

**TRANSFER OF DEVELOPMENT RIGHTS
(TDR)**

APPLICATION



OCTOBER 2018

Stafford County Department of Planning & Zoning

1300 Courthouse Road
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Stafford, VA 22555-0339

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NOTICE

Stafford County treats all applications and applicants equally. The County does not discriminate against religion, or on the basis of race, sex, age, national origin, or disability, in its planning, permitting, utilities, and land use processes.

Under the laws of the United States and the Commonwealth of Virginia, no government may discriminate against any religion or on the basis of race, sex, age, national origin, or disability, in its planning, permitting, utilities, and land use processes.

Under the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), no government may apply its zoning or land use laws, or its policies and procedures in a manner that unjustifiably imposes a substantial burden on the religious exercise of a person, assembly, or institution.

RLUIPA also provides that no government may apply its zoning or land use laws in a manner that treats a religious assembly or institution on unequal terms with a non-religious institution or assembly.

Finally, RLUIPA provides that no government may impose or implement a land use regulation in a manner that discriminates against a religious assembly or institution.

Stafford County does not discriminate in its planning, permitting, utilities, and land use processes, practices, and policies. Stafford County treats all applications and applicants equally.

TDR Submittal and Approval Process

The purpose of the Transfer of Development Rights (TDR) Program under the Stafford County Zoning Ordinance, Stafford County Code 28-354, is to provide a mechanism by which a property owner can transfer residential density from sending areas (eligible properties in an area designated on the Comprehensive Plan) to receiving areas (eligible properties in an area designated on the Comprehensive Plan that can receive development rights from a sending area) and/or to a transferee without relation to any particular property. This is done through a voluntary process intended to permanently conserve agricultural and forestry uses of lands, reduce development densities on those and other lands, preserve rural open spaces and natural and scenic resources, and direct future growth to areas with adequate infrastructure and services. Key components of the process are:

1. A development right shall only be transferred by means of the recordation of a Transfer of Development Rights Certificate.
2. The ability to transfer development rights require recordation of Covenants and/or a Conservation Easement that restrict further development on the sending property where development rights have been severed.
3. The Covenants and/or Conservation Easement shall be submitted to the Department of Planning and Zoning for review, approved by the County Attorney's Office, and recorded in the Office of the Clerk of the Circuit Court Land Records upon execution by all parties.
4. A Determination of Development Rights may take up to sixty (60) days after submittal of a completed application.
5. Issuance of a Transfer Development Right Certificate will be from the Director of Planning and Zoning and recorded in the Land Records.
6. Development Rights are taxable as real estate.
7. The sale/transfer of Development Rights must be accomplished through issuance of a new Transfer of Development Rights Certificate by the Director of Planning and Zoning.
8. This application form includes three types of requests: 1) Request for Determination and/or Severance of Development Rights; 2) Request for Transfer or Sale of Development Rights; and 3) Request to affix Development Rights to eligible Receiving Properties and/or Extinguish Development Rights. Each request requires completion of a separate application.
9. Prior to approval of any application requests, the County must verify that all real estate taxes are paid and that there are no violations of County Code occurring on affected properties.
10. All applications submitted to the Department of Planning and Zoning for processing should include: 1) Completed Request Information and Primary Contacts sheet; 2) Appropriate checklist with required information; 3) Completed Statement of Understanding for desired request; and 4) Fee calculation sheet.
11. All County application review comments to determine application completeness and approval status can be viewed on the Integrated Web Response System (IWR) at <http://hello.stafford.va.us/Plan> .

Request Information & Primary Contacts

<u>REQUEST INFORMATION</u>	<u>COUNTY PROJECT #</u> _____
Check One	
Determination and/or Severance of Development Rights	<input type="checkbox"/>
Transfer or Sale of Development Rights	<input type="checkbox"/>
Affix Development Rights to Receiving Property and/or Extinguish	<input type="checkbox"/>
_____	_____
TDR CERTIFICATE(S) ISSUED	TOTAL SITE ACREAGE
_____	_____
TAX MAP /PARCEL(S)	ZONING DISTRICT

LOCATION OF PROPERTY	

<u>APPLICANT/AGENT</u>		Primary Contact Person <input type="checkbox"/>	
_____		_____	
NAME		COMPANY	
_____		_____	
ADDRESS	CITY	STATE	ZIP
_____		_____	
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	

<u>OWNER (Provide attachments if multiple owners)</u>		Primary Contact Person <input type="checkbox"/>	
_____		_____	
NAME		COMPANY	
_____		_____	
ADDRESS	CITY	STATE	ZIP
_____		_____	
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	

<u>PROFESSIONAL (Engineer, Surveyor, etc.)</u>		Primary Contact Person <input type="checkbox"/>	
_____		_____	
NAME		COMPANY	
_____		_____	
ADDRESS	CITY	STATE	ZIP
_____		_____	
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	

Application Submittal Checklist
Determination and/or Severance of Development Rights

- Completed “Request Information & Primary Contacts” form
- Signed “Statements of Understanding” from the owner(s) and applicant requesting the determination
- Title Company Policy dated within thirty (30) days of application
- Chain of Title within thirty (30) days of application
- Five (5) copies of a plat (minimum 11”x 17” in size) showing existing residential dwelling unit(s) and proposed area(s) where development rights would be severed or retained at a minimum scale of 1”=100’
- Legal description of property and portion of the property where development rights would be severed.
- One (1) copy of a map (minimum 11’x17” in size) showing all hydric soils and steep slopes (greater than 25 percent) and applicable area calculations
- Proof that real estate taxes are paid

REQUIRED CALCULATIONS:

_____ # of Total Acres of TDR site
 _____ # of Acres > 25% slopes
 _____ # Acres of hydric soils
 _____ # Acres of Easements
 _____ # Acres of ROW dedication or 5% of
 Land area
 _____ # of Existing Dwellings
 _____ # Development Rights to be retained

Are/were there any **CONDITIONS** associated with this application?
 Please provide:

Conservation Easement(s)/Deed Restrictions	<input type="checkbox"/> YES, # _____	<input type="checkbox"/> NO
Previous TDR Determination(s)	<input type="checkbox"/> YES, # _____	<input type="checkbox"/> NO
Previous Certificates Issued	<input type="checkbox"/> YES, # _____	<input type="checkbox"/> NO

Circle all that apply:

Current Use:

Agricultural
 Camp Ground
 Forestry
 Parks

Proposed Use:

Agricultural
 Camp Ground
 Forestry
 Parks

Application Submittal Checklist
For Transfer or Sale of Development Rights

- Completed “**Request Information & Primary Contacts**” form
- Signed “**Statement of Understanding**” from the owner(s)/grantor(s) and purchaser(s)/grantee(s) requesting the issuance of a new TDR Certificate for the purpose of sale or transfer of transferred development rights
- Listing of TDR Certificate(s) with serial numbers of development rights to be sold or transferred
- Title Company Policy dated within thirty (30) days of application
- Chain of Title within thirty (30) days of application
- Proof that real estate taxes are paid

Application Submittal Checklist
For Affixing Development Rights to Eligible Receiving Property
and/or Extinguishing Development Rights

- Completed “**Request Information & Primary Contacts**” form
- Signed “**Statement of Understanding**” from the owner(s)/grantor(s) and purchaser(s)/grantee(s) requesting the issuance of a new TDR Certificate for the purpose of sale or transfer of transferred development rights
- Listing of TDR Certificate(s) with serial numbers of development rights to be affixed to the receiving property and/or extinguished
- Title Company Policy dated within thirty (30) days of application
- Chain of Title within thirty (30) days of application
- Preliminary Subdivision plan or final site plan project name and County project number to receive development rights (not required if ONLY extinguishing development rights)
- Proof that real estate taxes are paid on receiving property

Statements of Understanding
Request for Determination and Severance of Development Rights

I, as owner/co-owner of the property subject to this application, do hereby certify that I have read and understood the requirements of this submission for the Transfer of Development Rights for review and approval as provided under the Zoning Ordinance, Chapter 28 of the Stafford County Code, and further acknowledge that the information provided with this application is true and accurate for the purpose of determining and severing development rights from my property.

Signature of Owner/Co-Owner	Printed Name	Date
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Signature of Owner/Co-Owner	Printed Name	Date
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Signature of Owner/Co-Owner	Printed Name	Date
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I, as owner/co-owner of the property subject to this application, also hereby certify that I have authorized the person(s) listed below to act on my behalf for purposes of processing this application.

Signature of Applicant/Agent	Printed Name	Date
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Statements of Understanding
Request For Transfer or Sale of TDR Certificates

I, as owner/co-owner of the property subject to this application, do hereby certify that I have read and understood the requirements of this submission for the Transfer of Development Rights for review and approval as provided under the Zoning Ordinance, Chapter 28 of the Stafford County Code, and further acknowledge that the information provided with this application is true and accurate for the purpose of transferring or selling TDR Certificates and their associated development rights.

Signature of Owner/Co-Owner	Printed Name	Date
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Signature of Owner/Co-Owner	Printed Name	Date
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Signature of Owner/Co-Owner	Printed Name	Date
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I, as owner/co-owner of the property subject to this application, also hereby certify that I have authorized the person(s) listed below to act on my behalf for purposes of processing this application.

Signature of Applicant/Agent	Printed Name	Date
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Statements of Understanding
Request For Affixing Development Rights to Eligible Receiving Property
and Expiration of TDR Certificate

I, as owner/co-owner of the property subject to this application, do hereby certify that I have read and understood the requirements of this submission for the Transfer of Development Rights for review and approval as provided under the Zoning Ordinance, Chapter 28 of the Stafford County Code, and further acknowledge that the information provided with this application is true and accurate for the purpose of affixing development rights to eligible receiving property and expiration of TDR Certificates that I own.

Signature of Owner/Co-Owner	Printed Name	Date
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Signature of Owner/Co-Owner	Printed Name	Date
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Signature of Owner/Co-Owner	Printed Name	Date
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I, as owner/co-owner of the property subject to this application, also hereby certify that I have authorized the person(s) listed below to act on my behalf for purposes of processing this application.

Signature of Applicant/Agent	Printed Name	Date
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Checklist for TDR
Staff Use Only

This checklist is to be use by County staff for review of all applications related to Transfer of Development Rights, pursuant to County Code Chapter 28, Article XX.

N/A	COMPLETE	CONTENT
<input type="checkbox"/>	<input type="checkbox"/>	28-357 Sending Properties meet eligibility requirements
<input type="checkbox"/>	<input type="checkbox"/>	28-357b(1) Designated in Comprehensive Plan
<input type="checkbox"/>	<input type="checkbox"/>	28-357b(2) Located in TDR Sending Area
<input type="checkbox"/>	<input type="checkbox"/>	28-357b(3) Zoned A-1/A-2 and:
<input type="checkbox"/>	<input type="checkbox"/>	28-357b(3.a) No less than 20 Acres; or
<input type="checkbox"/>	<input type="checkbox"/>	28-357b(3.b) Contiguous parcels comprising 20 acres under same ownership; or
<input type="checkbox"/>	<input type="checkbox"/>	28-357b(3.c) Minimum of 2 Acres designated Park in the Comprehensive Plan
<input type="checkbox"/>	<input type="checkbox"/>	28-357c Taxes Paid
<input type="checkbox"/>	<input type="checkbox"/>	28-357c No code violations
<input type="checkbox"/>	<input type="checkbox"/>	28-358 Receiving Properties meet eligibility requirements
<input type="checkbox"/>	<input type="checkbox"/>	28-358a(1) Zoning Permitted in A1, R1, PD1/PD2, P-TND, UD or B3
<input type="checkbox"/>	<input type="checkbox"/>	28-358a(2) Located in TDR Receiving Area
<input type="checkbox"/>	<input type="checkbox"/>	28-358a(3) Located in Urban Services Area
<input type="checkbox"/>	<input type="checkbox"/>	28-358d(4) Located in Redevelopment Area
<input type="checkbox"/>	<input type="checkbox"/>	28-358b No code violations
<input type="checkbox"/>	<input type="checkbox"/>	28-358b Taxes paid
<input type="checkbox"/>	<input type="checkbox"/>	28-359 TDR Calculations, including hydric soils, steep slopes, r/w.
<input type="checkbox"/>	<input type="checkbox"/>	28-361 Complete TDR Application, including owners consent and fees
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(1) One of the following:
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(1)(a) Certification of title dated w/in 30 days; or
<input type="checkbox"/>	<input type="checkbox"/>	28-361c(1)(b) Title Company Report dated w/in 30 days; or
<input type="checkbox"/>	<input type="checkbox"/>	28-361c(1)(c) Title Company Policy dated w/in 30 days.
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(2) 5 Copies of recorded plat or survey, and legal description
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(2) Plat/survey Magisterial District
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(2) Plat/survey North Arrow
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(2) Plat/survey Scale
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(2) Plat/survey Tax Map Number
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(2) Plat/survey adjoining Tax Map ID
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(2) Plat/survey Row/Route #
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(2) Plat/survey Metes&Bounds
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(2) Plat/survey Vicinity Map
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(2) Plat/survey Date of plan
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(2) Plat/survey Existing Esmt location
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(2) Plat/survey Existing Esmt width
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(2) Plat/survey Existing Esmt bearings and ties
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(2) Plat/survey Existing Esmt instrument number
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(2) Plat/survey showing current zoning
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(2) Legal Description of property certified by engineer or surveyor
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(4) Chain of Title (covers last 60 years)
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(5) Plat/survey of existing/proposed structures and setbacks
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(6) Plan/survey Steep slopes and Hydric soils
<input type="checkbox"/>	<input type="checkbox"/>	28-361d(7) Density calculation worksheet setting forth available development rights