

TRANSFER OF DEVELOPMENT RIGHTS (TDR) WORKGROUP

Soil Conservation District Office

Upper Marlboro, MD

Meeting 6: 10/30/2015

9:00 a.m.

Member Attendees:

Yates Clagett Jr. (Chairman), Boyd Campbell, Regina Speed-Bost, Steven Darcey, Gale Lammers, Stephanie DeVille-Eugene (by telephone)

Staff Attendees:

Jackie Brown, Kathleen Canning, Derick Berlage, Fatimah Hasan

In order according to the agenda:

1. Welcome and Administration

The Chairman welcomed members and staff.

2. Review and Approval of June 19, July 31 and September 18 meeting minutes

The minutes were approved.

3. TDRs – Review and Discussion of Research Paper

Derick Berlage and Fatimah Hasan gave a presentation on a Planning Department staff memorandum to Chair Clagett concerning a discussion of a possible TDR Program in Prince George's County. The memorandum included an analysis of options for establishing a TDR Program using a checklist endorsed by the Maryland Department of Planning. A short history of how TDRs have been considered in the past in the County and information regarding how TDR programs function in other counties was also provided.

The data shows that with existing subdivided but undeveloped lots, there is no demand for creating more capacity in a Tier IV to a Tier IV program.

Based on review of the analysis, the following points were discussed:

1. The Work Group members wanted to know the feasibility of transferring from Tier IV to Tier III. This sentiment was also expressed in the meeting: why can't Prince George's County consider a TDR program from Ag land to Ag land,

wherever it is in the County, inclusive of Tier IV to Tier III, or Tier IV to Tier II for that matter (wherever). Chair Clagett stated that if allowed by SB 236, may open more for sending areas.

2. What is the likelihood that builders/developers would like to build in Tier III (or wherever else is a receiving area) given the market and demand for additional density?
3. Look more into detail into the 2,259 lots and parcels in the likely build out capacity (Table 1 of M-NCPPC staff memo to Clagett) to determine what might be the impact we might expect on the infrastructure (public schools, roads, etc.) of building those lots in the Rural/Ag areas.
4. What is the risk of not implementing a TDR program? Will many of the lots in the potential build out number be developed, and what impact will it have on the agricultural preservation program? This is related to #3.
5. Regina Speed-Bost asked if there is information on the administrative costs to the counties that have a TDR program. This is important in trying to gauge what kind of administrative costs are required, even for a scaled back TDR program that is commensurate to a low level of activity.
6. Boyd Campbell suggested contacting Larry Tom, Planning and Zoning Officer in Anne Arundel County regarding Anne Arundel's TDR program. Larry Tom had informed Mr. Campbell that the TDR program did not work well for them.

Charles Reilly was unable to attend the meeting, but provided the following written comments to the members by email dated October 30, 2015:

First, I agree with a request to council to broaden the scope of the work group to other ways to strengthen and preserve agricultural land.

In response to D. Berlage's October 27 memo, especially the two questions raised in "Analysis of Options for the Work Group":

1. It appears that a typical TDR program is not feasible in Prince George's County for the reasons well stated in the letter (limited demand for higher density, desire to avoid additional burden on initiatives in focus development areas, etc.).
2. A Tier IV to Tier IV TDR program does appear to be feasible and valuable. Such a program, by allowing clustering of up to 15 lots in one subdivision on active ag land, and thereby extinguishing development rights on the sending property, would seemingly serve the county's preservation aims in helping to mitigate a trend towards sprawl

“balloon on a string” subdivisions across the entire preservation area. Even more appealing is the clustering (conservation design?) requirement which (in landscape designer Randall Arendt’s scheme) allows farming operations to continue alongside a cluster of homes on the same property.

Finally, in reference to Attachment C, page 3, point 8, Mr. Berlage describes an option “The State should consider allowing densities of 3.5 units per acre in Priority Funding Areas to be achieved through TDRS added to a lower base density, in some instances.” The concept of lowering base density rather than “giving away density for free” has great merit.

4. Review and Discussion of Draft Letter to Council Chairman Franklin concerning status of TDR Work Group. This item was held.
5. Next Steps/Other Business
6. Meeting Adjourned at 10:40 a.m.

NEXT MEETING: November 20, 2015