

TRANSFER OF DEVELOPMENT RIGHTS (TDR) WORKGROUP

Soil Conservation District Office

Upper Marlboro, MD

Meeting 1: 04/08/15

1 p.m. – 2:30 p.m.

Member Attendees: Yates Clagett (Workgroup Chairman), Phillip Hutton, Steven Darcey, Gale Lammers, Stephanie Eugene, Boyd Campbell

Workgroup Staff Attendees: Kathleen Canning, Jackie Brown, Barbara Stone, Derick Berlage, CJ Lammers, Fatimah Hasan

Other Attendees: Council Chairman Mel Franklin, Sasha Desrouleaux (Office of Council Member Derrick L. Davis)

In order according to the agenda:

I. Welcome and Introductions -

The meeting began with an introduction from Council Chairman Mel Franklin. Mr. Franklin thanked the members for agreeing to serve on the workgroup and stated his intended goal for the workgroup is to develop a TDR program which maintains equity in the rural tier while focusing density in the inner Beltway areas with buy in from multiple stakeholders. The Chairman commented on the tie in of a TDR program with the ongoing Zoning Ordinance rewrite project and the opportunity to have all efforts working in tandem.

Each member introduced themselves commenting on their interest in serving on the workgroup and the stakeholder group they are representing.

II. Goals and Timelines –

Workgroup Chairman Yates Clagett suggested that the workgroup takes its time with this effort, but not waste time. A determination as to whether a TDR program can work in the County should be made early in the process, and even with the workgroup's intent to accomplish its goal, if it is anticipated that it's a "dead end", the work should not continue. Mr. Clagett also mentioned the workgroup making a determination as to the need for consultants to assist with the TDR effort.

Boyd Campbell suggested, and the members agreed to a one year timeline for completion of the members' work on a proposed program, with evaluation of the work and goal at nine months. The members also discussed the need to amend CR-24-2014, which established the workgroup, to obtain an extension for completion of their work.

III. Meeting structure (public participation, procedures, minutes, voting etc.)

Kathleen Canning, County Council's Legislative Officer, informed the members that meetings are subject to the Open Governments Open Meetings Act. The workgroup is considered an open body and shall meet under public sessions. The Act requires the workgroup to provide minutes of each meeting, and 6 of 11 workgroup members must be present in order to conduct business. Jackie Brown, County Council Planning, Zoning and Economic Development Committee Director, informed the members that notice of the workgroup meetings will be posted on the Council's website, monthly calendar, and bulletin board on the 2nd floor of the County Administration Building. Ms. Brown also commented that the workgroup does not have its complete membership, and still needs 2 of the 4 County resident representatives. Boyd Campbell stated the workgroup needs to have full membership to ensure meeting quorum, and recommended representatives from an urban area or municipality to fill the existing vacancies on the workgroup.

Charles Reilly requested of Yates Clagett as workgroup chairman to keep members on target, and focus on issue at hand during meeting discussions.

For future meeting agendas, Derick Berlage, M-NCPCC Countywide Planning Division Chief, suggested including expert presenters and Boyd Campbell suggested review of previous agricultural preservation and TDR program efforts.

IV. Discuss proposed meeting time, dates and regularity

The members agreed to meet once per month on the second Friday, at 9:00 a.m., at the Soil Conservation District Office with a standing alternative for a web based meeting for those who may not be able to attend in person.

V. Briefing – Prince George's County Land Preservation

Workgroup Chairman Yates Clagett provided a handout and summarized current land preservation programs, including the preserved statistics and pending applications: Maryland Agricultural Land Preservation Foundation (MALPF), Rural Legacy, and Historic Agricultural Resource Preservation Program (HARPP). In summary, “all three programs accomplish the goal of preserving valuable land by purchasing development rights while allowing the landowner to retain their property. The landowner is compensated for the sale of those rights on a per acre basis. The value of the easement is determined differently with each program.”

Boyd Campbell inquired about the relevancy of TDRs to agricultural preservation efforts; will a TDR program complement existing programs, and what is goal of the workgroup in this regard? Mr. Clagett responded that a property owner with 15-20 acres does not benefit from the three existing programs because they do not help small operations. He also commented that a TDR program should be voluntary, and for those wanting to increase density in receiving areas, they must pay for it.

For homework, Mr. Clagett requested that the members read SB236 (Sustainable Growth and Agricultural Preservation Act of 2012), pages 19 and 20, concerning a TDR program that the State provided that counties could enact.

Steven Darcey suggested that it may be helpful for the workgroup to receive data concerning all agriculturally assessed land in the county.

CJ Lammers, M-NCPPC Countywide Planning Division, commented that the workgroup can offer suggestions to the Zoning Ordinance rewrite effort that Council Chairman Franklin mentioned in his opening remarks. Ms. Lammers indicated that the rewrite project consultant has not made many proposals to make changes to the agricultural standards, so the timing is appropriate for suggestions on how to change the Zoning Ordinance to ensure that agriculture continues as a viable enterprise.

VI. Briefing – Priority Preservation Area Plan

Sustainable Growth Act

CJ Lammers gave an overview of the Sustainable Growth and Agricultural Preservation Act of 2012 and provided a map reflecting the implementation of the tier structure (I through IV) with corresponding sewer categories.

Based on the presentation, it was suggested that additional data would be helpful to the workgroup in determining if a TDR program is feasible. Steven Darcey stated that a potential receiving area could be farms remaining in the developing tier.

The data requested includes: how many lots and acreage already exist in Tier IV that could be developed without subdividing; how many acres are eligible as Tier IV sending areas and Tier IV receiving areas; and how many acres are available inside the sewer envelop zoned O-S, R-A and R-E to possibly act as receiving areas.

Ms. Lammers indicated that in consultation with the M-NCPPC Information Management Division, she would provide the additional data for review and discussion at the next scheduled meeting.

VII. Meeting adjourned at 2:44 p.m.

NEXT MEETING: Friday, May 8, 2015 at 9:00 a.m.