

RURAL COMMISSION AND PLANNING COMMISSION SUMMARY COMPARISON

October 27, 2003

Charge 1.

Evaluate the effectiveness of the Agricultural Conservation and Rural Conservation zone’s permitted density of one unit per three acres for conventional subdivisions. Examine “build-out” scenarios for the rural areas of the County based on existing development regulations. Contrast this with rural acreage that could be protected through more restrictive zoning and subdivision regulations. Provide recommendations for permitted densities and desired lot sizes in these rural areas.

	Rural Commission	Planning Commission
1	Build-out at one unit per three acres would be unacceptable	Agree: One unit per three acre zoning will not maintain large contiguous parcels for agriculture and will not maintain rural character.
2	In the rural area, rezone “Nanjemoy Western Peninsula” to one unit per 20 acres and leave the rest of the rural area at one unit per three acres	Disagree: If 1:3 zoning is not protecting the rural area, all of the rural area should be rezoned to a more protective density (optimum density 1 unit per 20 acres, with 10 acres as the minimal acceptable density)
3	Rely on TDR Program to preserve the rural area by requiring every new housing unit to purchase a TDR	Disagree: It is not legal to require every new housing unit to purchase a TDR. There has to be some “by right density.” (per the County Attorney)
4	Encourage any subdivision of land occurring in the Rural Legacy Area or Cobb Neck to be lots of 20 acres or larger by waiving A.P.F. requirements	Disagree: A.P.F. are important and should not be waived.
5	Combine the current AC and RC zones.	Agree: If the residential density is the same in both areas, there is no real reason to separate the two.

Charge 2.

Evaluate the existing clustering provisions in the Zoning Ordinance and determine if amendments to these regulations should provide for more compact, less consumptive land development in rural areas. Evaluate the concept of mandatory clustering for rural residential developments and determine if changes to existing open space requirements are necessary.

	Rural Commission	Planning Commission
1	Mandatory Clustering in the rural areas	Disagree: Create incentives to cluster
2	Mandatory Clustering should require 60% open space at a density of one unit per 3 acres instead of today's one unit per 5 acres	Agree: While the Planning Commission does not support mandatory cluster regulations, there should be real incentives created to encourage cluster development. Allowing higher densities, while maintaining significant open space, would provide the incentive.
3	Revise the Comprehensive Plan to reflect current land use (Rural Residential in the Northeast part of the County,) Agriculture in the Southeast part of the County,) and (Preservation Area in the western peninsula of Nanjemoy.)	Disagree: Should not give up on the northeast part of the county as an area for agriculture and rural character, even though significant development is occurring in this area. We need to work to meet the original goals of the Comprehensive Plan.
4	Developers should be encouraged (possibly with a density bonus) to create contiguous open spaces between developments and to maintain agricultural lands (including wood lots) as part of the open space as opposed to just the undevelopable stream valleys).	Agree on concept of incentives that would preserve contiguous blocks of open space containing significant natural resource values (productive farmland, woodland)

Charge 3.

Analyze the numerous studies that have been prepared regarding the economic effects of residential growth patterns on agricultural land values and the cost of providing government services. Research the relationship between allowable density and property values and evaluate the economic effects of changes to permitted densities. Review the literature and identify tools that may be appropriate to maintain or enhance land values while supporting the vision for the rural areas of Charles County.

	Rural Commission	Planning Commission
1	Through local zoning, the county should support the development of alternative farming operations(i.e. make it easier to establish nurseries, cut flowers specialty vegetable farms, aquaculture, etc.)	Agree to evaluate any obstacles.
2	Since farm land generates more local government revenue than it costs in public services, significant government funds should be allocated for agricultural land preservation. Charles County should set a well planned agricultural land preservation acreage goal and allocate adequate funds to reach this goal.	Agree that it is important to set a preservation goal and provide funds to meet that goal.
3	Establish an agricultural marketing position in County Government.	The Planning Commission supports the concept of marketing.

Charge 4.

Provide recommendations to increase the utilization of the Transfer of Development Rights (TDR) program. Consider the designation of new types of sending and receiving areas and possible changes to the transfer rates (allocation formula). Provide additional incentives for utilizing Development Rights in the Development District and consider targeting Rural Legacy Properties as sending areas.

	Rural Commission	Planning Commission
1	Require a TDR for every new housing unit in the County	Disagree: This is not legal. There has to be some “by right” density (per the County Attorney)
2	Allow townhouses and apartments by right in the RH zone with the use of TDR’s at a rate of one TDR per new unit.	Agree with concept. The development District should be rezoned to reduce the by right densities and purchase TDR’s to achieve the desired densities. For example: Rezone the RM zone from 3 dwelling units per acre to one dwelling unit per acre. Require TDR’s for additional density. Rezone the RH zone from 5 dwelling units per acre to two dwelling units per acre. Require TDR’s for additional density. Allow PRD in the RL zone with the use of TDR’s. Maximum allowable density may be lower than traditional PRD. Allow cluster development on infill properties (<15 acres) and increase density from one dwelling unit to three dwelling units per acre using TDR’s. These concepts are being proposed for the Bryans Road Town Center and will also be proposed for Waldorf.

3	Establish a County TDR bank to facilitate transfers	Disagree: Leave TDR sales to the private market. A county purchase and retire program (PDR) would be appropriate. This would allow the County to purchase some number of development rights each year, thus creating some stability in the market.
4	A sending parcel for TDR's becomes undevelopable in perpetuity once at least 50% of the TDR's have been transferred	Agree: Currently, the County's Zoning allows development rights to be returned to a parcel that was previously protected as a result of transferring development rights. This makes it very difficult to plan for and protect large contiguous blocks of property, especially for agricultural uses. Most county's require a property to be protected in perpetuity as soon as the first development right has been transferred.
5	Development Rights on land rezoned to 1:20 should maintain TDR's at one development right per 3 acres.	Agree. The rural area should be re-zoned to an optimum density 1 unit per 20 acres, with 10 acres as the minimal acceptable density. TDR's could be maintained at a density of 1 TDR per 3 acres if the demand remains stronger than the supply.
6	Designate more land as sending areas for TDR's, such as the Rural Legacy Area, Cobb Neck and Western Peninsula of Nanjemoy.	Agree, only if the demand for TDR's greatly exceeds the supply. In order to maintain the TDR value, the TDR supply should always be less than the demand.