

Prince George's County Council

Agenda Item Summary

Meeting Date:	11/14/2006
Reference No.:	CR-082-2006
Draft No.:	2
Proposer(s):	Peters, Dernoga
Sponsor(s):	Peters, Dernoga
Item Title:	A Resolution to approve the program regulations and procedures for the Purchase of Development Rights Program ("PDR")

Drafter:	Margaret M. Addis, Office of Law
Resource Personnel:	David G. Bourdon, Prince George's Soil Conservation District

LEGISLATIVE HISTORY:

Date Presented:		Executive Action:
Committee Referral:	10/24/2006 - PZED	Effective Date:
Committee Action:	11/1/2006 - FAV(A)	
Date Introduced:	10/24/2006	
Public Hearing:	11/14/2006 - 10:00 AM	
Council Action (1)	11/14/2006 - ADOPTED	
Council Votes:	MB:A, WC:A, SHD:A, TD:A, CE:A, DCH:A, TH:A, TK:A, DP:A	
Pass/Fail:	P	
Remarks:		

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 11/1/2006

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Dean, Bland, Dernoga, Peters)

Staff summarized the resolution and informed the committee of referral comments that were received. CR-82-2006 approves the regulations and procedures for the Purchase of Development Rights (PDR) program established by CB-47-2006.

The Principal Counsel, District Counsel, and the Office of Law reviewed CR-82-2006 and determined that it is in proper legislative form. The Office of Audits and Investigations determined that there should be no adverse fiscal impact on the County if this resolution is adopted.

The Friends of Croom submitted a letter to the PZED Committee Chair dated November 1, 2006 urging the committee's adoption of the resolution.

David Bourdon, District Manager, Prince George's Soil Conservation District and Yates Clagett, were present to address the committee. Mr. Bourdon urged the committee's support of CR-82-2006 indicating that there are property

owners who have already expressed interest in the PDR program and that approval of the regulations and procedures is necessary in order to use current year funding for purchasing development rights easements. Mr. Clagett gave an overview of the regulations and provided copies of a draft application for the sale of a development rights easement.

Council Chair Dernoga informed the committee that funding for the PDR program was secured in this year's M-NCPPC budget and that based on current interest in the program, the Council may look to amend the budget to increase the funding for this purpose. Chair Dernoga noted concerns with certain sections of the program regulations and provided suggested amendments to some concerns.

The committee discussed the burden on the property owner of having to provide a metes and bounds description. Mr. Bourdon suggested that this issue may be revisited, and if necessary, the regulations could be amended at a later date once it has been determined what the impact on program funding would be if this cost is absorbed by the County.

Council Member Dean suggested that at the time of application, property owners should be required to read and sign a document indicating the potential for creation of lots on their property.

Mr. Herman Windsor addressed the committee expressing his concern that based on the current draft, he would be ineligible for the program because his property is only 32 acres in size and the regulations require a minimum of 35 acres. Mr. Windsor indicated that his siblings also own smaller parcels adjoining his property. The committee directed staff to add language that provides a mechanism to combine parcels or for owners to submit a joint application in order to meet the eligibility criteria for size of parcel.

Based on the concerns raised by Chair Dernoga and committee discussions, the following amendments are provided in Exhibit 1, Draft-2:

1. Section 3. Eligibility. Added a sentence to read: "Parcels can be combined to meet the basic eligibility criteria, provided an easement is recorded for each parcel enrolled and the potential for lot creation on the combined parcels is reduced in accordance with these regulations."

2. Section 4. Applications. Added a sentence to read: "The property owner must sign and submit a 'Lot Creation Disclaimer Form' at the time of application. The Lot Creation Disclaimer Form will set forth with particularity the remaining potential for lot creation on the parcel."

3. Section 5. Evaluation of Application by Program Administrator. Amended the first sentence to add language at the end as follows: "and whether the parcel satisfies the eligibility criteria set forth in Section 30-307 of the County Code" and deleted the following sentence in this section: "When the application is deemed complete, the Program Administrator shall determine whether the parcel satisfies the eligibility criteria set forth in Section 30-307 of the County Code."

4. Section 10. Ranking. In B. Size of Parcel, changed "20 to 34 acres" to "less than 35 acres." In C. Preservation of Natural Cultural and Scenic Resources, changed "2. Parcel with a registered historic site" and "5. Parcel with significant archeological relevance" from "5 points" to "7 points."

BACKGROUND INFORMATION/FISCAL IMPACT:

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

The purpose of this resolution is to approve the program regulations and procedures for the Purchase of Development Rights Program ("PDR") pursuant to Section 30-306(b)(1) of the Prince George's County Code. The PDR Program was created pursuant to CB-47-2006 and permits the purchase by Prince George's County of conservation easements to extinguish development rights and preserve sensitive natural resources. The PDR Program regulations and procedures must be adopted prior to the implementation of the PDR Program.

CODE INDEX TOPICS:

INCLUSION FILES:
