

TRANSFER OF DEVELOPMENT RIGHTS (TDR) WORKGROUP

Soil Conservation District Office

Upper Marlboro, MD

Meeting 8: 2/12/2016

9:00 a.m.

Member Attendees:

Yates Clagett Jr. (Chairman), Regina Speed-Bost, Steven Darcey, Gale Lammers, Ken Dunn, Phillip Hutton

Staff Attendees:

Jackie Brown, Kathleen Canning, Barbara Stone, Derick Berlage, Fatimah Hasan

Other Attendees:

Jeanine Nutter, Soil Conservation District

In order according to the agenda:

1. Welcome and Administration

The Chairman welcomed members and staff. Chairman Clagett briefed the work group on the possibility of the Cheltenham facility being chosen for the new Southern Maryland Ag Center.

2. Review and Approval of January meeting minutes

The minutes were approved.

3. Exploring Options for a TDR Program

• Land Data Review (Fatimah Hasan)

Fatimah Hasan displayed a map of unsubdivided properties zoned R-A, R-E and R-R, located within the growth boundary and conducive for TDRs. The properties are not within Tier 4. The Work Group discussed consideration of a TDR program for Tier 4 including transfer from Tier 4 to Tier 4. Ken Dunn and Regina Speed-Bost agreed that the tool should not be limited and the program should be more inclusive than less inclusive.

- Incentives Wish List (Ken Dunn)

As a follow-up to the discussion at the January 15 meeting, Mr. Dunn outlined possible incentives for the toolbox:

1. Traffic Impact: Perhaps use TDRs as a way to offset traffic failures at critical intersections. Instead of needed a Level of Service (LOS) 'D', perhaps we could use them to allow the developer to muse a LOS 'E'
2. School Fee: Perhaps TDRs could be used to reduce the school impact fee either by a simple lowering of the fee outright or by changing the fee so that a SFD is not the same fee as a SFA or a MF unit.
3. Reduce Review and Permit fees: Fairly straightforward incentive. Perhaps by as much as 50%.
4. Reduce Park fees: Subtitle 24 has Park fees associated with it based on Density. Perhaps a reduction in the Park fee would be warranted.
5. Expedited Review times (similar to current process for TOD sites): Allow TDR development to go to the top of the pile of reviews.
6. Ease up the restrictions on PMAs: Allow some infrastructure improvements in areas of PMAs such as the steep slope and the stream buffer. Such as grading, parking lots, SWM facilities.
7. Change the Bulk Restrictions: By right subdivision have strict code requirements. Perhaps reducing the mandatory lot size, width, coverage, and setbacks is appropriate.

(Work Group discussed maximum flexibility in R-A Zone, ¼ acre lot incentive to purchase TDRs. Also, applicant provide two plans to M-NCPPC Development Review Division: a plan without TDRs and a plan showing how many lots with TDRs, use strict formula, maximum flexibility, and based on acreage set number of TDRs required)

8. Eliminate Oversight: Reduce the District Council oversight process.
9. Density: Allow the addition of density.

Phil Hutton commented on situations similar to lineal descendant conveyance subdivision plat exemption. A farmer could purchase TDRs from neighbor also with exemption from subdivision plat requirement. Consideration of additional flexibility for rural agricultural property (Example: 20-acre farm, flexibility in lot size or other regulations if TDRs are purchased)

Chairman Clagett commented on creating market (supply and demand) for TDRs; look at how we assign TDRs, density by right or based on septic bill. Suggested maximum 15 lot development if TDRs transferred from Tier 4 to Tier 4. Make transfers in Tier 4 less valuable. Come up with an equation to increase value sent out, decrease value if kept in. Ratio 1:1?

The Work Group discussed how to recoup lost value of a 1,000-acre Tier 4 property that only has 7 building rights per septic bill regulations. Flexibility is needed to sell land for highest and best use.

Chairman Clagett commented that he will meet with Ms. Hasan to begin formulating recommendations and preparing an outline.

4. Next Steps/Other Business

- Sending areas (ratios, SB236 density or other density, property values/loss value) and receiving areas
- Number of recorded unbuilt lots in Tier 4
- Unsubdivided, theoretical lots and how many buildable based on SB236
- Outline of Work Group recommendations

5. Meeting Adjourned at 10:30 a.m.

NEXT MEETING: March 11, 2016