

M E M O R A N D U M

TO: Melvin Davis, Chairman - Board of Commissioners
FROM: Wayne S. Provost, Director – Strategic & Long-Range Planning
DATE: January 11, 2008
RE: TDR Study Committee

Melvin,

Per your January 9, 2008 e-mail, I have condensed my notes and thoughts from many recent conversations and meetings related to a potential TDR program for Oconee County. We have talked with citizens, planners, staff, consultants, committees and others about the subject. We have been to lectures, read literature, and researched the TDR concept in Georgia and other states.

It becomes obvious that, while a TDR program is a complicated endeavor and a relatively new planning tool for green space/open space/agricultural preservation, it also has the potential to enhance these preservation efforts for local governments. This is especially true when used in conjunction with other preservation tools such as the State, Federal and locally funded programs for acquiring development rights, the County Comprehensive Plan and Land Use Regulations.

It has also become clear that, in order for any TDR program to be accepted by the community and be practical enough to actually be utilized, it will need to address the needs and interests of a very wide range of stakeholders.

To that end, we have compiled a preliminary list of the professions and groups which we hope represent the essential architects of a TDR program for any community. Under each we have provided some reasons for the group or professional's inclusion.

This list is intended to be a draft, and we encourage input from the Board of Commissioners, staff and citizens for additional membership.

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1. Planning Consultant*

- a. Coordination with the Comprehensive Plan and UDC are essential.
- b. Prior knowledge and experience with TDRs, environmental law and agricultural economics, especially in Georgia, will be needed in order to avoid potential pitfalls and wasted time “reinventing the wheel.”
- c. An unbiased perspective will help develop a balanced and comprehensive program.

2. Legal Professional

- a. Georgia law is likely to differ significantly from that of other states where TDRs have been successful.
- b. Conservation easements will be a necessary requirement of a TDR program.
- c. Income tax issues may be applicable for the sending property owner.
- d. Taxable real estate values will be impacted on both sending and receiving areas.
- e. UDC and possible other code amendments will be required.

3. Tax Assessor*

- a. Taxable real estate values will be impacted on both sending and receiving areas.

4. County Planning Staff*

- a. UDC will be amended in a number of areas if TDR program is implemented.
- b. Sending and receiving areas will need to be established in accordance with the goals in the Comprehensive Plan (Community Agenda).

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- c. Applicable density for the receiving areas will need to be coordinated with zoning districts and available infrastructure.

5. County Public Works*

- a. Water, sewer and road capacity will need to be considered when locating potential receiving areas.

6. Real Estate Developers

- a. In order to attract users, the TDR program will need to address the developer's needs, interests and adequate economic incentives.

7. Sending Area Landowners

- a. The value of transferable development rights must be adequate for the sending landowner in order to encourage participation.
- b. The retained rights of use for the sending landowner will need to be clear and not excessively restrictive but must also be adequately limited to achieve the goals of the program.

8. Potential Receiving Area Residents

- a. In order to create a balanced program considerate of all interests, the impact on receiving areas must be considered.
- b. Community "ownership" of any successful program includes all stakeholders.

9. Community Activists

- a. Adequate representation from agricultural, environmental and green space advocates is needed to insure that the citizens of our community have "ownership" and input into a balanced program and that the community goals are adequately defined.

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10. State/Federal Agencies

- a. Agencies such as NRCS have extensive experience in agricultural and environmental protection programs.
- b. These agencies have close ties to the agricultural communities and can help insure that a balance of interests is included.

11. Others

In summary, we believe a committee of approximately a dozen or so county citizen volunteers working with staff and consultant could explore this subject over a period of about six months. Based on the committee's findings and recommendations, it might take another three months to refine and enact an ordinance with UDC revisions if the Board so chooses.

Thank you for the opportunity to address this. I would be happy to participate at what ever level the Board sees fit.

**Team member (not on committee).*

WSP/chr