

ORANGE COUNTY
BOARD OF COMMISSIONERS

WORK SESSION AGENDA ITEM ABSTRACT

Meeting Date: May 24, 2007

Action Agenda
Item No. 2

SUBJECT: Transfer of Development Rights (TDR) Implementation

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

ATTACHMENTS:

- TDR Program Development Timeline
- Program Summary
- Program and Administrative Design Options

INFORMATION CONTACT:

- Craig Benedict, Planning Director, 245 2592
 - Glenn Bowles, 245 2577
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PURPOSE: To consider consultant’s presentation of TDR program and administrative design options on strategic elements of the County TDR program and to give staff and the consultant further direction regarding such.

BACKGROUND: The BOCC retained The Louis Berger Group and the University of North Carolina – Charlotte Urban Institute to complete Phase III of the TDR study. The Phase III studies are a continuation of the first two phases (background data collection and feasibility), which Berger and the Urban Institute completed in the fall of 2006.

Staff has continued to work with The Louis Berger Group since their contract was amended in November 2006 to include Phase III work to define specific program and administrative design issues. The Environmental Resource Conservation Department and the County Attorney have been consulted on all aspects of these issues. The consultants made an informational presentation to the Planning Board on March 7, 2007. Members of the Planning Board, Affordable Housing Advisory Board, the Agricultural Preservation Board, the Historic Preservation Commission, the Commission for the Environment, the Economic Development Commission met with the consultant and Planning staff on April 23, 2007 to review the TDR program and administrative design options.

FINANCIAL IMPACT: There is no financial impact associated with this item. If implementation occurs within the upcoming fiscal year, Planning Department staff can handle the initialization of the program, as tentatively designed.

RECOMMENDATION: The County TDR staff team recommends that the Board consider the consultant’s suggestions regarding TDR program and administrative design options of the County TDR program and provide the consultant and staff direction on the issues discussed.

TDR Program Development Timeline

Contracting Process

<i>June 23, 2004</i>	BOCC authorizes issuance of RFQ to professional planning consultants to develop a countywide TDR program.
<i>July 6, 2004</i>	RFQ posted on APA national and North Carolina Chapter websites.
<i>Aug. 13, 2004</i>	Deadline for RFQ responses. Five were received.
<i>Sept. 8-13, 2004</i>	Interviews at the Governmental Service Center.
<i>Oct. 13, 2004</i>	Finalists (Freilich, Leitner & Carlisle/James Nicholas/J, J, & G and Louis Berger/UNC Charlotte Urban Institute) are selected and additional questions are sent.
<i>Nov. 22, 2004</i>	BOCC selects Louis Berger/UNC Charlotte Urban Institute
<i>Mar. 2005</i>	BOCC approves consultant contract for Phases I and II.
<i>June 23, 2005</i>	BOCC appoints TDR Task Force.
<i>June 27, 2006</i>	BOCC receives the consultant's TDR Feasibility Study draft report and affirms the recommendation of the TDR Task Force that the process of designing a TDR program should go forward.
<i>Sept. 19, 2006</i>	BOCC approves contract with Louis Berger/UNC Charlotte Urban Institute to conduct Phase III of the TDR program development.
<i>Nov. 2, 2006</i>	BOCC approves budget for Phase III of consultant contract.
<i>Dec. 19, 2006</i>	Orange County staff give consultant formal notice to proceed with Phase III.


TDR Program Development Process


Phase I and Phase II were both completed in June 2006, with deliverables accepted by BOCC in October 2006. Deliverables can be found at http://www.co.orange.nc.us/planning/TDR_files/index.html.


	Delivered	Available on web	New to NC
Phase I - Background Research and Data Gathering			
A. Property values and market trends analysis	Oct. 2006	Yes	No
B. Draft Feasibility Decision Flowchart	Oct. 2006	Yes	No
C. Public Engagement Process Plan	Oct. 2006	Yes	No
D. Legal assessment	Oct. 2006	Yes	Yes
E. Case studies of other TDR programs	Oct. 2006	Yes	Yes
F. Key stakeholder interviews	Oct. 2006	Yes	Yes
Phase II - Feasibility Study and Concept Plan			
A. Assess Sending Area potential	Oct. 2006	Yes	Yes
B. Assess Receiving Area potential	Oct. 2006	Yes	Yes
C. Determine overall economic viability	Oct. 2006	Yes	Yes
D. Assess issues, constraints and opportunities (legal, administrative, financial)	Oct. 2006	Yes	Yes
E. Finalize Feasibility Decision Flowchart	Oct. 2006	Yes	Yes
F. Identify impacts of TDR on existing county programs	Oct. 2006	Yes	Yes
Phase III - Program Design and Implementation Plan			
A. Program Design Options	Ongoing	Not yet	Yes
B. Administrative Design Options	Ongoing	Not yet	Yes
C. Implementation Plan	Upcoming	Not yet	Yes
D. Ordinance Development	Upcoming	Not yet	Yes

Phase III - Program Design and Implementation Plan Detailed Summary

Key Components	Status
 TDR Goals & Objectives	Complete
 TDR Implementation Plan	Ongoing
 Adoption of TDR Ordinance	Upcoming

 TDR Goals & Objectives	Complete
<p>Worked with the Board of County Commissioners on Feb. 12, 2007 to identify and prioritize the following:</p> <ol style="list-style-type: none"> 1. Land Preservation Priorities: Focus on agriculturally productive land and land with environmental merit, such as stream buffers, wetlands, watershed supply areas, and natural habitat areas. 2. Growth Management Priorities: Encourage denser development where public services can be cost-effectively provided and elevate design requirements for denser development. 3. Municipal Participation: Do not rely on municipal participation but allow for it in the future. 4. State Enabling Legislation: Rely on existing local government authority to regulate land development rather than waiting for statewide TDR enabling legislation. 5. Transaction Process: Allow for administrative approval for most TDR transactions, with provision for Planning Board and/or County Commission approval for unusual or complex situations. 	

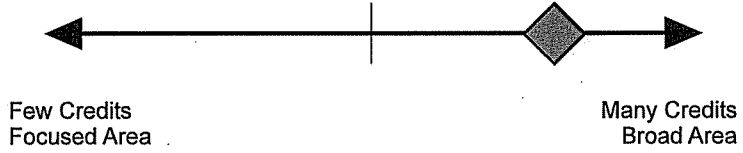
 TDR Implementation Plan	Ongoing
<p>A. Program Design Options</p> <ol style="list-style-type: none"> 1. Designate Strategic Rural Areas and Strategic Growth Areas Map boundaries and establish participation eligibility criteria Complete 2. Refine Economic Analysis & define TDR credit allocation formulas Develop formulas for Strategic Rural Area credits and Strategic Growth Area density bonuses, balance formulas to create a workable market Ongoing 3. Finalize formulas and other requirements (e.g., design guidelines, etc.) Upcoming <p>B. Administrative Design Options</p> <ol style="list-style-type: none"> 1. Outline how TDR will modify existing development approval process Complete 2. Discuss with local developers the administrative and market feasibility for TDR Complete 3. Explore use of Development Agreements to streamline TDR approval process Ongoing <p>C. Implementation Plan Ongoing</p> <p>D. Ordinance Development Upcoming</p>	

 Adoption of TDR Ordinance	Upcoming
<p>Board of County Commissioners will vote following public notice and public hearing</p>	

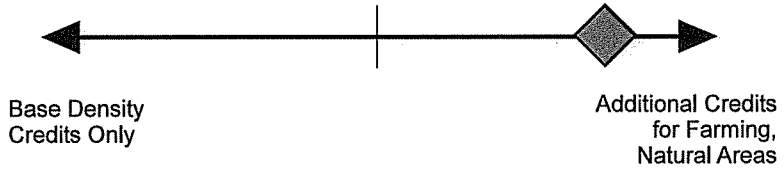
Program and Administrative Design Options

Each line represents a spectrum of options in designing a TDR program. The diamond represents where the preliminary Orange County program lies.

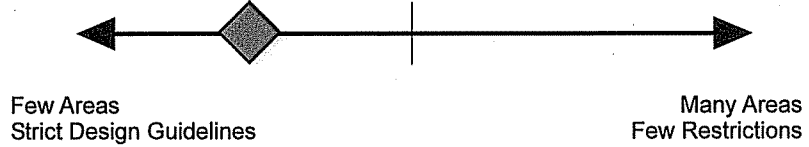
Sending Area Designation (III A)



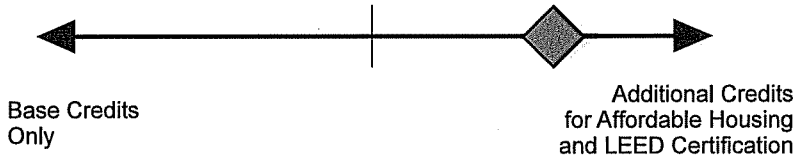
Sending Area Credit Calculation (III A)



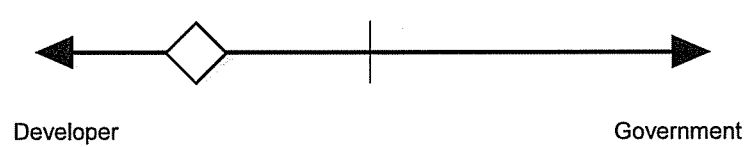
Receiving Area Designation (III A)



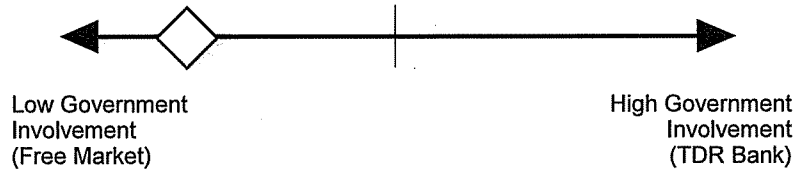
Receiving Area Credit Calculation (III A)



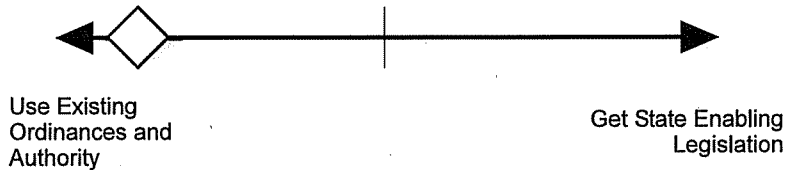
Interaction with Sending Area Landowner (III B)



Administrative Design (III B)



Legal Authority (III B)



Program Participation (III B)

