

TRANSFER OF DEVELOPMENT RIGHTS NEW WAYS OF LOOKING AT PRESERVATION AND INVESTMENT

Wendi W. Peters, Secretary
Maryland Department of Planning

PANEL PARTICIPANTS

- Moderator

Secretary Wendi W. Peters

- Speakers

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Christopher Jakubiak

Jenny Plummer-Welker

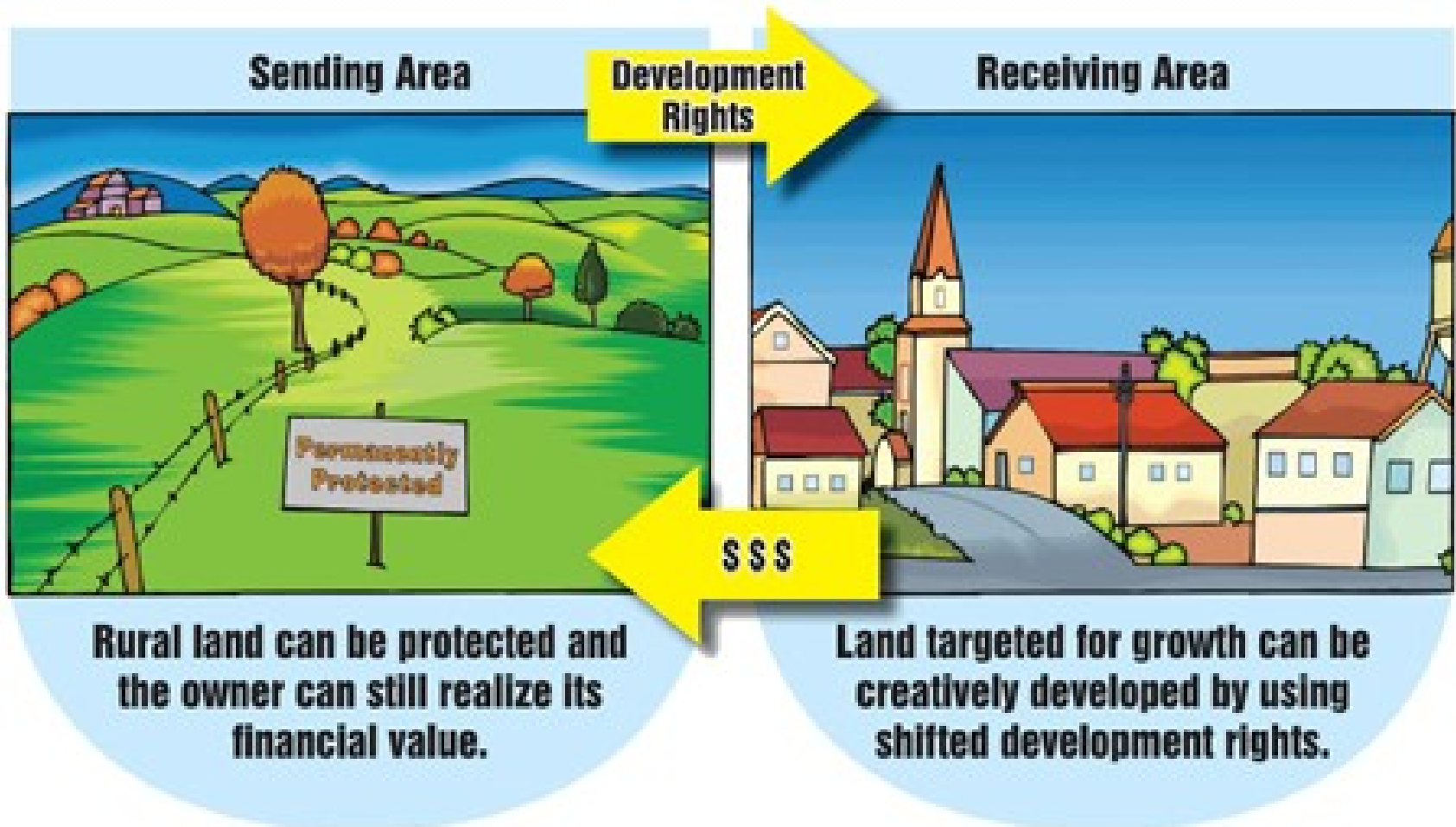
AGENDA

- Potential for County-Municipal TDR Program
- Municipal Perspective
- Calvert County Perspective
- Interactive Comments & Questions

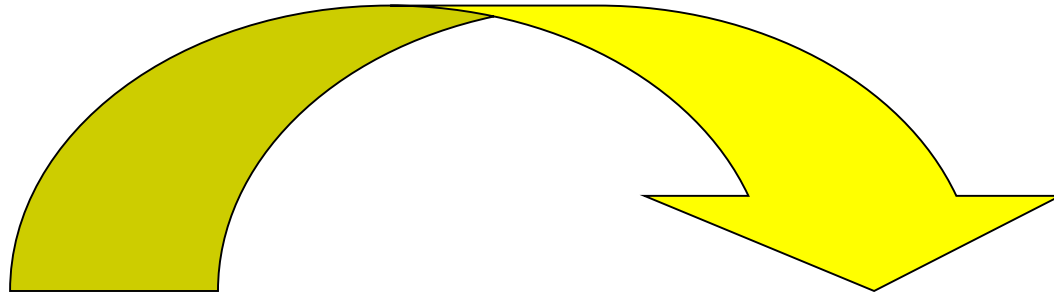
POTENTIAL FOR COUNTY-MUNICIPAL PROGRAMS

Chuck Boyd, AICP
Director of Planning Coordination
Maryland Department of Planning

TDR BASICS



TDRS



ESSENTIAL PROGRAM ELEMENTS OF A SUCCESSFUL TDR PROGRAM

- Strong incentives to sell development rights
- Demand for bonus density
- Predominant option for bonus density in receiving area
- Moves development rights from rural to growth areas

Transfer of Development Rights Committee Report



April 2016

MARYLAND DEPARTMENT OF

PLANNING

NEED FOR A MULTIFACETED ECONOMIC & COMMUNITY DEVELOPMENT APPROACH

- Ongoing promotion/marketing of TDR program
- Identifying market needs
- Complementary programs
- Consistent with local plans



Rural Legacy Program

SUCCESSFUL TDR PROGRAM CALVERT COUNTY

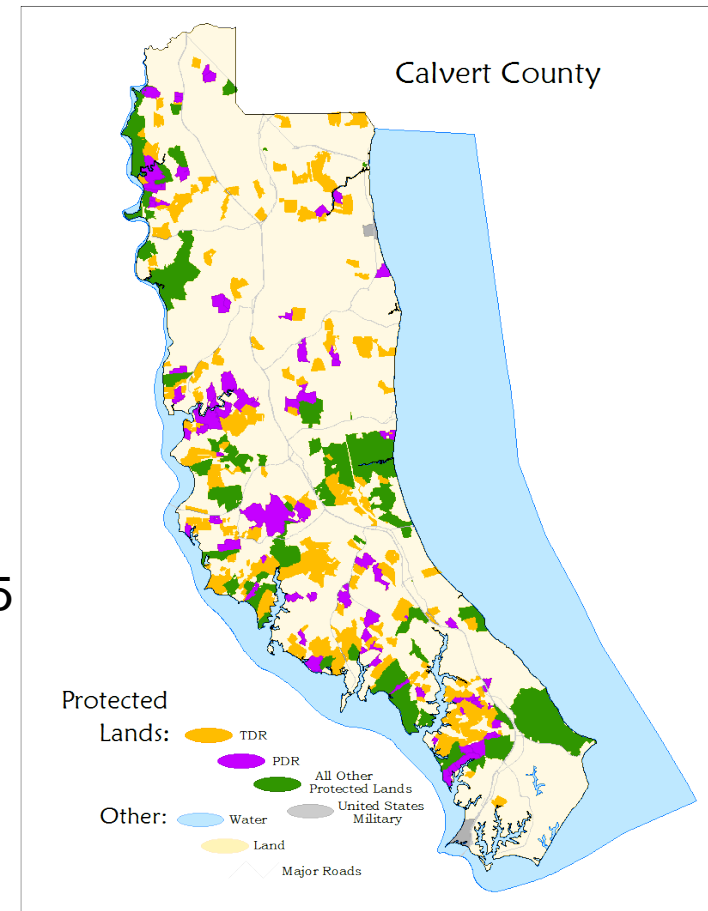
Over 23,000 acres preserved

Receiving Areas

- Created market: downzoned by half, TWICE
- Created commodity value: Need TDRs to build to market (5 for 1 DU)
- Development still attracted market

Sending Areas

- Incentive to sell TDRs: Send rights at rate of 1:5 vs. building on site at 1:20
- Permanently preserves land through deed covenant



SUCCESSFUL TDR PROGRAM MONTGOMERY COUNTY

Over 52,000 acres preserved; some mandatory TDRs

Receiving Areas

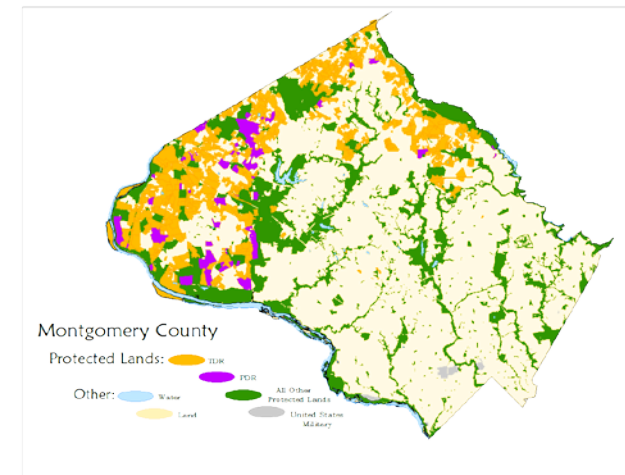
- Strong markets existed
- Rights were valued commodities, now it's floor/area ratios
- Development that used TDRs attracted consumers

Sending Areas

- Incentive to sell TDRs: Send rights at rate of 1:5 vs. building on site at 1:25
- Permanently preserves land through easement
- Changed commodity in receiving areas to increase demand of TDRs from sending area



Montgomery County
Agricultural Reserve



NOTABLE TDR PROGRAMS OUTSIDE MARYLAND

- Puget Sound Regional Transfer of Development Rights Alliance
- Tahoe Regional Planning Agency - Lake Tahoe
- Boulder County / Boulder City Intergovernmental Agreement



MUNICIPAL INCENTIVES

- Waiver of the 5-year delay provision for municipal annexations
- Ranking formula for easement acquisition to prioritize greenbelts around towns
- Reduce municipal costs for implementing TMDL or MS4 requirements
- Jointly invest in capital improvements to enhance receiving area

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MUNICIPAL INCENTIVES

- Gain tax increment to fund infrastructure
- Easier access/process for obtaining water & sewer capacity
- Greenbelt creation
- Hazard mitigation
- Impact fee waiver



COMMODITY TDRs

MORE THAN DENSITY RIGHTS

- Environmental Mitigation
 - Forest Conservation TDR
 - Critical Area
 - Impervious coverage
- Development Design Options
 - Commercial floor area
 - Building height
 - Parking ratio
 - Open space
 - Setbacks



PLANNING'S TDR ASSISTANCE & SERVICES

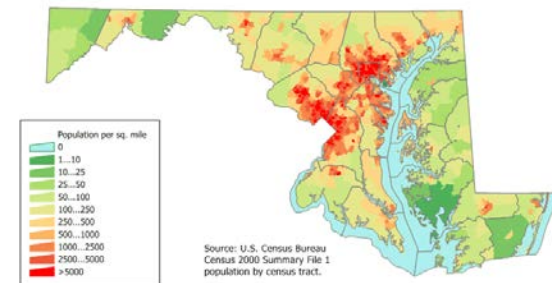
- Education
 - Presentations
 - Workshops
 - Informational Materials
- Technical Assistance
 - Plans
 - Policies
 - Ordinances & Agreements
- Analysis
 - Supply / Demand
 - Tax Revenue
 - Infrastructure Needs Assessment



Transfer of Development Rights
Committee Report



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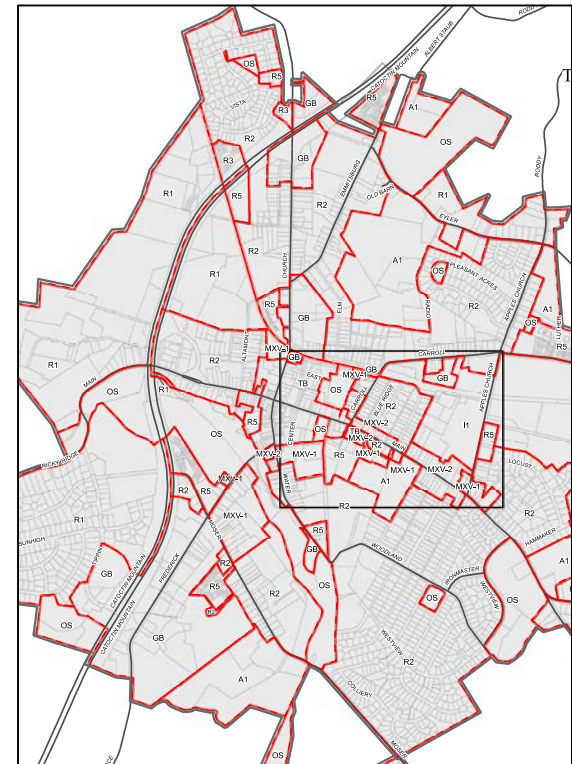
MUNICIPAL PERSPECTIVE

Chris Jakubiak, AICP
Town Planner

WHAT A TOWN NEEDS

1 Assurance that its home rule is not compromised

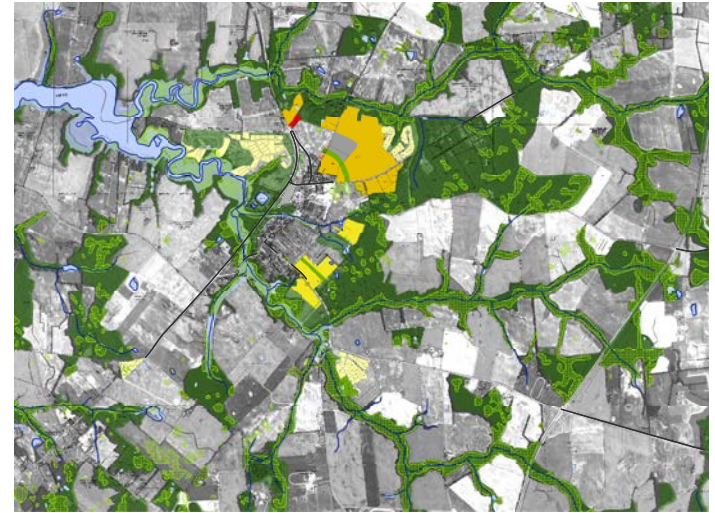
- Town enters into a TDR program voluntarily
- Town zoning power is not constrained
- Town designates its receiving areas and co-designates sending areas
- Authority to designate the Municipal Growth Area as a receiving area



WHAT A TOWN NEEDS

2 Sending areas that serve the Town's interests

- A role in identifying and approving sending areas
- Sending areas to be accessible areas (greenbelts + parks) or lands for forest conservation or water recharge
- Approval of conservation easements on sending areas
- Town to be a “beneficiary” of the conservation easements and able to enforce terms



WHAT A TOWN NEEDS

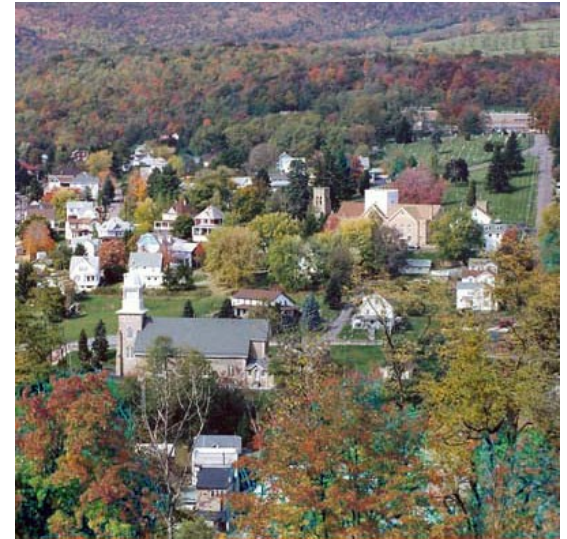
3 Incentives to accommodate increased development

- Funding: to expand WWTP, municipal water, streets, etc.
- Resolution of double-taxation
- Removal of County-imposed 5-year moratoriums
- Adequate public facilities when accepting the “county’s growth”
- Inter-governmental payments for each dwelling unit over the base set by town zoning



A BASIC MODEL WITH ANNEXATION

1. Town & County draw a Planning Area
2. County allows TDRs to be transferred at much higher rates in the Planning Area than elsewhere
3. Town designates receiving areas within its Municipal Growth Area
4. Town allows annexation but constrains density unless TDR's are purchased from its Planning Area
5. County waives 5-year rule on TDR annexations
6. Town approves the conservation easement for the sending area (to ensure that land preservation advances a municipal interest)
7. County / State fund infrastructure



CALVERT COUNTY PERSPECTIVE

Jenny Plummer-Welker, AICP
Long Range Planner
Planning & Zoning Department

AGRICULTURAL & FOREST LAND PRESERVATION



- Preservation program began in 1978
- Goal: Preserve 40,000 acres
- Preserved > 23,000 acres with TDRs
- Preserved > 28,700 overall (>20% of land area)

COMPREHENSIVE PLAN VISIONS

Our landscape is dominated by forests and fields.

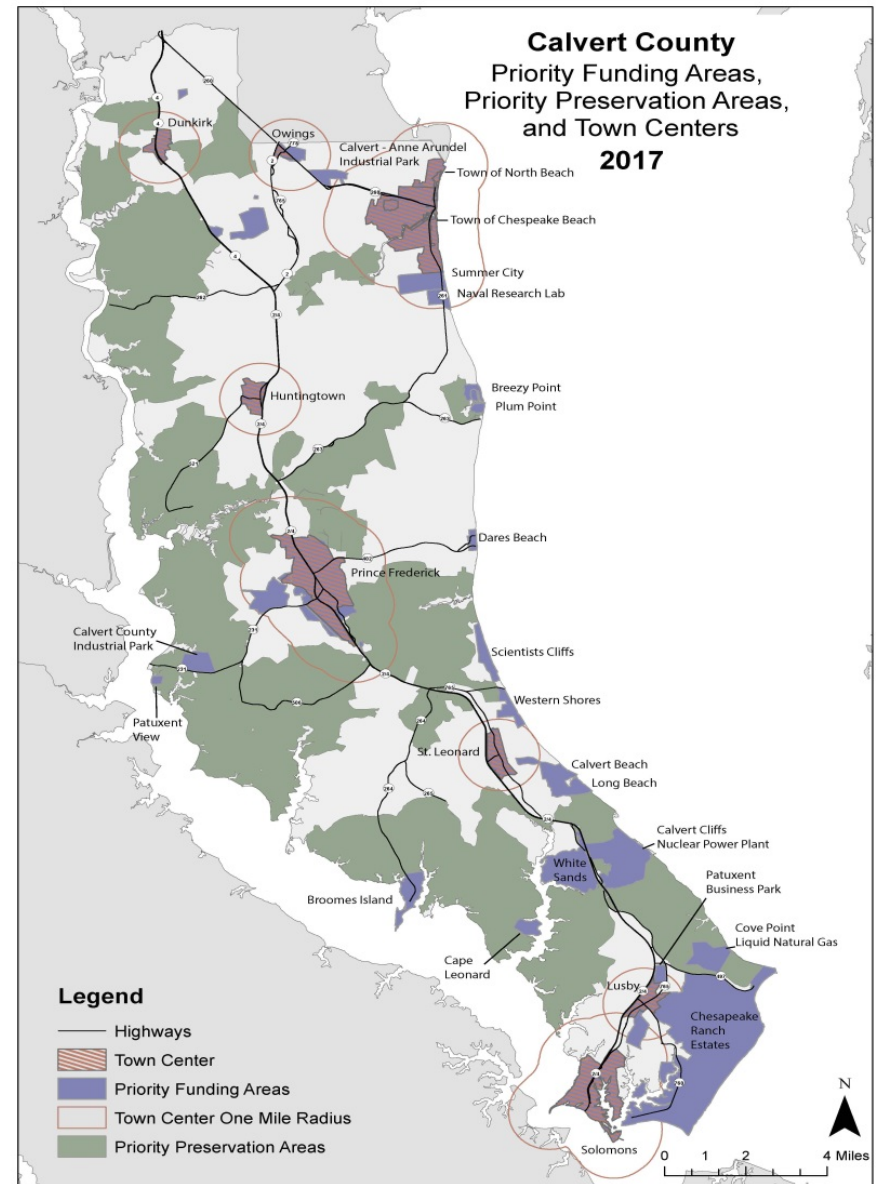


COMPREHENSIVE PLAN VISIONS

Our Town Centers are attractive, convenient, and interesting places to live, work and shop.



CALVERT COUNTY PRIORITY FUNDING AREAS, PRIORITY PRESERVATION AREAS, AND TOWN CENTERS



AGRICULTURAL PRESERVATION DISTRICT

An area of prime agricultural or forestry land voluntarily placed in the program by the owner with approval of the Agricultural Preservation Advisory Board and Board of County Commissioners



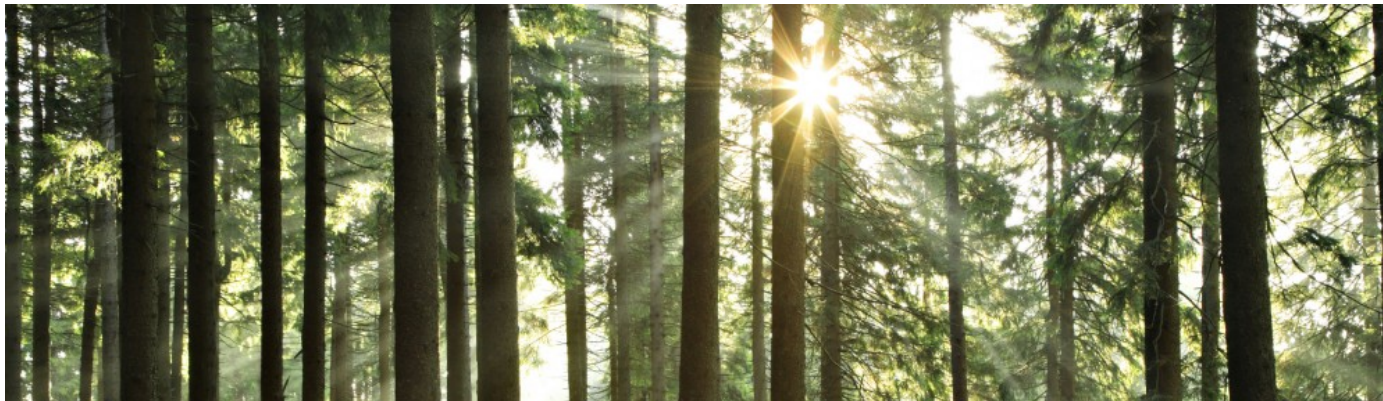
PROGRAM TOTALS TO DATE

- Acres Preserved = 23,012
- TDRs Certified = 28,630
- TDRs Allocated = 14,210
- TDRs Retired = 5,144
- TDRs Available = 9,276



FOREST CONSERVATION TDRs

- Maryland Forest Conservation (FC) Act enacted in 1991 to minimize loss of forest land
- Calvert's FC TDRs mitigation method began in 2003
- Converts residential density TDRs to qualified Forest Conservation TDRs
- Used to meet forest conservation mitigation requirements for development (where permitted by Zoning Ordinance)



CHALLENGES

- Supply and Demand - Need to balance adequate supply with sufficient demand
- Use of TDRs - Primarily used for residential density, some for Forest Conservation, discussion of using TDRs for commercial development
- Administration - Tracking transfers



COMMENTS & QUESTIONS