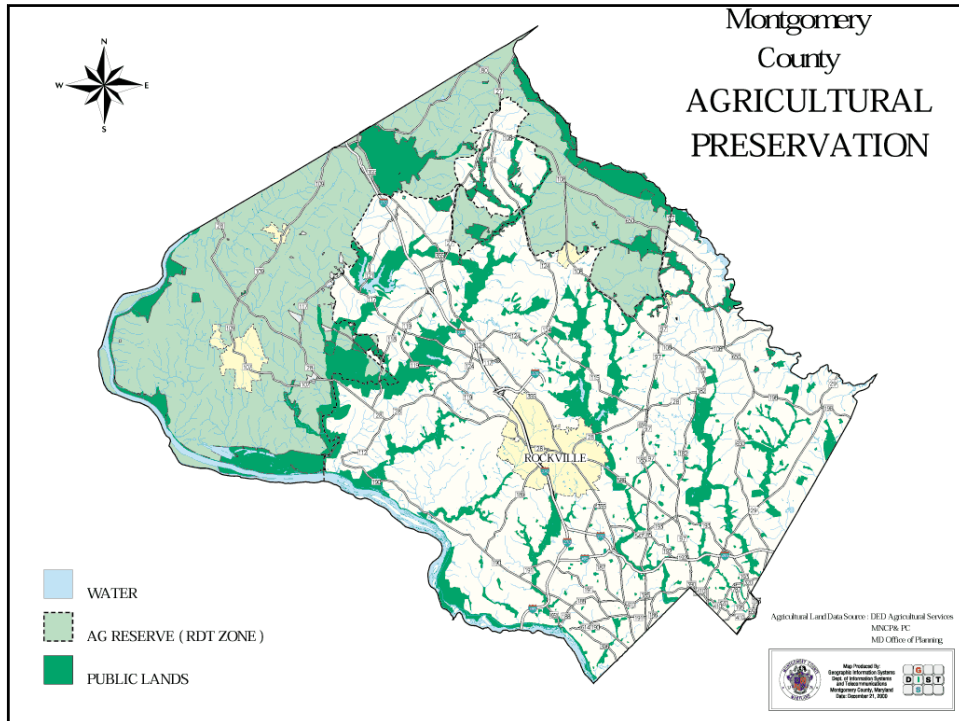




Master Planning and Agriculture Zoning

- *Functional Master Plan for the Preservation of Agriculture and Rural Open Space (October 1980)*
- Created a 93,000 acre agricultural reserve which reduced the threat of residential development from 1 unit per 5 acres to 1 unit per 25 acres.



Agricultural Zoning

Agricultural Zoning – helps to promote Agricultural and Rural Landscapes

The Rural Density Transfer RDT zone reduced the threat of development from 1 unit per 5 acres to 1 unit per 25 acres

Agricultural zoning itself does not place long term protections to the land

Other preservation tools help accomplish long term preservation -Perpetual Easements

Batchelors Purchase - RLP

The background of the text is a photograph of a rural landscape with a field in the foreground and a line of trees in the distance under a cloudy sky.



What is the Difference between land Protection verses Preservation?

Agricultural Zoning (RDT)
Transfer of Development Rights Programs (TDR)
Purchase of Development Rights Programs (PDR)
In Fee Acquisition (Public Parkland)

Alexander Gordon - AEP



Transferable Development Rights (TDR) Policies

**TDRs are used to shift development
from agricultural reserve to designated growth areas
which are closer to public services;**

**The number of available TDRs is based upon
The calculation of 1 TDR per 5 acres of land
in the agricultural reserve**

**Once a TDR is created the land is restricted
by a permanent TDR easement**

**This easement ensures the property can not be developed
for residential use at densities which exceed
1 unit per 25 acres**

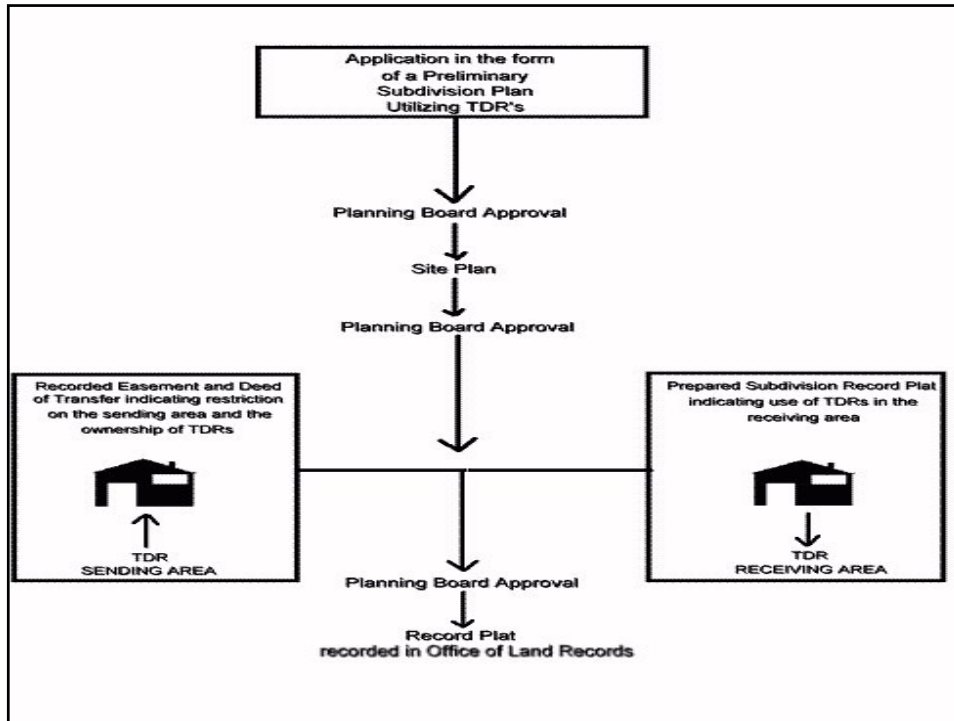
TDR Easement

Maryland Counties with TDR Programs

- ***Montgomery County***
- ***St. Mary's County***
- ***Charles County***
- ***Queen Anne's County***
- Frederick County Maryland established a work group in August 2013 to study feasibility of developing a local TDR program

Putting the Pieces in Place

- It is important to have forward thinking elected officials with the vision to take a position that may not be popular with the electorate.
- Planning Professionals that have knowledge of both Urban and Rural Resources
- Planners dedicated to working with the Development Community/Business Groups/Residents providing information and educational out reach on dynamics of receiving areas- Buy in on receiving area side
- Planners dedicated to working with the rural community conducting outreach to educate and inform rural community on benefits/need within TDR sending area – Buy in on the sending area side



Transferable Development Rights (TDR) Process

- Montgomery County approves Easement and TDR Deed of Transfer.
- The TDR Easement must be approved by the County Attorney and recorded prior to the recordation of the TDR Deed of Transfer.
- The County Attorney will assign serial numbers to TDRs at the time a TDR Easement is approved and recorded.
- Deed reservations for retained TDRs must be referenced in the TDR Easement if a grantor wishes to retain TDRs for future Transfer-Excess TDRs or to build a house-Buildable TDRs.

Transferable Development Rights (TDR) Process

- Computing the number of TDRS is done by using acreage on an RDT parcel on Tax Maps or using an actual survey.
- An approved record plat using TDRs must include a notation of the serial numbers of the TDRs used.
- The Development Review Division will maintain a list of the serial numbers of all TDRs that have been used and approved on record plats.
- Before a plat using TDRs will be recorded, the Development Review Division will check the serial numbers of the TDRs against the list of existing TDRs to make sure they have not already been used.



The Building Lot Termination Easement Program (BLT)

- Eligible BLT Sending Area (Properties Zoned RDT)
- The BLT represents an additional preservation option for landowners which may result in higher levels of compensation for giving up residential building lots in the RDT zone
- Both Public and Private funding components
- The Public Program is administered by DED
- The County Executive established both Base and Maximum Easement Value for the Public Program and is used as guidance for Private Program.
- The Private Program functions in similar fashion as the County's TDR Program with one distinct difference, a County approved On-site Waster Disposal System Site Plan is required for each BLT to be privately purchased.



The Building Lot Termination Easement Program (BLT) Public Funded Component

- The BLT involves landowners making application to DED during open purchase periods
- What types of information is provided as part of the application process:
 - Property Description – Title Report
 - Various Property Maps and Plats illustrating the property
 - County approved On-site Waster Disposal System Site Plan for each BLT
- DED will determine eligibility for the property



The Building Lot Termination Easement Program (BLT) Public Funded Component

- DED will Review the extent of created/subdivided lots:
 - Recorded plot of subdivision**
 - Partially engineered – approved perc tests**
 - Other factors – preliminary testing, surveys, etc.**
- Review of previous TDR Transactions
 - Excess TDRs – must have been or will be created and serialized**
 - Development/Buildable TDRs – Must be intact with the property**
- DED conducts Fair Market Appraisal studies to assist in determining easement value as well as other pertinent data



The Building Lot Termination Easement Program (BLT) Public Funded Component

- The County will take title for any BLT/TDRs proffered for sale as part of the BLT easement settlement process
- An accounting of all BLT/TDRs acquired by the County will be maintain in an BLT/TDR inventory



The Building Lot Termination Easement Program (BLT) Private Funded Component

- The Private Program functions in similar fashion as the County's TDR Program with one distinct difference, a County approved On-site Waster Disposal System Site Plan is required for each BLT to be privately purchased.
- BLTs can be purchased through negotiations with RDT zoned Landowners who have BLT TDRs to sell, or payment to the County's Agricultural Land Preservation Fund in the event BLTs can not be located on the private market
- Since partial BLTs can not be purchased on the private market, the purchase of factional BLTs through the County is permissible at any time.
- The County Executive established BLT Easement Base Value serves to act as floor price for the Private BLT Program



The Building Lot Termination Easement Program (BLT) Private Funded Component

- Receiving Areas for BLT/TDRs acquired by Developers
- TMX Zone – Mixed Transit Use
- CR Zone – Commercial Residential
- LS Zone – Life Science Zone
- Each Zone has a specified density bonus for purchasing BLTs under the optional method of development
- Equivalent Bonus Square Footage above the Base for each BLT purchased



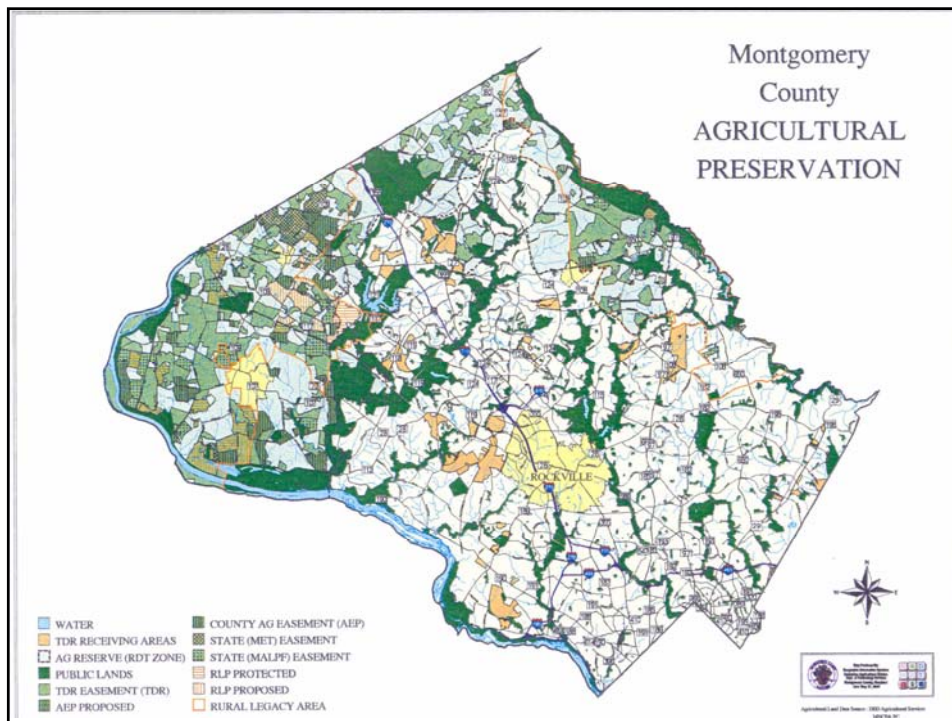
The Building Lot Termination Easement Program (BLT) Private Funded Component

- Closing the Private Purchase
- Contacting the County Attorney's Office
- Providing certain documentation (Title Report, Tax Map, Zoning Map, DPS Approved Septic System Site Plan)
- Evidence that excess TDRs have been or will be created prior to the creation of any BLT-TDRs
- BLT – TDR Deed of Easement
- BLT – Deed of Transfer

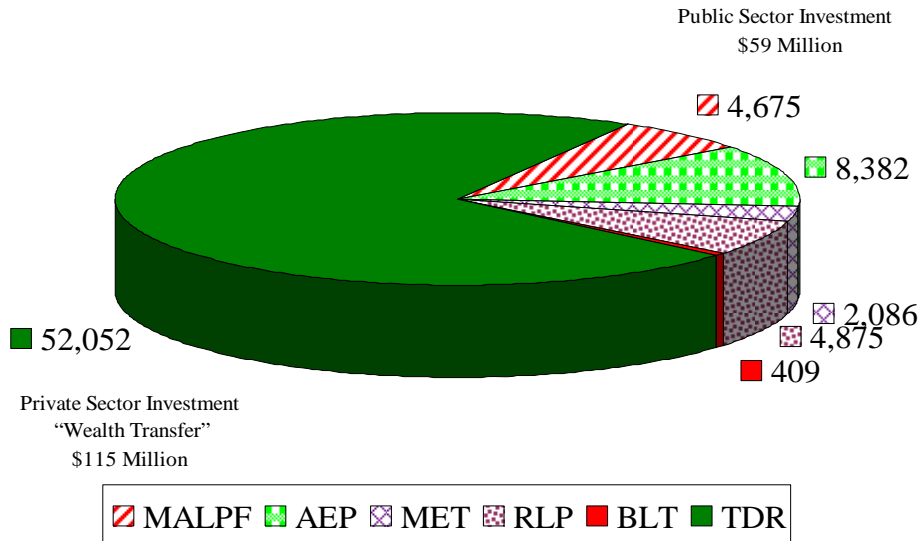


The Building Lot Termination Easement Program (BLT) Private Funded Component

- Closing the Private Purchase
- BLT – TDR Deed of Easement – Legally creates BLT –TDRs through a unique serialized number which distinguishes it from and excess TDR
- BLT – Deed of Transfer – Legally Transfers the Ownership of the BLTs purchased from Landowner to Purchaser.
- Both Documents are recorded among the Land Records of Montgomery County.



Farmland Protected by Easements as of June 30, 2013 72,479 acres



Protected Farmland Acres and Total Farmland Acres

