

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

APPLICATION



APRIL 2020

Stafford County Department of Planning & Zoning

**1300 Courthouse Road
P.O. Box 339
Stafford, VA 22555-0339**

**Phone: (540) 658-8668
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www.staffordcountyva.gov

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 four types of requests: A) Request for Determination B) Severance of Development Rights; C) Request for Transfer or Sale of Development Rights; and D) Request to affix Development Rights to eligible Receiving Properties and/or Extinguish Development Rights. Each request requires completion of a separate application, except that a Request for Determination and Severance of Development Rights may be combined as one 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

REQUEST INFORMATION

COUNTY PROJECT # _____

Check One. (Check Two if Determination and Severance are combined)

- | | |
|--|--------------------------|
| Determination of Development Rights | <input type="checkbox"/> |
| 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 (IF APPLICABLE)

TOTAL SITE ACREAGE

TAX MAP /PARCEL(S)

ZONING DISTRICT

LOCATION OF PROPERTY

APPLICANT/AGENT

Primary Contact Person

NAME

COMPANY

ADDRESS

CITY

STATE

ZIP

PHONE NUMBER

FAX NUMBER

EMAIL ADDRESS

OWNER (Provide attachments if multiple owners)

Primary Contact Person

NAME

COMPANY

ADDRESS

CITY

STATE

ZIP

PHONE NUMBER

FAX NUMBER

EMAIL ADDRESS

PROFESSIONAL (Engineer, Surveyor, etc.)

Primary Contact Person

NAME

COMPANY

ADDRESS

CITY

STATE

ZIP

PHONE NUMBER

FAX NUMBER

EMAIL ADDRESS

Application Submittal Checklist
Determination and/or Severance of Development Rights

(Can be submitted together or separately)

- 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 FOR DETERMINATION APPLICATIONS:

- _____ # 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
- _____ # Development Rights remaining after calculations

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

- Conservation Easement(s)/Deed Restrictions YES, # _____ NO
- Previous TDR Determination(s) YES, # _____ NO
- Previous Certificates Issued YES, # _____ 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
- Proof that real estate taxes on development rights are paid
- Deed of Transfer/Sale

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
- 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 development rights
- Proof that real estate taxes are paid on receiving property
- Deed of Extinguishment

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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Application
Fee Calculation
(Rounded to the nearest dollar)

***Application fees are for the administrative process and review of this application, and does not constitute an approval of the TDR.

A. Determination of Development Right	\$ <u>50.00</u>
B. Severance of Development Rights and Issuance of TDR Certificate	\$ <u>180.00</u>
C. Ownership Transfer of Development Rights	\$ <u>85.00</u>
D. Affixing Development Rights and Expiration of TDR Certificate (Note: fees are applied under Subdivision or Site Plan application)	\$ <u>0.00</u>

SUBTOTAL (A, B, A+B, or C)	\$ <u>.00</u>
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E. Technology Fee (2.75%)	\$ _____
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TOTAL (A+E, B+E, A+B+E or C+E)	\$ _____
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THE ABOVE FEES ARE TO BE MADE PAYABLE TO: **COUNTY OF STAFFORD**

RECEIVED: DATE: _____ INITIALS _____	OFFICIALLY SUBMITTED: DATE: _____ INITIALS _____
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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