

TRANSFER OF DEVELOPMENT RIGHTS (TDR) WORKGROUP

Soil Conservation District Office

Upper Marlboro, MD

Meeting 2: 5/29/2015

9:00 a.m. to 10:40 a.m.

Member Attendees:

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

Staff Attendees:

Barbara Stone, Kathleen H. Canning, CJ Lammers, Fatimah Hasan

Other Attendees:

Micah Watson (Office of Council Member Deni Taveras)

Jeanine Nutter, SCD

In order according to the agenda:

1. Welcome and Administration

The Chairman welcomed members, staff and other attendees.

2. Review and Approval of April 8th meeting minutes

The minutes were approved at the end of the meeting because there wasn't a quorum when the meeting began.

3. New Farm Enterprises and Trends

This part of the presentation was deferred to a later date.

4. Transfer of Development Rights Data Analysis

CJ Lammers, M-NCPPC, Countywide Planning, Master Planner, made a presentation on information the TDR Work Group requested at their last meeting, that was provided in a memorandum from Lammers and Berlage to Clagett dated May 22, 2015 and distributed to the work group prior to the meeting..

The information requested was: (1) how many lots and acreage already exist in the Rural and Agricultural Area (formerly known as the "Rural Tier") that could be developed under the existing regulations; (2) hypothetically, how many TDRs could be created in

Tier IV; and (3) how many acres are available inside the sewer envelop zoned O-S, R-A, and R-E to possibly act as receiving areas and divide the information into land that is agriculturally-assessed and land that is not.

CJ Lammers provided an overview of the information. The data provided in table one showed that there are approximately 2,300 dwelling units that could be built today, under the existing regulations. This is the existing development capacity in the Rural and Agricultural Area that could be built with no changes.

Yates Clagett pointed out that the likely build out capacity in the O-S and R-A is 2,322. There was some discussion about how the Rural and Agricultural Area is already fairly parcelized and that this capacity could result in more development. Boyd Campbell concurred and indicated that this was a good exercise but cautioned about over generalizing.

Regarding the discussion on Table 2 that showed the number of hypothetical TDRs that could be created, the numbers showed that there are approximately 861 TDRs that could be created from 83 properties.

In the third category of TDR analysis included the number of properties and acreage of both ag assessed and non-ag assessed properties in the O-S and R-A zones in SGA Tiers I and II. These properties could be a possible receiving area. There are approximately 183 ag-assessed properties that encompass 4,201 acres.

The work group talked in general about the problems that the County faces in creating a TDR Program at this time. They included:

1. It would not be a good idea to burden receiving areas and potentially delaying their re-development. For example, the designated downtowns would be logical receiving areas, but the County struggles to obtain the kinds of densities that are needed to create vibrant and sustainable places in these areas without the added burden of purchasing development rights from elsewhere.
2. Other counties with TDR Programs conducted countywide or large scale rezonings of land to make the TDR Program work. There has not been the ability in the past to obtain support for a downzoning of the kind that would be needed for a robust TDR Program.
3. Many areas of the County that also might be receiving areas are already in the highest zoning category (MXT) eliminating an incentive to support a TDR Program. The Purchase of Development Rights Program and the recently acquired certification from the Maryland Agricultural Land Preservation Foundation (MALPF) can only go so

far as the primary elements of agricultural land preservation. In order to be sustainable, there needs to be a shift from publicly-funded land preservation programs to privately-funded programs.

4. The land preservation programs all focus on farms 35 acres and larger (for MALPF it's 50 acres). The upcoming trend in farming appears to be smaller, niche farms that need fewer acres, some as small as 2-5 acres. Programs or special tax structures are needed to support this market as well.
5. If a program is to be created, what are the overhead costs? Staff time and other costs? Is the program robust enough to cover these costs?

The discussion continued into the parameters of SB 236 and what we are and are not allowed to recommend for a TDR Program. CJ Lammers indicated that the State legislation allows a County to develop its own TDR program in accordance with State law. The work group requested that CJ Lammers obtain additional clarification on SB 236 by talking with the State staff and report back to the TDR Work Group.

5. Strategic Plan for Agricultural Development
This item was deferred.
6. Discussion – Next Meeting Date/Next Steps/Other Business
Presentation by the University of Maryland Agricultural Marketing Consultant on status of previously adopted agricultural policies and strategies is proposed.
7. Meeting Adjourned at 10:40 a.m.

NEXT MEETING: Friday, June 19, 2015