

Albemarle County TDR Proposal

The following are the key elements of the proposal:

- Divide the current Rural Area into two new districts: a new Rural Area comprising 94% of the County, and a new Boundary Area, comprising 1 % of the County and contiguous to existing Designated Growth Areas
- Downzone the new Rural Area such that new lots can only be created if they are at least 50 acres in size.
- Establish a Transferable Development Rights (TDR) Program to facilitate the transfer of development rights from the new Rural Area to the Boundary Area, including those that were rendered unusable by the downzoning of the new Rural Area.

The following are some of the particulars relating to the key elements identified above:

- Only those development rights that could have actually been used prior to the downzoning would be eligible for transfer under the TDR Program. The seller would be required to 'prove' the existence of their development rights in the same manner as currently required; then they have a sellable right. The only exceptions would be that they would not be required to drill a well or perform a perk test of the soil. Stream setbacks, sufficient square footage to accommodate two septic fields, and all other requirements would need to be satisfied before the development right could be sold.
- Existing undeveloped lots that are smaller than 50 acres and have no division rights but which could be developed would be unaffected by the downzoning. However, these lots could be placed into conservation easement to retire the development right. The owners could then participate in the TDR Program.
- The County will determine the location of the Boundary Area, and determine the maximum density allowable in this area. The anticipated density is 2 lots per acre, which would mean that about 10,000 dwelling units could exist in the Boundary Area.
- The Boundary Area will not be subject to neighborhood model form, and development will occur 'by right'. In order to build more than would currently be allowed by right in the Boundary Area, land owners would gain bonus density up to the maximum density established by the County by purchasing development rights under the TDR Program from Rural Area landowners.
- For each development right purchased from the Rural Area, the Boundary Area recipient would be entitled to build two dwellings. If a Boundary Area landowner wanted to build affordable dwelling units, they could build three for each development right purchased from the Rural Area.
- Unused development rights associated with properties in the Rural Area are not currently taxed by the County Assessor, because it is not known if they are real or theoretical rights, and it is not

known what they are worth. Once those rights are transferred to properties in the Boundary Area, it will be known that they are actual usable rights, and their value will be known. Thus, their value will be taxed by the Assessor.

- Family subdivisions will be allowed in the Rural Area under certain circumstances.
- Rural Area property values are expected to remain constant or increase, because there will be fewer purchase options for people moving into the County, and because Rural Area land that is surrounded by properties that will always remain rural is more valuable in the market than properties that have the potential to be surrounded by development.
- Albemarle County has experienced Rural Area home building at approximately 250 – 300 houses per year for the last several years. At this rate, the demand for development rights will provide a market for approximately 20 years.
- The proposal is an attempt to implement the Albemarle County Comprehensive Plan by providing real protection of the Rural Areas through the downzoning. The proposal is also an attempt to ensure that Rural Area landowners are not disproportionately burdened by the aforementioned action.

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