

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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November 10, 2005

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**VIA:** John A. Carter, Chief *JAC*  
Community-Based Planning Division

**FROM:** Judy Daniel, Rural Area Team Leader (301-495-4559) *JD*  
Community-Based Planning Division

**SUBJECT:** Agricultural Initiatives

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**RECOMMENDATION:** Approve the following action items:

**A. Transmit zoning text amendments to the County Council:**

1. Reduce development potential in the RDT Zone by creating incentives to sell "buildable" TDRs;
2. Increase the use of TDR receiving sites by eliminating the minimum 2/3-use requirement for development with TDRs.

**B. Support policy guidelines:**

1. Address the incursion of large private institutional facilities (PIFs) in the RDT Zone by limiting the use of multi-use septic systems;
2. Limit development potential in the RDT Zone by limiting the use of sand mound septic treatment systems;
3. Increase the potential for new TDR receiving areas by requiring TDR potential in floating zone requests outside a master plan process.

**C. Support for completing five research initiatives:**

1. TDR program maintenance;
2. Regulation of child lots in the RDT Zone;
3. Expansion of TDR receiving capacity beyond the residential zones;
4. Area agricultural economics study;
5. Expand of the mission for the Agricultural Farm Park.

**D. Authorize four new initiatives:**

1. Evaluate requiring the use of "development rights" for all non-agricultural uses in the RDT Zone;
2. Address agricultural awareness and education;
3. Map equestrian trail easements;
4. Evaluate establishing TDR receiving capacity in certain floating zones.

## INTRODUCTION

Twenty-five years ago Montgomery County established a vision for the future: A vision that a balance could be found between the housing and commercial needs of a growing county, and its agricultural heritage; and a vision of a thriving greenbelt of active agriculture and rural open space. The implementation of that vision has kept farming alive and prosperous in this county even as the population approaches one million. At this 25<sup>th</sup> anniversary year of the adoption of the Master Plan for the Preservation of Agricultural and Rural Open Space, the county is reaffirming its support for the preservation of farming and farmland. County and state programs supporting the Agricultural Reserve have evolved since its inception. These programs face increasing challenges in these early years of the 21<sup>st</sup> Century. And the current threats to the program differ from those of 1980. Land use regulations, educational efforts, and agricultural support programs should continue to evolve to meet the reality of appropriate and profitable farming on the urban edge, or increasingly as a rural island in 2005.

The Rural Area Planning Team has followed up on the March 10 announcement of Chairman Berlage, County Executive Duncan, and County Councilmember Mike Knapp of initiatives to further strengthen agriculture and preserve open space in the county. The staff has met with many stakeholder groups to discuss these initiatives and is now prepared to make recommendations to the Planning Board for action. The recommendations include actions to address the following major challenges:

- Economic sustainability and profitability of agriculture
- Increasing development activity in the Rural Density Transfer (RDT) Zone
- Impact of increased proposals for large institutional uses in the RDT Zone
- Support for the TDR program – finding new receiving areas
- Expanding education about and awareness of the Agricultural Reserve

These issues are discussed below:

**Economic Sustainability and Profitability of Agriculture:** Declining traditional agricultural production leaves farmlands vulnerable to development pressure and the intent of the Master Plan open to question. Support is vital for both traditional farming and the evolution of farming to models that will be profitable as the Agricultural Reserve becomes an island of agricultural land surrounded by developing areas in surrounding counties. Methods to allow a sustained evolution of agricultural production and agricultural uses are needed, including land use regulations that more easily accommodate evolving agriculture and agriculturally related uses.

**Increasing Residential Development Activity in the RDT Zone:** Methods are needed to reduce demand for housing on agricultural land including incentives to transfer “developable” TDRs from the RDT Zone. Any such proposal entails a need to create additional TDR receiving potential.

Also, new technologies authorized by the county for sewage treatment may open more land for housing than was envisioned in the Master Plan for the Preservation of Agricultural and Rural Open Space, increasing the need to reduce development potential.

**Increased Incursions of Large Institutional Uses in the RDT Zone:** Requests for sewer extensions or non-traditional septic systems for large institutional uses in the RDT Zone are increasing. Cumulatively, these uses will nibble away at the intent of the Master Plan. They bring high levels of activity and traffic, remove large tracts of land from the potential for agricultural production, and impact groundwater necessary for irrigation. Over time, they will fragment the Agricultural Reserve. There is a need to limit the size of these uses in order to protect the agricultural and rural intent of the RDT Zone and the Master Plan for the Preservation of Agricultural and Rural Open Space.

**Stresses on the TDR Program – Finding New Receiving Areas:** There is a need for additional TDR receiving sites. Concepts to reduce development potential in the RDT Zone will create new sending TDRs. The program should move beyond residential zoning to find desirable receiving areas.

**Agricultural Awareness and Education:** Protection and preservation of the Agricultural Reserve depends on strong support for its value from all county residents and property owners. Too many down-county residents are not aware of the importance of the Agricultural Reserve. Immediate and long-term action is needed to spread this awareness and allow all county residents to share in the benefits of this important resource.

## **DISCUSSION**

During September and October, the staff met with many stakeholders and interested parties regarding their issues of concern regarding the Agricultural Reserve. The staff shared the elements that were outlined in the Semi-Annual Report to the County Council, and considered other concepts raised by these participants. The level of passion and involvement with this resource is astounding and gratifying to experience.

After evaluation of the comments from the many stakeholders interested in the future of the Agricultural Reserve, the staff prioritized the most important actions for the coming months, based on how critical the action was for the future of the reserve, and the level of consensus.

The staff believes that the following recommendations should be the primary priorities for action in the near term. They are discussed in detail below. That discussion is followed by a discussion of the elements that are not recommended for action at this time due to time constraints or lack of consensus for action.

## RECOMMENDATIONS

### A. Transmit Zoning Text Amendments to the County Council

The staff recommends two zoning text amendments that will work toward reducing development potential in the RDT Zone, and increasing the use of TDR receiving sites.

#### 1. Reduce Development Potential in RDT Zone – Create Incentive to Sell “Buildable” TDRs

**Recommendation:** *Introduce a zoning text amendment (ZTA) to create a special category for “buildable” TDRs, with their dwelling unit value weighted to reflect their actual value as a developable lot, as an incentive to reduce housing potential in the RDT Zone – action on the ZTA will require establishing additional TDR Receiving Sites.*

**Discussion:** There is general consensus that one of the most effective means to keep the RDT Zone viable for agriculture is to further reduce development potential in the zone. This can be achieved by incentives or downzoning. Further downzoning is a very difficult option. Creating incentives to remove density is a preferred option.

Adopting a zoning text amendment to create a “Super TDR” for the “Buildable” TDRs will provide an incentive to reduce development potential in the RDT Zone by allowing these TDRs to be valued at their actual potential as building lots in the RDT Zone. *This concept was originally recommended by the TDR Task Force and was endorsed by the Planning Board.*

The staff has proposed a ZTA that would allow the Agricultural Services Division of the Department of Economic Development to determine a value (in number of dwelling units) for a “super TDR”. The property owner would be required to provide the estimated actual development potential of the property based on septic testing in order to ensure that this benefit would not be offered to property that has no realistic development potential. The Agricultural Services Division is working on an alternate version of a text amendment that would rely on an independent appraisal methodology to determine the dwelling unit value. That method would more closely reflect the value of a particular property at a particular location. In either text amendment, the “super TDR” value would be worth significantly more dwelling units than a standard TDR, thus providing an incentive for landowners to sell these development rights and an incentive for the developers to purchase them.

The TDR Status Report completed this fall by the Research and Technology Center indicates that there are approximately 1,851 TDRs that might be realistically eligible for this opportunity. The staff further does not anticipate that more than one-fourth to one-third of those potential TDRs would be sold. Even under those limitations, this would reduce the number of potential dwelling units in the RDT Zone by approximately 400-600, and protect an additional 2,000 to

3,000 acres from residential development. This ZTA will require providing a substantial number of new receiving sites. That element is discussed subsequently under new policy and research proposals.

**Stakeholder Comments:** Among all groups there was general support for this concept, and general agreement that it will require establishing additional TDR receiving sites for the increased transfer potential. Some concern was expressed regarding the method for establishing the value of the "super TDR".

## **2. Increase Use of TDR Receiving Sites – Eliminate Minimum TDR Use**

**Recommendation:** *Introduce a zoning text amendment that will eliminate the TDR 2/3-use requirement.*

**Discussion:** An amendment to the 2/3-use requirement was *recommended by the TDR Task Force and endorsed by the Planning Board.* It is intended to allow greater use of TDR receiving site potential in situations where the 2/3-use requirement actually inhibits their use because of the need to get special permission from the Planning Board.

Although this modification will not make a major difference, the TDR Task Force members believed that adjustments that have the potential to increase the use of receiving area potential are needed.

**Stakeholder Comments:** Among all groups there was support for this text amendment.

## **B. Support Policy Guidelines**

The staff recommends three sets of guidelines that will address large Private Institutional Facilities (PIFs) in the RDT Zone, the administration of subdivisions in the RDT Zone, and expanding receiving potential for TDRs.

### **1. Stop the Incursion of Large Private Institutional Facilities (PIFs) in the RDT Zone – Limit Multi-Use Septic Treatment Systems**

**Recommendations:** *Support a policy to limit private institutional facilities in the RDT Zone to multi-use systems that do not exceed a 5,000-gallon total average daily usage.*

*Also work with the County Council to determine appropriate locations for large PIFs within the County at or near existing and planned population centers, and an appropriate regulatory environment for them.*

**Discussion:** In recent years there have been increasing requests for sewer category changes (for sewer or large capacity septic systems) that allow the placement of very large and active institutional uses in the RDT Zone – primarily at or near the edges of the Agricultural Reserve. Some were approved, and several more are awaiting a decision from the County Council. The staff believes, and many stakeholder groups agree, that continuing to approve these large and multi-faceted facilities will be detrimental to the intent of the RDT Zone due to concerns regarding agricultural land fragmentation, imperviousness, traffic generation, daily activity levels, water use, and removal of land from potential for agricultural production.

The PIF Working Group recommended a zoning text amendment (ZTA) that limits imperviousness levels for these uses in the low-density residential zones and the agricultural zones. Additionally, a proposed amendment to the Water and Sewer Plan would also prohibit any sewer extensions into the RDT Zone for the reasons noted above related to conflict with Master Plan policy and environmental policy. On November 3, the Planning Board recommended approval (with modifications) of that text amendment and the amendment to the Water and Sewer Plan to the County Council. The Council is considering these items in the next two weeks.

On a separate track, a particular PIF proposed the use of a multi-use system in the middle, not on the edge, of the Agricultural Reserve north of the village of Laytonsville. This is the first proposed large, multi-faceted PIF beyond the fringe of developed areas and is of great concern for the precedent it would set, and what that would mean for the viability of the RDT Zone for agriculture. The Planning Board has recommended denial of their request for the multi-use system on the basis of conflict with the intent of the master plan and zone. The County Council is also considering this request and several other delayed category change requests in the next two weeks.

The staff believes that the Planning Board should support a policy that will limit PIF use of multi-use septic systems in the RDT Zone based on the potential they have to proliferate and fragment the land, and to impact agricultural uses through their water usage. The staff believes that there is strong support for this policy in the language of the Master Plan for the Preservation of Agricultural and Rural Open Space and in the intent clause for the RDT Zone. The staff recommendation will significantly limit the potential size for PIFs and their accessory uses in the RDT Zone, but have no impact on smaller, local community oriented PIFs.

The staff also believes that the broader issue of appropriate locations for these large PIFs must be addressed. If adopted, the PIF Working Group ZTA will significantly limit their ability to grow in low-density residential and agricultural zones, and if adopted the RDT Zone policy recommendation will realistically preclude any large complex PIFs in that zone. The issue of appropriate location and regulations must be addressed if the RDT Zone is to be protected from these uses that, if they proliferate, will dilute and fragment the Agricultural Reserve.

**Stakeholder Comments:** Considerable support from groups who support preservation of the Agricultural Reserve and county farming groups. Considerable opposition from many in the religious community, particularly in the absence of a county plan to accommodate large PIFs elsewhere.

## 2. Limit Development in the RDT Zone - Use of "Sand Mound" Septic Systems

**Recommendation:** *Recommend that the County Council amend the 1994 resolution that authorized the use of sand mounds in the RDT Zone to clarify and limit their use to replacement of existing septic systems that have failed, for child lots or a tenant dwelling, and to assist individual property owners on a case by case basis; but to deny the use of sand mounds to create residential subdivisions that would otherwise not be allowed and that eliminate all realistic potential for farming and agricultural uses.*

**Discussion:** "Sand mound" septic systems became a "standard" septic treatment system in the county in 1994. In recent years, there has been increasing concern about their use, as the Department of Permitting Services has begun to allow them as a "first choice" method (when they know soils to be poor for standard septic systems), rather than a "last resort" system. One indicator of the concern about these systems is that the County Council is currently considering a moratorium on their use until the questions regarding their use have been resolved.

The staff believes that the "relief" option best encompasses the intent of the Master Plan while protecting individual property owners. It will allow farming families to sell land if required for their business (to the extent allowed by the zone), but it will preclude the wholesale conversion of farms to residential use at higher densities than standard septic would allow. This policy will require the Planning Board to consider each subdivision with sand mounds on a "case by case" basis, and determine whether it meets the "relief" test for an individual owner. If the use of sand mound systems become a "first choice" system, there will be increased development in the RDT Zone.

**Stakeholder Comments:** There are extremes of opinion on this issue among various groups. The agricultural community generally strongly defends the use of "sand mounds" as a standard system, and the right to develop at the density allowed by the RDT Zone. Other groups generally believe that increased use of "sand mounds" will bring more residential development to the RDT Zone than was intended by the Master Plan.

The farming community (and land developers), including county farmers who worked on the Master Plan for the Preservation of Agricultural and Rural Open Space, generally believe that because "sand mound" septic systems are no longer considered "alternative" by county permitting agencies or the state they should be a "normal" alternative for subdivisions in the RDT Zone. Others, including authors of the Master Plan for the Preservation of Agricultural and Rural Open Space at the M-NCPPC, state that the Master Plan depended on septic

limitations to restrict residential potential in the RDT Zone, and that systems considered "alternative" in 1980, should always be barred for standard subdivision use in the RDT Zone as a density restriction measure. Others believe these systems should only be allowed as a relief measure for individual property owners, not subdivision developers.

**3. Increase TDR Receiving Sites - Require TDR Receiving Capacity to be Included in Requests for Floating Zones Outside a Master Plan Process**

**Recommendation:** *Establish a Planning Board and County Council policy that floating zones with the potential for TDR receiving capacity considered outside the Master Plan process gain all or part of any additional density through the use of TDR receiving capacity.*

**Discussion:** A policy of this type was *strongly recommended by the TDR Task Force and endorsed by the Planning Board* to encourage the use of TDRs to create any additional density created in a rezoning involving a floating zone. These zones can be proposed outside the Master Plan process, and therefore can request additional density without consideration of TDR potential. The rezoning case for the Good Counsel High School site in Wheaton is a good example of this situation.

The staff believes that the creation of TDR receiving capacity should be standard policy for these rezoning requests. A recommended new staff initiative elsewhere in this report addresses expanding the number of floating zones with TDR receiving capacity potential.

**Stakeholder Comments:** General support for this policy.

**C. Support for Completing Five Research Initiatives**

Endorsement from the Planning Board and support from the County Council for these five work program items is requested that will support the TDR program, address the regulation of child lot subdivisions in the RDT Zone, create the means for transferring TDRs to mixed-use and commercial zones, and complete studies which will explore the options for the future of agriculture in the county.

**1. TDR Program Support - TDR Tracking System Ongoing Maintenance**

**Recommendation:** *Request Planning Board endorsement to assign the Research and Technology Center to be responsible for on-going maintenance.*

**Discussion:** This summer, the Research and Technology Center completed the first TDR Status Report since 1997 in cooperation with the Department of Economic Development. The findings were presented to the County Council's PHED Committee in September as part of work on the Shady Grove Sector Plan.



This report brought the TDR tracking methods into the computer system, and this work must be maintained for the future as recommended by the TDR Task Force.

The Director assigned primary responsibility for this task to the Research and Technology Center, although participation from the Development Review Division, the Community-Based Planning Rural Area Team, and the Montgomery County Agricultural Services Division of the Department of Economic Development, and the office of the County Attorney will also be required. Appropriate staff time and financial resources should be provided to maintain these records for the future. The tracking system will monitor TDRs created and removed from the RDT Zone, and those designated for use in residential development in the RDT Zone.

**Stakeholder Comments:** There is universal support for ongoing maintenance.

## 2. Limit Development in the RDT Zone - Regulating the "Child Lot" Provision

**Recommendation:** *Support the staff evaluation of proper regulatory method for Child Lot Subdivisions. Research is underway and the staff will return to the Planning Board with specific recommendations in December.*

**Discussion:** This provision allows those who owned property in the RDT Zone before it was created in 1980 to exceed the density of the zone when creating lots for their children. There has always been some concern that this privilege would be abused by a few, and that concern has increased in recent years. The primary concern has been those property owners who have "flipped" these lots – deeding them to their children who then immediately sold them as building lots, rather than building their home on the family land.

The Research and Technology Center is currently evaluating the number of child lots subdivisions that have been approved, if there were abuses, and how many more properties remain that could use this provision. Their findings will be a part of the December report to the Planning Board.

Because the language in the Zoning Ordinance is ambiguous, the legal staff of the M-NCPPC is currently researching the original intent of this provision regarding density, and considering regulations to better enforce these subdivisions. Whether the intent for the provision was to enable farming families to remain together on the farm, or to give RDT property owners a density bonus for children should be established.

The staff is also researching whether there is any clarity on the longstanding additional density provision interpretation. A report submitted to the staff from the Conservation Federation of Maryland and For A Rural Montgomery purport that the property owner should only receive additional child lots that are within the base density of the zone, not the child lots in addition to the base density in the zone. The provision has never been interpreted in this way. Staff believes that research should be completed on this interpretation before proposing recommendations to the Planning Board and County Council for this child lot provision.

Recommendations could be considered to modify the provision, eliminate the provision, or modify and set a sunset date for it. Staff will return with that report and recommendation in December.

**Stakeholder Comments:** Generally agreement that modifications are necessary. There is considerable disagreement among groups on the issue of overall density.

**3. Increase TDR Receiving Sites - Establish Criteria for Receiving Capacity in Mixed-Use and Commercial Zones in Master Plans.**

**Recommendation:** *Request County Council and Planning Board support for the ongoing research to establish transfer ratios for creating TDR receiving sites for mixed-use zones within future master plans; and subsequent research to establish use of TDR capacity in zone allowing commercial uses.*

**Discussion:** This concept was recommended by the TDR Task Force and endorsed by the Planning Board, to encourage the use of TDRs in mixed-use and commercial development as a means to increase the quantity and quality of TDR receiving sites. Work on this issue is already underway within the context of the Shady Grove Sector Plan. The concepts that will be proposed for Shady Grove can be further evaluated and expanded for other upcoming master plans.

If the "Super TDR" is established, the county will need to create a substantial amount of additional TDR capacity. The staff estimates that from 400-600 of these "weighted" TDRs might be created, and each of them will be valued at multiple numbers of dwelling units. While a more exact number of additional receiving sites required cannot be determined until or unless the "Super TDR" is created by the County Council, research on the methods for using TDRs beyond the standard residential zones needs to proceed.

**Stakeholder Comments:** There has been overall general support for this policy, but questions remain regarding how it will be implemented. Public outreach will be needed when the staff presents its recommendations on these concepts.

**4. Consider the Future of Agriculture in the Agricultural Reserve – Study Current and Future Agricultural Economics**

**Recommendation:** *Complete and evaluate recommendations of a study by the Research and Technology Center.*

**Background:** Land preservation in the Agricultural Reserve is an empty promise unless agricultural production is economically viable. Support for our "traditional" farms should continue, but any decline in "traditional" agriculture in the county should be offset by a continuing evolution to agricultural models viable on the urban "fringe" or as a rural "island" surrounded by urban and suburban development.

To assure the continued viability and profitability of agriculture in Montgomery County, concepts are needed to support the evolution of agriculture to meet the 21<sup>st</sup> Century challenges and opportunities in a largely urban and suburban region.

This would include evaluation of what role the Agricultural Reserve will play in the emerging issue of regional food security. And in an age of rising fuel costs and global instability, food security is becoming an important issue for the greater Washington region. Further evaluation of how the Agricultural Reserve can contribute more to the regional food supply chain in a sustainable and responsible way is needed.

The M-NCPPC Research and Technology Center is completing a report to help identify issues and opportunities for the continued viability of agriculture in the county. The report will consist of interviews with county farmers, other local experts, as well as experts from around the country, and further recommendations for action. Later, a focus group of interested stakeholders may be formed to discuss methodologies for the future depending on report recommendations. The staff will return to the Planning Board when this report is completed to discuss its recommendations for further action.

**Stakeholder Comments:** There was considerable interest in the findings of the report and evaluating the recommendations when it is completed.

**5. Increase Agricultural Awareness and Education - Expand Utilization of the Agricultural Farm Park.**

**Recommendation:** *Inform the County Council of a Park Planning Division work program element to proceed on an amendment to the Master Plan for the Agricultural Farm Park to include research on development of a fully functioning historic farm operation and an expanded agricultural services function including demonstration of current and future agricultural practices.*

**Discussion:** The staff believes that as a tool for agricultural education, the Agricultural Farm Park is currently underutilized. A plan for expanded use of its facilities and potential for agricultural education and awareness is needed. This facility has enormous potential. It should be to farming as Brookside Gardens is to expanding knowledge and appreciation for excellence in horticulture.

The M-NCPPC Park Planning staff has begun work on an amendment to the master plan for the park expanding the operations. This work would continue with other appropriate divisions at the M-NCPPC, county agencies, and interested stakeholders to develop an expanded plan for the use of the Agricultural Farm Park. As requested by the Planning Board, the staff will return with additional recommendations for this project by next June. A steering committee is currently being formed to initiate the first phase of this project.

**Stakeholder Comment:** General support for this project.

## **D. Authorize Four New Initiatives**

While there is general support for most of these measures, additional research and evaluation must be authorized before firm recommendations for action can be determined. The staff requests support for four new work program assignments to consider requiring development rights for uses other than houses in the RDT Zone, to increase awareness of the importance of the Agricultural Reserve, and to support the equestrian community.

### **1. Limit Development in the RDT Zone – Evaluate Requiring a “Development Right” for All Non-Agricultural Uses in the RDT Zone**

**Recommendation:** *Request Planning Board and County Council support to expand the M-NCPPC Rural Team work program to research this issue and report to the Planning Board in the spring.*

**Discussion:** The RDT Zone has primarily been used to transfer residential density out of the zone. No other uses otherwise allowed have been. But there are other non-agriculturally related uses that reduce potential agricultural production but are not required to “use” a development right. Does this meet the intent of the Master Plan? If the intent of establishing transfer of development rights was to prevent a proliferation of non-agriculturally related uses in the RDT Zone, then a mistake was made to only require “use” of a development right in the zone by a residential use. A property can sell all its TDRs and still become a building site for a number of uses allowed by right or special exception in the zone. Some believe this was an oversight that should be corrected, or that a proliferating threat from non-agricultural uses other than homes was not foreseen in 1980.

Staff will first discuss the concept with the Zoning Screening Committee to determine if this would require a Master Plan Amendment, which would make the concept problematic.

**Stakeholder Comments:** General support for further research on this concept. Concerns were expressed regarding whether it would require a Master Plan amendment.

### **2. Increase Agricultural Awareness and Education – Develop an Agricultural Reserve Informational Brochure**

**Recommendation:** *Request Planning Board and County Council support for staff work program expansion to create a specific brochure and website location for information about the Agricultural Reserve and its resources for the community.*

**Discussion:** There is no single source of information about the public resources in the Agricultural Reserve. More publicity elements are needed. They should provide geographic and background information on the Rustic Roads, trail systems (human and equestrian), bicycle routes, parks and recreation facilities, public access to “pick your own” or similar farms, historic sites and communities, and important natural resources.

With this recommendation the M-NCPPC staff will work with the Agricultural Services Division and the “Celebrate Rural Montgomery” citizens group to develop a colorful and informative brochure to be used to expand awareness of the resources that are within the Agricultural Reserve for all county residents.

**Stakeholder Comments:** General support for development of the brochure, although not a high priority element.

**3. Increase Support for Equestrian Activity in the Agricultural Reserve – Map Equestrian Trail Easements**

**Recommendation:** *Request Planning Board support for assigning appropriate staff to research and map public use easements that provide equestrian access in the Agricultural Reserve as a new work program element.*

**Discussion:** There is currently no map for the county’s dedicated equestrian trails that are on easements on private property. This has led to confusion and disagreements for trail riders and property owners. The existing riding easements also need to be indicated when subdivisions are created. Some work on this is already being done by County Trails staff, but additional time and staff resources are needed from Research and Technology and Development Review staff to create the mapping system and make it generally available.

**Stakeholder Comments:** There is general support for this action, especially from equestrian groups.

**4. Increase TDR Receiving Sites – Consider Viability of a Zoning Text Amendment to Allow TDR Receiving Capacity in Floating Zones.**

**Recommendation:** *Complete necessary research to create a zoning text amendment that would allow TDR receiving capacity in floating zones.*

**Discussion:** The concept of establishing TDR receiving capacity in floating zones was *strongly recommended by the TDR Task Force and endorsed by the Planning Board* in order to encourage the use of TDRs to create receiving capacity when these zones may be requested outside a Master Plan process. A policy endorsing this concept has already been discussed in this report.

But currently, only the Planned Development Zone allows TDR receiving capacity. The staff will research the potential for establishing TDR receiving capacity in the other appropriate floating zones and return to the Planning Board in the spring with recommendations. These would include: R-T (Residential Townhouse) Zones, the R-H (High Rise) Multi-Family Residential Zone, and the T-S (Transit Station) Zone.

**Stakeholder Comments:** General support for this policy.

## **NON-PRIORITY ISSUES**

After extensive meetings with various stakeholder groups who are dedicated to protecting and enhancing the Agricultural Reserve, the staff determined that a number of issues were not ready for action at this time. Given staff, Planning Board, and County Council time constraints, time should be concentrated on the previously mentioned actions and defer or eliminate other issues. These issues include:

### **Recommendation: Defer Consideration**

1. **Planning Board Agricultural Conservation Guidelines for the RDT Zone**  
*Stakeholder Comments:* Considerable concern regarding these standards from most groups. Farming groups believe it will be used to limit density and dictate house placement, others believe it will encourage suburban style clustering.
2. **Lots on Private Roads in the RDT Zone**  
*Stakeholder Comments:* No significant opposition, but no pressing support for this proposal. Generally a low priority issue.
3. **“Day Camp” or “Outdoor Education” ZTA**  
*Stakeholder Comments:* Mix of support and suspicion of the use.
4. **Locating TDR Receiving Sites Within Municipalities in the County**  
*Stakeholder Comments:* General support of the concept, but not a high priority issue, and very time consuming.
5. **Allowing “Internal” Transfer of “Buildable” TDRs to “Edge Areas”**  
*Stakeholder Comments:* Considerable opposition to the concept from rural residents, mixed opinions among farming groups.

### **Recommendation: Eliminate Consideration of Concept**

1. **Increase TDR supply by allowing “bundling” of residual acres in RDT Zone**  
*Stakeholder Comments:* Considerable opposition from most groups. Most think the “super TDR” concept would create enough additional TDR potential.
2. **Modify Afforestation Requirements for TDR Receiving Sites**  
*Stakeholder Comments:* Although there was general support for studying this concept, there was significant doubt regarding its ultimate viability and usefulness. This concern was confirmed in subsequent staff research on the concept.

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#### Attachments:

1. Recommended Zoning Text Amendments
2. Summary Table Stakeholder Comments
3. Stakeholder Comments