

1 Friends of Harford does not believe the following section of the Zoning Code is relevant to the Transfer of Development Rights (TDR) program. The County's Master Plan states a TDR program is to be established. We endorse a plan which supports agriculture, not this plan which forces farmers to foster building outside the designated development envelope in the RR and Rural Village zoning designations and next to other farms in order to realize benefits from their property.

DELETE THE FOLLOWING.

(Note: The yellow highlights differences from old code and draft. While we advocate deleting this entire section, we believe you should view the old and new to show the County's lack of vision for Agricultural development rights in the past as well as their plans for our future.)

While Friends of Harford comments on various proposals of the Draft code below we, in no way, endorse the use of this section as it is written. We only wish to engage in a dialogue which helps to explain some of our reservations with the County's idea of a TDR.

(4) Development rights established in §267-53 (AG Agricultural District), may be transferred from any parcel with an AG zoning located in the Agriculture designation on the most recently adopted Land Use Map as provided below:

Current Code: Development rights established in D(3) may be transferred from one parcel to another parcel, either contiguous thereto or within 500 feet therefrom within this district in accordance with the following:

FOH: This eliminates the 500 foot rule and essentially defeats the original purpose (and amendments) of this law.

(a) All development rights are transferable, except 1 right for each existing dwelling unit. In no event shall less than 1 right be retained with the parcel. The right to a family conveyance is not transferable.

b) Adjacent parcels under common ownership shall be considered 1 parcel. **Changed "contiguous" parcels under common ownership to "adjacent" parcels under common ownership, and changed "may" be considered to "shall" be considered one parcel.**

FOH: We consider this a good change. It eliminates the hidden internal decision by Planning & Zoning as to whether one owner of a property which is composed of several parcels on paper, but physically are one, can be considered as one, two, three or more properties. Each paper parcel would have been able to transfer multiple building rights with the Department of Planning & Zoning.

(c) Development rights shall be transferred only by agreement, deed, easement or other written document, that shall be recorded in the Land Records of Harford County. The Department shall approve the document prior to recordation. An additional copy of the document transferring the development rights shall be delivered to the Director of Planning and Zoning. **Rewritten. Transfer of development rights permitted only by deed, easement or agreement and must be recorded in the Land Records. Omitted, "The document shall limit future development in accordance with these provisions" in this paragraph and added it as new (d) below. Added: The Department shall approve the document prior to recordation. An additional copy of the document transferring the development rights shall be delivered to the Director of Planning and Zoning.**

FOH: This is covered by (d) in a separate statement with which we agree.

(d) The document transferring the development rights, as required under Subsection (4)(c) above, shall limit future development of, or transfer of, additional development rights where transferred. The document shall also identify, by metes and bounds, illustrated by map, the exact area from which the development rights are being transferred. **NEW**

(e) The parcel receiving the development rights must be located in a Rural Residential or Rural Village designation as defined in the most recently adopted Land Use Element Plan. The number of development rights that may be transferred to the receiving property/parcel may be equal to the permitted density of Rural Residential (RR) or Village Residential (VR) zoning densities at a 1:1 ratio. **NEW**

FOH: We strongly disagree with this section. Not only should AG zoned land not be a "receiving" area for development rights, but neither should RR or VR areas be a receiving area. This contradicts the Master Plan, principles of good planning, and Smart Growth. All receiving areas should be inside the Development Envelope.

When the TDR Study was done for the Eastern Shore in February, the study stressed that TDR Programs allow the sale and transfer of unused development rights from agricultural land, forestland, and resourceland, to receiving areas WHERE HIGHER DENSITY DEVELOPMENT IS PREFERRED BECAUSE THEY ALREADY

HAVE EXISTING INFRASTRUCTURE AND OTHER PUBLIC AMENITIES. Other studies state that when receiving areas don't already have the density and infrastructure, the purpose of the TDR program is defeated and it fails because infrastructure, public water and sewer, roads, etc., still get placed in rural areas not meant to have those amenities. It ends up costing the county more in the long run. The most successful programs - Montgomery County, MD, Carroll County, MD (whose program states, "No Transfer Zone shall be created within a Designated Agricultural Area." The transfer zone is the receiving area.) Pinedale, NJ, Barnstable, Mass., all have receiving areas where infrastructure is already established.

(f) Development rights transferred under this Subsection may only be transferred once. Development rights may not be transferred from a parcel that has received development rights. **NEW**

(g) A parcel, from which development rights have been transferred pursuant to this Subsection, and as identified in the transferring document, shall not be permitted to receive additional development rights. **NEW**
FOH: Agreed. This should eliminate some of the "creation" of new development rights by paper shuffling.

(h) The Department of Planning and Zoning shall maintain a database of all documents transferring development rights pursuant to Subsection (4)(d) above. **NEW**
FOH: This database shall be available to the public upon request. The Department of Planning & Zoning needs to be more open with its information. The perception that the department is not open with its internal decisions, interpretations of law, accounting practices and general information is a true perception. They do not.

Omitted. Conservation development pursuant to the conservation standards as provided in 267-46.
Omitted. Conversion of existing single family homes to accommodate no more than four dwelling units.

AGAIN, THESE COMMENTS IN NO WAY CONSTITUTE ANY SUPPORT FOR ANY PART OF THIS SECTION OF THE AG DISTRICT CODE.