



**CALVERT COUNTY
AGRICULTURAL PRESERVATION
ADVISORY BOARD**

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APAB Draft List of Suggested Program Changes

Background Information:

Calvert County adopted its Agricultural Preservation Program in 1977 and accepted its first Agricultural Preservation District over 30 years ago. Over 600 Agricultural Preservation Districts have been created and more than 20,000 acres have been permanently preserved. To date, Calvert has certified about 28,500 TDRs. Approximately 11,700 TDRs have been used in subdivisions and about 4,500 TDRs have been purchased and retired by the County. That leaves roughly 12,500 that have been certified, but not yet used or retired. It should be noted that another 4,400 acres are enrolled in APDs, but have not certified their TDRs translating roughly into an additional 4,500 TDRs.

1. Restrict New TDR Creation

- a. **Eliminate the Small Lot TDR program.** These TDRs are directly competing with Ag TDRs.
- b. **New APDs should meet higher standards – focus on preserving the best farms only and be extremely selective.** The APAB was considering eliminating all new APDs. After consideration, they chose to allow new applications, but will make the criteria more selective with an emphasis on active farms and/or complement the Counties preservation priorities.
- c. Review restrictions on new acreage being added to existing APDs – verify that it is farmed and will continue to be farmed and meet the intent of the program.

2. Improve and Streamline Existing Markets

- a. Market TDRs
 - i. Better information on web including electronic forms, current sale prices and FAQs** (Staff has begun implementing.)
 - ii. Improve TDRs for sale list – require application to the list annually, provide emails & updated contact information.
 - iii. Eliminate TDR waivers for workforce and senior housing. If the houses come out of those restrictions than TDRs should be purchased.

- b. Forest conservation TDRs
 - i. Consider FC TDR bank available for small quantities of FC TDR purchases. Make it easier than paying fees in lieu. County would purchase some FC TDRs with the forest mitigation funds and have them available for purchase by developers.**
 - ii. Better information on web (see a. above)

- c. Purchase and Retirement of TDRs through LAR and PAR
 - i. Consider floating a bond of up to \$20 million to fund land preservation.**
 - ii. Recommit to a minimum of \$1.5 million to land preservation as was intended from the increased land recordation fees.**
 - iii. Bring PAR and LAR prices down close or equal to average market price for TDRs**
 - iv. Eliminate LAR pricing formula which inflates purchase price according to where the TDRs are from.
 - v. Update PAR ranking formula
 - vi. Allow donated TDRs to be tax deductible charitable donations.
 - vii. Solicit private donations to the PAR Fund to retire TDRs

3. Create New TDR Markets

- a. **Revamp how TDRs are used and required in Town Centers. We could ask for all TDRs upfront regardless of how many units are being built – additional units added on would be essentially free of TDR costs. Or we could scale TDRs to match the type of development and require perhaps 1 TDR for an apartment, 2 for a condo, 3 for a duplex and 5 for single family residences. TDRs should be altered to greatly increase density in Town Centers. (Subdivision staff indicates that we currently are doing 2 units per acre and they state that 7 units per acre should be our minimum goal. A total of 14 units per acre are allowed by zoning.)**
- b. **If sewer is extended into areas where platted lots previously did not perc, encourage them to hook up with the purchase of 5 TDRs.**
- c. Allow APD owners to donate TDR to pay for the taxes on their farm bill.
- d. Allow APD owners to donate TDR to pay for impact fees for new lots on their farms
- e. Require TDRs for APD acres converted to power generation – 1 TDR per acre to be permanently retired.
- f. Require TDRs for houses over a set square footage – very large houses would be required to purchase TDRs to offset the increased size. For example after 2,500 square feet, a TDR would be needed for each additional 500 square feet.
- g. Require TDRs for additional commercial square footage similar to St. Mary's County
- h. All new houses require 1 TDR regardless of zoning and other TDR requirements
- i. Docks or piers require the purchase of 1 TDR

4. Consider relaxing other stressors on development that compete against TDR usage.
 - a. Eliminate Adequate Public Facility Restrictions if we aren't going to build the schools to meet the demand. Or if public facilities are over capacity phase all projects instead of making them wait 7 years and then try to scramble to do everything at once. See St. Mary's County for example.
 - b. See if TDRs can be used to meet other environmental requirements like offsetting nutrients or meeting TMDLs. (To date the state has indicated that they would not be willing to see preservation qualify to offset nutrient loads.)