City
- The transfer provided money for the park to develop an aquatic center and make land improvements

# Clarendon



- Penzance is 2 office buildings and ground-floor retail
- 2 historic buildings were preserved off-site but within Clarendon Metro area
- Greater height and density achieved in Clarendon

# Virginia Localities Considering TDR

- Falls Church – proposes a City program to buy rights to property in floodplain, parcels adjacent to parks, or historic properties, and transfer rights to areas proposed for mixed use
- Loudoun County – deliberating TDR as another way to conserve farmland and open space; Board deferred decision in May 2019

# Prince William County

- Sending areas = parcels of more than 20 acres in Rural Area
- Receiving areas = Regional Activity Centers (TDR-D), select sites in Rural Area (TDR-R), and other jurisdictions
- No TDR bank, but exchange between buyers and sellers
- County may need funding to administer the program.