

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 10/21/2008  
**Reference No.:** CB-080-2008  
**Draft No.:** 3  
**Proposer(s):** Dernoga, Bland  
**Sponsor(s):** Dernoga, Bland  
**Item Title:** An Ordinance establishing a Transfer of Development Rights program in Prince George's County.

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**Drafter:**  
**Resource Personnel:** Judith Thacher, Legislative Aide

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	10/14/2008	<b>Executive Action:</b>
<b>Committee Referral:</b>	10/14/2008 - PZED	<b>Effective Date:</b>
<b>Committee Action:</b>	10/15/2008 - NR	
<b>Date Introduced:</b>	10/21/2008	
<b>Public Hearing:</b>	11/18/2008 - 10:00 AM	

**Council Action:**  
**Council Votes:**  
**Pass/Fail:**  
**Remarks:**

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### AFFECTED CODE SECTIONS:

27-107.01, 27-1901, 27-1902, 27-1903, 27-1904, 27-1905, 27-1906, 27-1907, 27-1908, 27-1909, 27-1910, 27-1911, 27-1912, 27-1913, 27-1914, 27-1915, 27-1916, 27-1917, 27-317, 27-425, 27-426, 27-427, 27-428, 27-441

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### COMMITTEE REPORTS:

#### PLANNING, ZONING & ECONOMIC DEVELOPMENT

**Date 10/15/2008**

Committee Vote: No Recommendation, 4-0 (In favor: Council Members Exum, Dernoga, Knotts, and Olson)

This legislation establishes a Transfer of Development Rights (TDR) program in Prince George's County.

Several individuals addressed the committee either in support of CB-80-2008 or expressing concerns with the provisions of the legislation and requesting that it be held in committee for further review.

Chris Buss of the Berwyn Rod and Gun Club, Michael Hehmon, of the Friends of Croom, and Bill Moore spoke in support of the legislation.

Cheryl Cort, Policy Director for the Coalition for Smarter Growth, addressed the committee and also submitted written testimony. Ms. Cort's testimony suggested the following with more detailed explanation of each point provided in the written submission:

1. Refine the Purpose to Priority Lands Within the Rural Tier.
2. Fully Develop Other Preservation Tools.
3. Require TDRs in the Developing Tier Only.
4. Downzone Rural Tier and Provide TDRs as Partial Compensation.

Ms. Cort's written testimony concluded "there are good ideas here, but the bill needs significant refinement to make this program effective and a good use of County effort."

The following individuals addressed the committee in opposition and expressed concerns with specific provisions of CB-80-2008: Arthur Horne, Ed Gibbs, Richard Sothoron, Jr., Larry Taub, Tom Farasy, Raquel Hill, Herman Windsor, Corinne Sullivan, Leo Brusco, and Boyd Campbell.

Arie Stouten, Development Review Division Chief, informed the committee that the Planning Board is not opposed to the concept of TDRs; however, they have not had an opportunity to review the current draft of the legislation. Mr. Stouten indicated that a January 2007 letter from the Planning Board raised concerns regarding a draft which was under review at that time, and that some of the provisions which caused concern remain in CB-80-2008.

The Secretary of the Maryland Department of Transportation submitted a letter dated October 15, 2008 to County Executive Johnson regarding potential impacts of the proposed TDR program on Transit-Oriented Development projects in Prince George's County.

Elaine Murphy, City of Hyattsville Administrator, submitted a letter dated October 14, 2008 to Council Chairman Dean requesting "that inner-beltway communities of Prince George's County be provided time to review the legislation and to provide input."

Council Vice-Chair Bland indicated that District 9 is most impacted by the proposed legislation and that the Council must be compelled to accommodate all landowners, including the small property owners. Ms. Bland believes that anyone who wishes to participate and maintain their farmland, even if they only own 2 acres in the Rural Tier, should benefit in some way.

Council Member Exum also expressed concern that her district has not been at the table in the discussion of the TDR program and its impact on the Developed Tier.

Council Member Knotts prefaced his statement by commenting that he realizes that this program is not going to satisfy everyone; however, he concurred with his colleague's concern regarding ambiguity in the benefit of the program to the small property owner. Mr. Knotts also expressed concern noting the comments made by Mr. Brusco regarding the availability of development rights for purchase given that a property must be free and clear to be eligible for sale as a TDR.

The committee voted the legislation out of committee with no recommendation with the understanding that the sponsor would work with the Legislative Officer to prepare amendments to address concerns raised by Council Members regarding benefit of the program to small property owners and impact to the Developed Tier. It was agreed that these amendments would be presented at the time of introduction of the legislation in the form of a Draft-2.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

The 2002 Approved General Plan includes a vision and goals for the Rural Tier. The vision is protection of large amounts of land for woodland, wildlife habitat, recreation and agriculture pursuits, and preservation of the rural character and vistas that now exist. Policy 1 for the Rural Tier proposes retention and enhancement of environmentally sensitive features and agricultural resources. One of the recommended strategies to implement the policies and vision for the Rural Tier is the investigation of options for establishing a transfer of development rights (TDR) program to protect both land in the Rural Tier and important environmental properties in the Developed and Developing Tiers. CB-80-2008 establishes a TDR program in the County.

10/21/2008 - Prior to introduction, CB-80-2008 (DR-2) was amended on the floor; DR-3 was introduced.

THIS BILL WAS NOT ENACTED.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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