County Population
1 million people

- Diverse
- Growing
- Built-out
- Redevelopment
Master Planning and Agriculture Zoning

- Montgomery County is comprised of 21 policy-master planned areas

- 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 – promotes Agricultural and Rural Landscapes

The Agricultural Reserve (AR) Zone reduces development from 1 unit per 5 acres to 1 unit per 25 acres

Agricultural zoning does not place long term protections to the land

Other preservation tools accomplish long term preservation - Perpetual Easements
Reserved through zoning, preserved by easements

Agricultural Reserve Zone (AR)
Transfer of Development Rights Programs (TDR)
Purchase of Development Rights Programs (PDR)
In Fee Acquisition (Public Parkland)
Transferable Development Rights (TDR) Policies

TDRs shift development from agricultural reserve to designated growth areas closer to public services.

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

A TDR easement is recorded in the land records.

This easement ensures the property will not be developed for residential use at densities which exceed 1 unit per 25 acres.
Application in the form of a Preliminary Subdivision Plan Utilizing TDR's

Planning Board Approval

Site Plan

Planning Board Approval

Recorded Easement and Deed of Transfer indicating restrictions on the sending area and the ownership of TDRs

Prepared Subdivision Record Plat indicating use of TDRs in the receiving area

Planning Board Approval

Record Plat recorded in Office of Land Records
Transferable Development Rights (TDR) Process

• The County approves TDR Easement and TDR Deed of Transfer

• The approved TDR Easement is recorded prior to the recordation of the TDR Deed of Transfer

• The County Attorney assigns serial numbers to TDRs at the time a TDR Easement is approved

• Retained TDRs must be referenced in the TDR Easement if a grantor wishes to use TDRs for future Transfer (Excess TDRs) or to build a house (Buildable TDRs)
Transferable Development Rights (TDR) Process

- The number of TDRs is based upon the acreage of the property in the (sending area)
- The number of TDRs used for an approved record plat (receiving area) must reference the serial numbers of the TDRs
- The Development Review Division (DRC) maintains a list of the TDR serial numbers that have been used and approved on record plats
- Before a plat using TDRs is recorded, the DRC will verify that the TDR serial numbers have not already been used
Average TDR Prices

Average TDR Prices

TDR Prices

$0

$5,000

$10,000

$15,000

$20,000

$25,000

$30,000

$35,000

$40,000

$45,000

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Montgomery County Agricultural Land Preservation
Relationship of Phase I and Phase II Preservation Goals

Enhanced Protection of Lands Encumbered by Transferrable Development Rights Easements

4,135 Acres
Phase II

- 4,135 Acres (MALPF/AEP/RLP/AEP/BLT)
- 48,166 Acres (TDRs)

Farmland Protected by Easements
Phase I

68%
Private Sector Investment
$117 Million

32%
Public Sector Investment
$34 Million