



**Charles County
Transfer of Development Rights
(TDR)
Planning Commission Meeting**

April 9, 2012

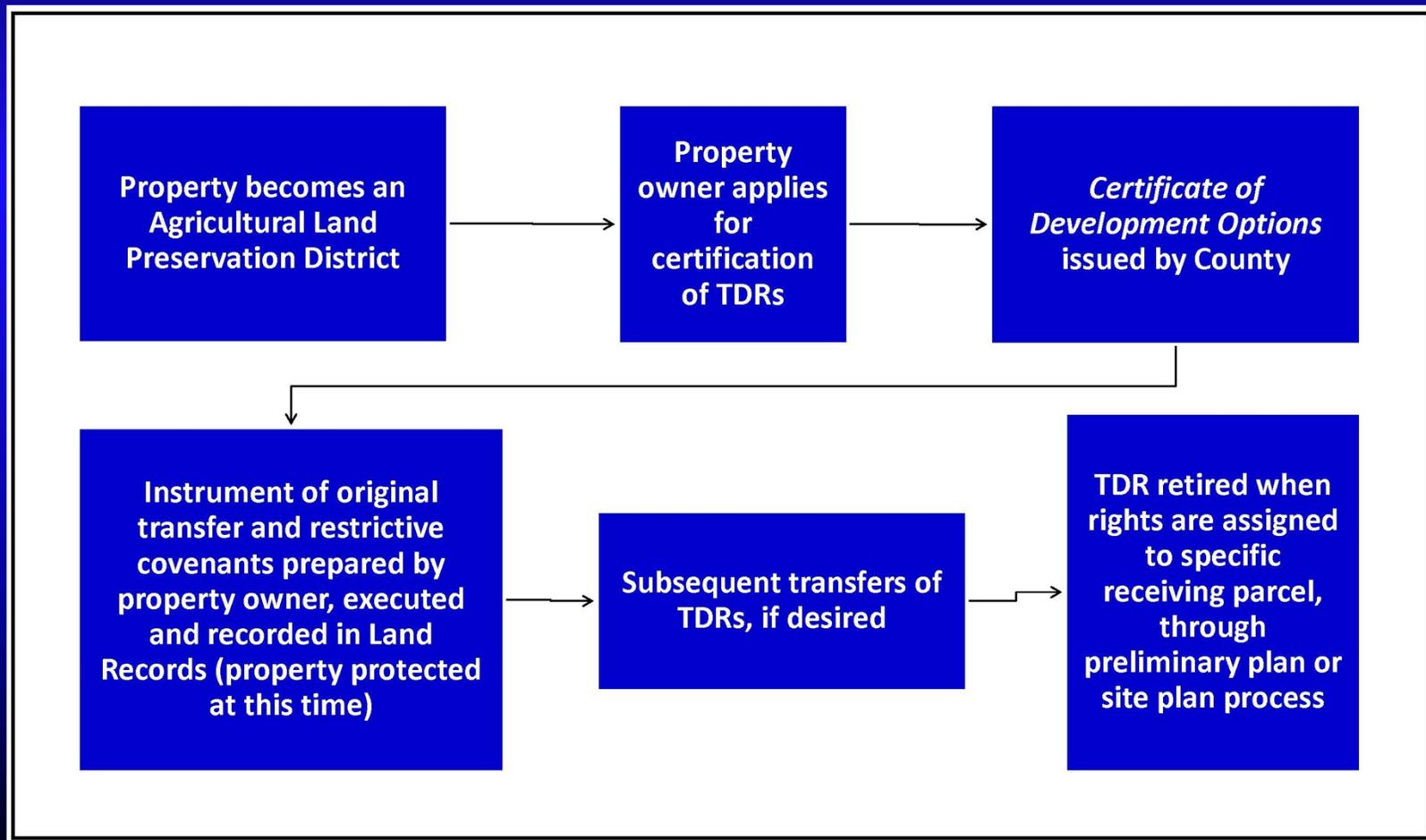
The purpose of this presentation is to provide an overview of the program, report of current activities related to TDRs, and get your recommendations for the Comprehensive Plan



What is Transfer of Development Rights

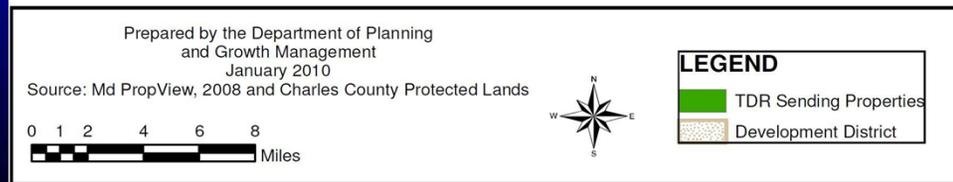
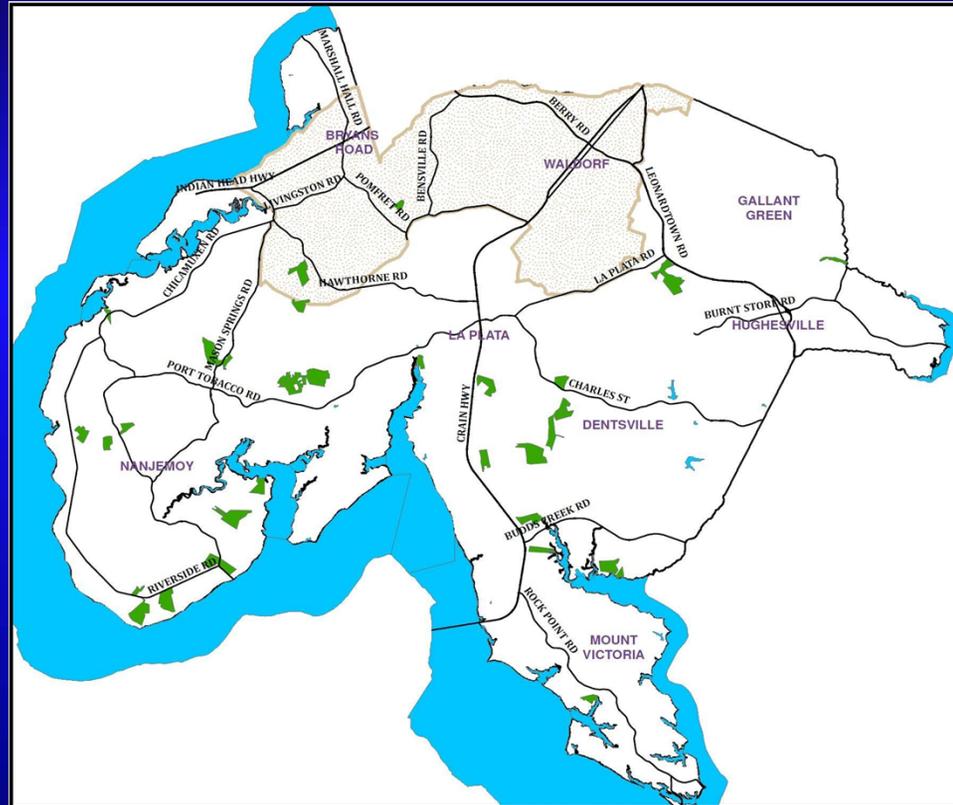
- Government created market.
- Rural sale of property rights to development are transferred to designated growth areas in exchange for conservation easements on their land.
- Requires both a sending area to conserve and sell development rights from; and a receiving area to buy rights to increase the lands development potential.
- Charles County – used for farm and forest land protection with productive soils.

TDR Process Flow Chart



TDR Sending Areas

Properties that have transferred TDRs



Program History

1990 County Comprehensive Plan

- Explore the use of TDRs
- Feasibility of a TDR bank

1991 TDR Study

- Support Maryland Agricultural Land Preservation Foundation (MALPF) Districts as TDR sending areas
- TDRs more effective with lower densities in rural areas

1992 County Zoning Ordinance

- Included a new TDR program to protect farmland
- TDRs limited to MALPF District sending areas
- Receiving areas in the Development District

1997 County Comprehensive Plan

- Encourages the use of TDRs
- Implementation strategy to create a Rural Commission
- Rural Commission to study TDR program, make recommendations

2002 Rural Commission Formed

- Fourteen (14) members, appointed by County Commissioners
- One charge was to provide recommendations for improving TDR program

2004 Rural Commission Report & Recommendations

- Downzoning to 1:20 in western portion of the County
- Keep TDR transfer density at 1:3
- Allow Townhouses by right in RH zone, with use of TDR's
- Establish a TDR Bank
- Changes to sending parcels to consider undevelopable if 50% of TDR's have been used
- Re-zone the development district to reduce the by-right density

2005 Land Preservation Parks and Recreation Plan (LPPRP), included TDR Assessment Report

- Expand the sending pool areas and incentives
- Revisit the zoning, density issue
- Expand participation, marketing, outreach
- Examine receiving zone enhancements
- Consider commercial TDRs
- Broaden preservation tools, PDR program

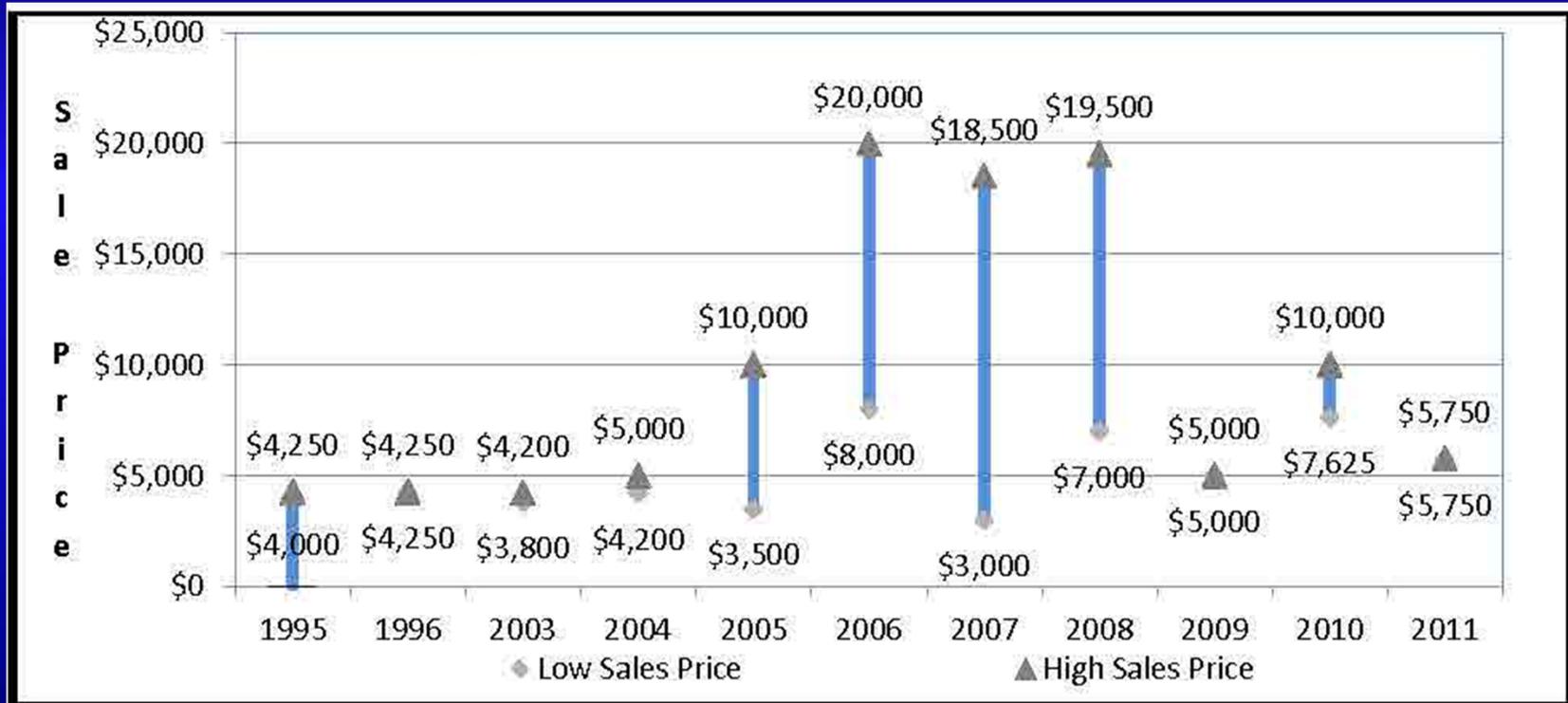
2006 Comprehensive Plan

- Emphasizes the importance of agricultural and natural resource protection
- Referenced the 2005 Land Preservation Parks and Recreation Plan Assessment (LPPRP) Report
- Did not make any new recommendations

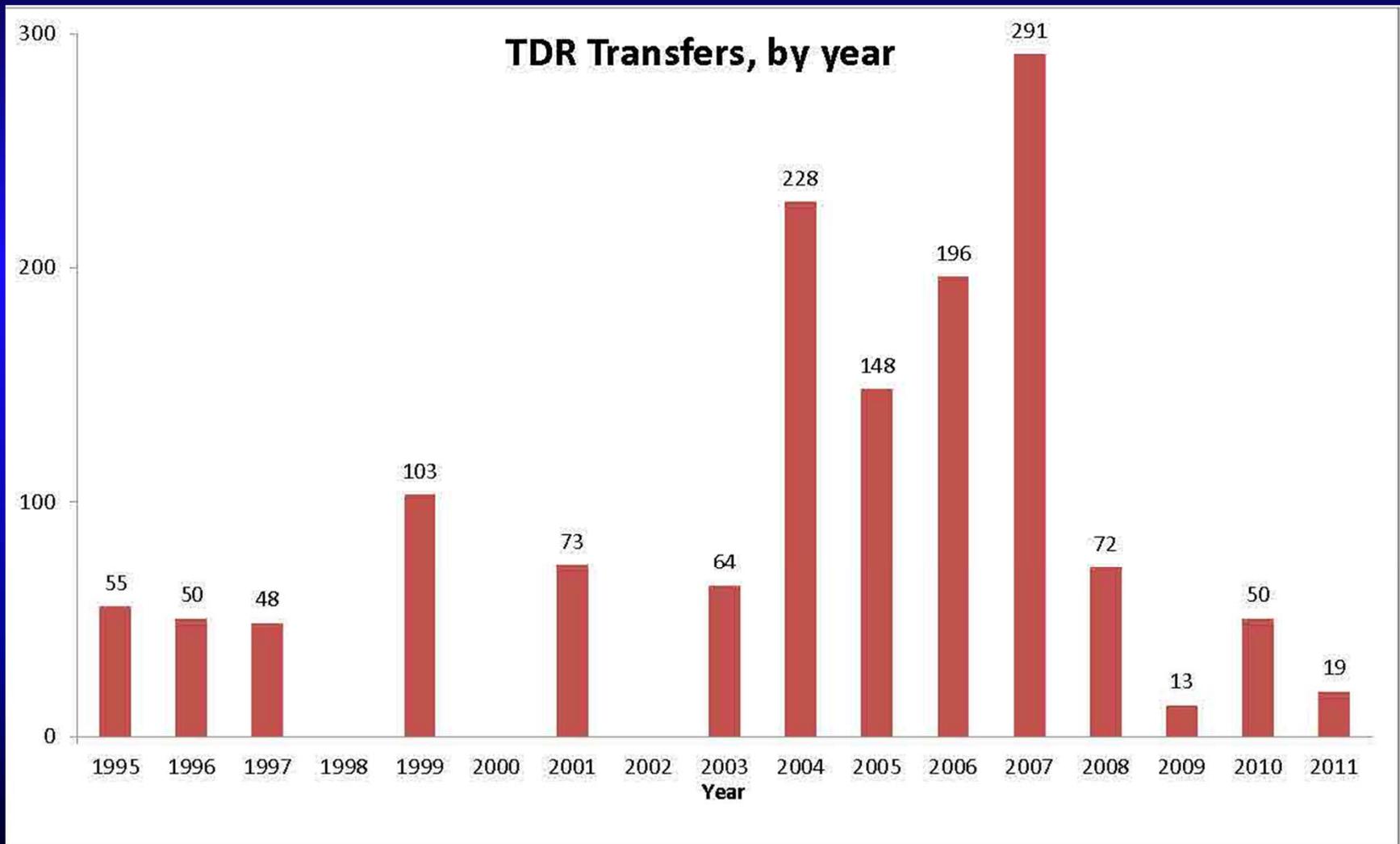
2009-2010 TDR Program Expansion Assessment

- Recommended the use of commercial TDR's
- Suggested new sending areas
- Presented in March, 2009
- The Charles County Transfer of Development Rights (TDR) Program, History and Assessment was prepared by Planning Staff (Oct., 2010)

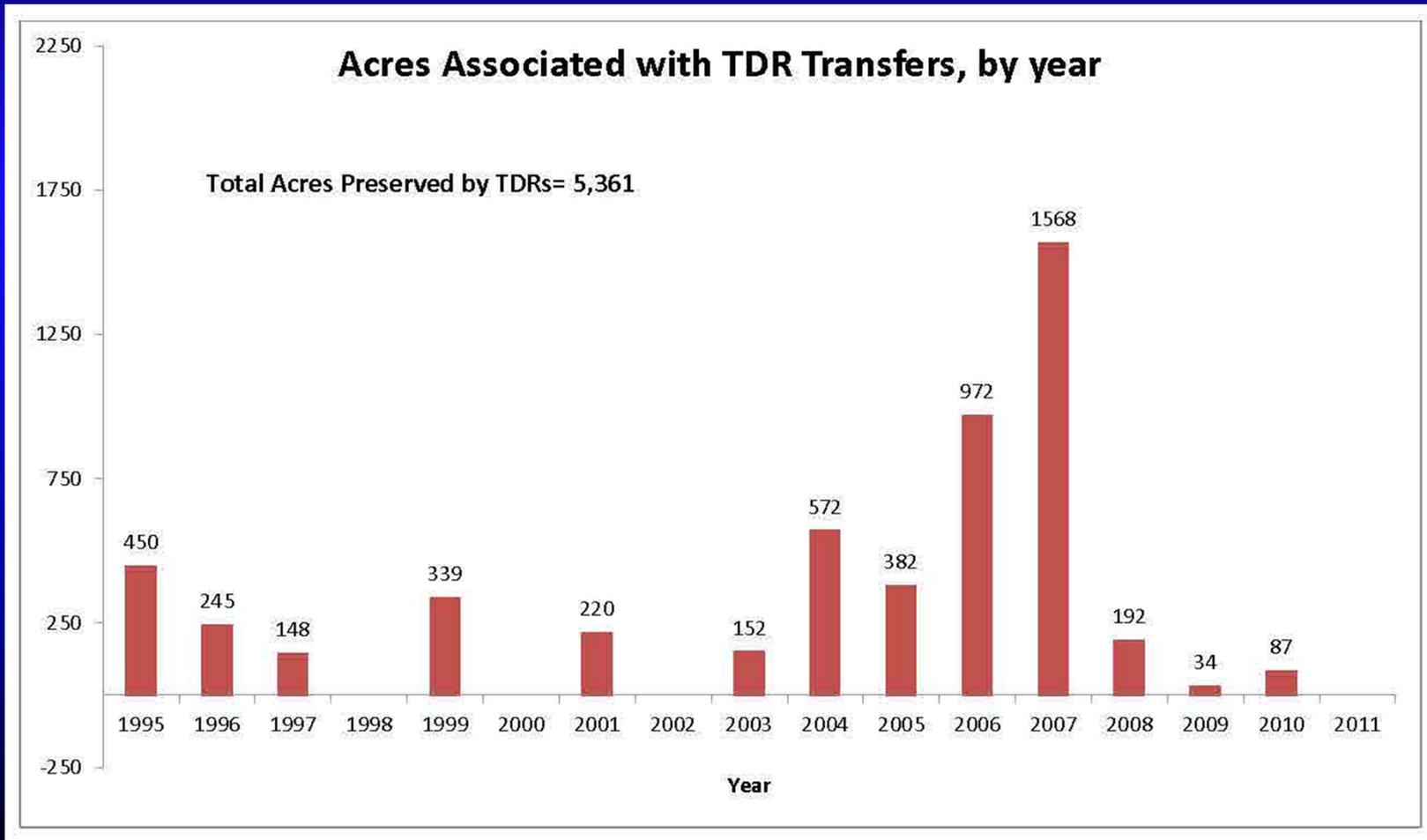
Value of TDRs



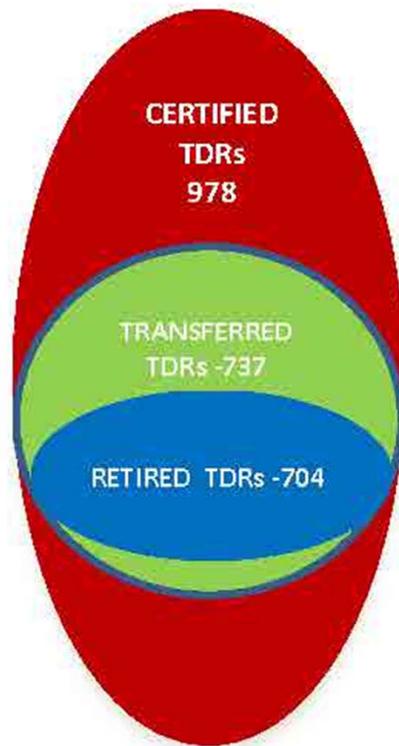
TDR Transfers



Acres Associated with TDR Transfers



Current TDR Program Sending Capacity

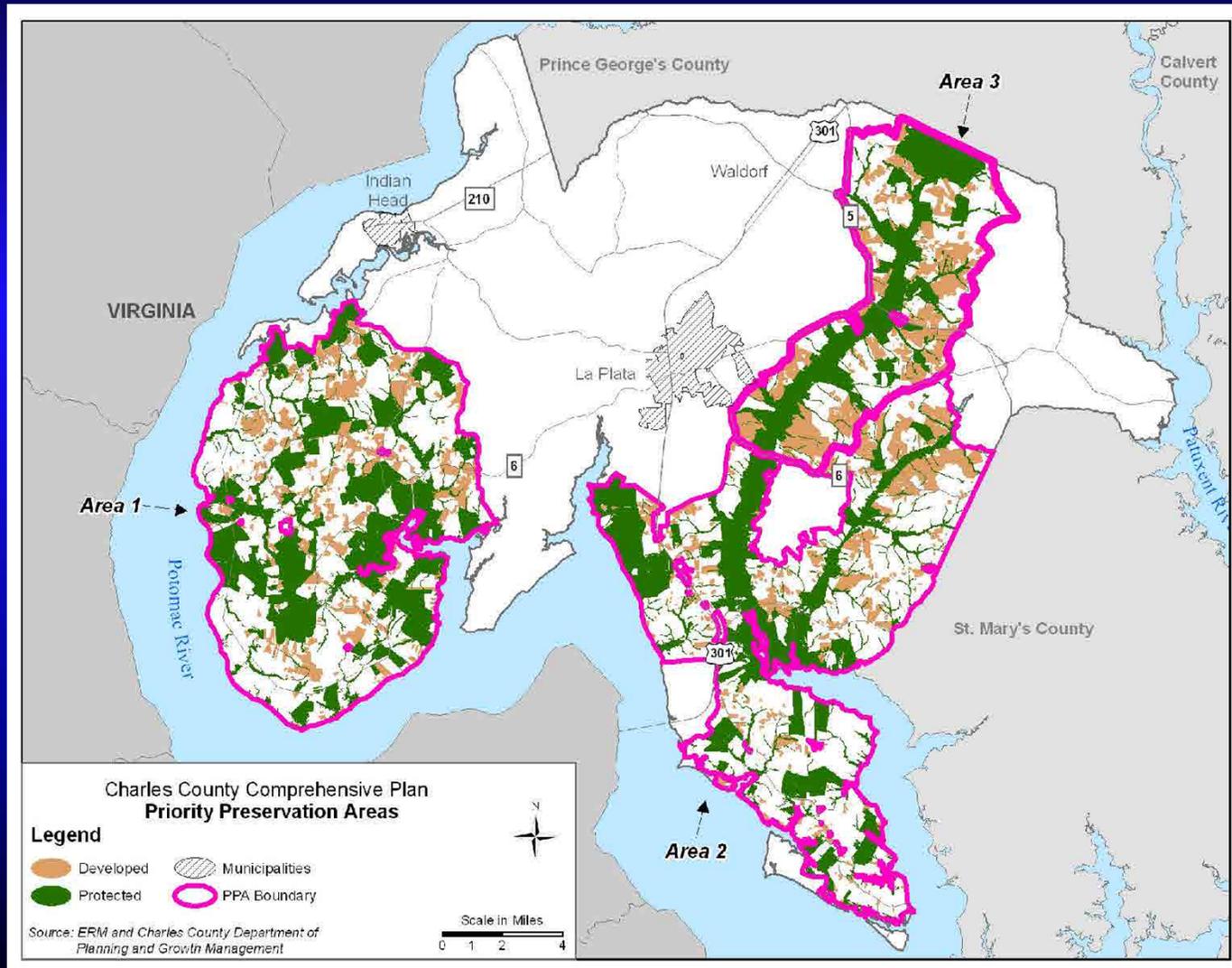


**TOTAL
TDRS
ACTIVATED
SINCE
1992**

Policy Options For Sending Areas

- Additional Land in PPA (Priority Preservation Area)
- Mattawoman Stream Valley & Other Forest Areas (Currently only used for Farmland Protection)
- Too many TDRs?
- Establish a “fee in lieu” of system
- PDR program

Draft Proposed PPA Area Boundary



Policy Options For Receiving Areas

- Lower Densities in Development Areas
- Require TDRs for all development
- Commercial use of TDRs
- What about Transit? Incentivize Density
- Vested lots left to build

Current Activity

- Comprehensive Plan Update, – Policy Framework
- Feedback from the community on various TDR issues
- Examine land use market – supply & demand

Current Activity

(cont.)

- Stakeholder interviews, extensive public participation
- Program changes supported by community, but no clear consensus on options
- Included TDR expert on consulting team (Dr. Tom Daniels) in your packet

Current Activity (Cont.)

Findings: Dr. Tom Daniels

- A stronger agricultural economy would make TDR program more viable
- Forestlands should be included in TDRs
- Competition exists between development and resource lands due to zoning 1:3

Dr. Daniels Recommended:

- Allocate 1 TDR per each 2 acres of land
- Possible use of commercial TDRs
- Make TDRs permanent (no buying back of TDRs)
- PDR funding source is needed

TDR Option A, 2006 Plan (some changes)

- Keep rural densities per the 2006 Comprehensive Plan (1 unit per 3 acres)
- Keeps qualifying criteria – farm lands preservation focus;
- Study potential new receiving areas for Newburg, Bel Alton potential sub area plans;
- Propose additional funding in future CIP budgets for starting a Purchase of Development Rights (PDR) program;

TDR Option B

County wide density rezoning

- Rezone Rural PPA area to 1 unit per 20 acres with TDRs;
- Keep TDR rights at 1:3 or 1:2, with interfamily transfer option;
- Rezone all urban & suburban zoning at 1 unit per 1 acre;
- Require TDRs for all new projects > 1 unit per acre, and Commercial > 2,500 – 5,000 square feet ;
- Monitoring of TDR use and associated requirements would be needed;
- Requires County to Fund a Purchase of Development Rights program & retire Development Rights which are purchased;

TDR Option C

Managed Growth Option

- Requires adoption of a Priority Preservation Area (PPA);
- Keeps Zoning on properties at 1 unit per 3 acres in PPA, with a gross density of entire PPA area at buildout of 1 unit per 15 acres;
- (Example: 400 acre purchase Rural Legacy/County releases 222 acres to develop at 1 unit per 3 acres);
- Establishes a Rate of Preservation to Development (1.8 to 1.0) based on preservation goals;

Managed Growth Option (cont.)

- Promotes increasing TDR sending and receiving areas;
- Preservation can be from various sources
 - Rural Legacy, MALPF, Developers, Land Owners, County PDR/CIP, Conservancies, State & Federal Agencies;
- Detailed tracking system required
- Funding of PDR program needed

TDR Option D, Merged Scenario

TDR Sending Area Changes:

“Managed Growth” PPA with some modifications

- TDRs based on 1 unit per 3 acres
- Expands sending areas based on property size and soils criteria (would include some forest lands)

TDR Receiving Area Changes (New Receiving Areas):

- Newburg & Bel Alton Area – Possible TDRs Based on Future Sub Area Study Master Plans yet to be developed
- Keeps current densities and TDR requirements in urban area.
- Commercial Projects require TDRs @ 2,500 square footage increments
- Urban Core Exemption Areas – Transit Areas, Mixed Use & TOD projects
- Start up funds for PDR program requested in FY13CIP. Need to consider dedicated funding source in the future.

Staff Recommendation

Modified Merged Scenario

- Keep all recommendations of Merged Scenario, with consideration for removal of the commercial TDRs to promote growth in businesses.

Final Thoughts For Consideration

- TDRs are one tool among many to consider to help preserve farm and forest land;
- Option A: Increases receiving areas, PDR funding;
- Option B: Largest change, greatest impact (good and bad?)
- Option C & D: Expands sending and receiving areas, while D includes commercial TDRs;
- Merged Scenario (option D) plan does not solely rely on TDR's to protect farms and forests. While option B does;
- Purchase of Development Rights (PDR's) will help but will compete with other public needs unless it has a dedicated funding source;

**County Commissioners – Planning Commission
Joint Meeting
Presented by:**



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Planning and Growth Management**

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Mission Statement

The mission of Charles County Government is to provide our citizens the highest quality service possible in a timely, efficient, and courteous manner. To achieve this goal, our government must be operated in an open and accessible atmosphere, be based on comprehensive long- and short-term planning, and have an appropriate managerial organization tempered by fiscal responsibility.

Vision Statement

Charles County is a place where all people thrive and businesses grow and prosper; where the preservation of our heritage and environment is paramount, where government services to its citizens are provided at the highest level of excellence; and where the quality of life is the best in the nation.

The End