

Salem County TDR Task Force

December 9, 2009



Overview

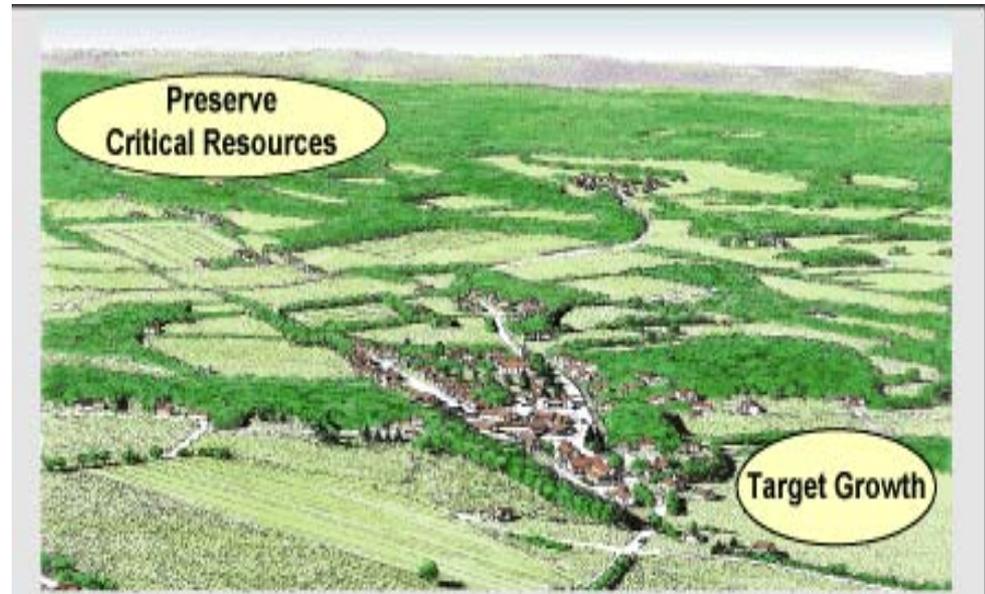
- Project Background
- How does TDR work?
- TDR in New Jersey
 - Legislation
 - State TDR Task Force
 - Woolwich and Mannington
- TDR in Salem County
 - Goals of Salem County TDR Task Force
 - Key Issues for TDR in Salem County
 - Project Priorities
- Discussion and Next Steps

Project Background

- Grant from William Penn Foundation
- State TDR Task Force – New Jersey Future
- Salem County TDR Task Force – DVRPC
- Project Timeline – through September 2010
- Applied for “phase two” funding through NJDEP

How TDR Works

- Landowner sells right to develop land in sending area
- That “right” is sold to a developer for use in a receiving area
- Provides an option to “selling out”



TDR in New Jersey

- Legislation
 - Pinelands Protection Act (1979)
 - Highlands Water Protection and Planning Act (2004)
 - Burlington County TDR Demonstration Act (1989)
 - State Transfer of Development Rights Act (2004)

State Transfer of Development Rights Act (2004)

- Authorizes both intra-municipal and inter-municipal programs statewide
- Authorizes the State TDR Bank Board to provide Planning Assistance Grants
- Requires several planning activities

TDR Program Requirements

- Prepare draft TDR element for adoption in Master Plan; required elements include:
 - 10-year population and economic growth estimates
 - Analysis of how anticipated growth will be accommodated within municipality in general and receiving zone in particular
 - Estimate of existing and proposed infrastructure in receiving zone
 - Procedure and method for issuing legal instruments necessary to transfer development rights
 - Explicit planning objectives and design standards to govern review of applications

TDR Program Requirements

- Adopt a Capital Improvement Program for Receiving Zone
- Adopt a Utility Service Plan Element for Receiving Zone
- Prepare a Real Estate Market Analysis
 - Sending and receiving zone analysis
 - Viability of TDR program assessment
- Draft a proposed TDR Ordinance designating sending and receiving zones
- Receive approval for adoption of TDR ordinance by initial petition for endorsement of Master Plan by State Planning Commission

Plan Endorsement Requirements: Required Planning Documents

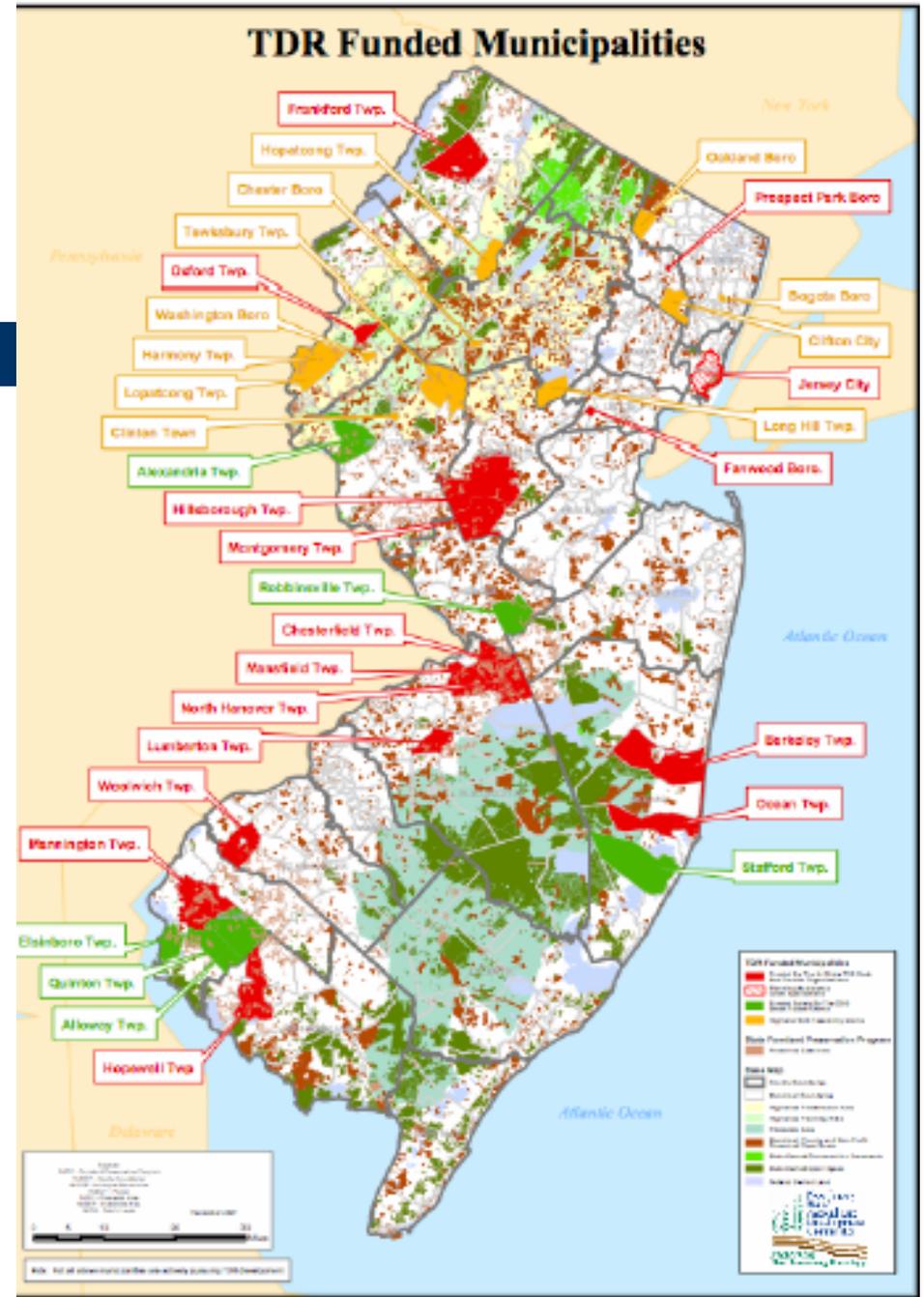
- Land Use Plan
- Land Use Inventory or Map
- Zoning Ordinance, Schedule, and Map
- Documents Detailing Recent and Upcoming Developments
- Housing Element & Fair Share Plan Filing a Petition for Substantive Certification to COAH or Compliance with Court-ordered Housing Settlement
- Housing Draft Implementing Documents/Ordinances
- Natural Resource Inventory (NRI)
- Conservation Plan (master plan element)
- Conservation Implementation Ordinances
- Circulation Plan (master plan element)
- Municipal Stormwater Management Plan and Ordinance
- Wastewater Management Plan
- Community Facilities Plan
- Board of Education 5-Year Facilities Plan
- Open Space and Recreation Plan (OSRP)
- Recycling Statement of Consistency
- Municipal Recycling Ordinance(s)
- Capital Improvement Program

Plan Endorsement Requirements from the State Planning Commission

- **Step 1** - Pre-Petition
- **Step 2** - Plan Endorsement Advisory Committee
- **Step 3** - Municipal Self-Assessment
- **Step 4** - State Opportunities & Constraints Assessment
- **Step 5** - Community Visioning
- **Step 6** - Consistency Review
- **Step 7** - Action Plan Authorization and Completion
- **Step 8** - Recommendation Report and Draft Planning & Implementation Agreement (PIA)
- **Step 9** - State Planning Commission Endorsement

Participation

- Adopted Ordinance: Woolwich
- Active Efforts
 - Berkeley Township
 - Frankford
 - Hillsborough Township
 - Hopewell Township
 - Jersey City
 - Mannington Township
 - Mansfield Township
 - North Hanover
 - Ocean Township



Map: New Jersey Future

State TDR Task Force: Obstacles at State Level

- Expensive, lengthy process
- Community concerns with higher density
- Cost and complexity of preparing for rapid growth
- The need for state agency support and coordination
- Potential COAH problems
- Difficulty getting state approvals for infrastructure
- Potentially high costs for developers
- Fiscal disincentive for regional transfers
- Conflict between capacity for infrastructure and what's need for market profitability
- Capacity analysis is insufficient; current zoning cannot be sustained now in many areas
- Restrictions on credit banks are too onerous
- Redevelopment receiving areas v. new town centers
- Community conditions may make achieving plan endorsement difficult (small municipalities lack of funding, some municipalities are already nearly built out)
- Insufficient state agency staff
- One size doesn't fit all - simpler programs for certain situations (e.g. voluntary TDR, smaller agricultural communities)

TDR in Salem County

- Goals of Salem County TDR Task Force
 - Create consensus about whether a regional TDR program should be pursued

And if so...

 - Identify the key issues to address to foster municipal participation in a regional TDR program

Salem County Snapshot

- 338 square miles, 10th largest county in NJ
- 64,285 persons – 2000 Census

Leading population growth municipalities:

- Pilesgrove
- Quinton
- Upper Pittsgrove
- Pittsgrove
- Oldmans

Declining populations in last two census periods

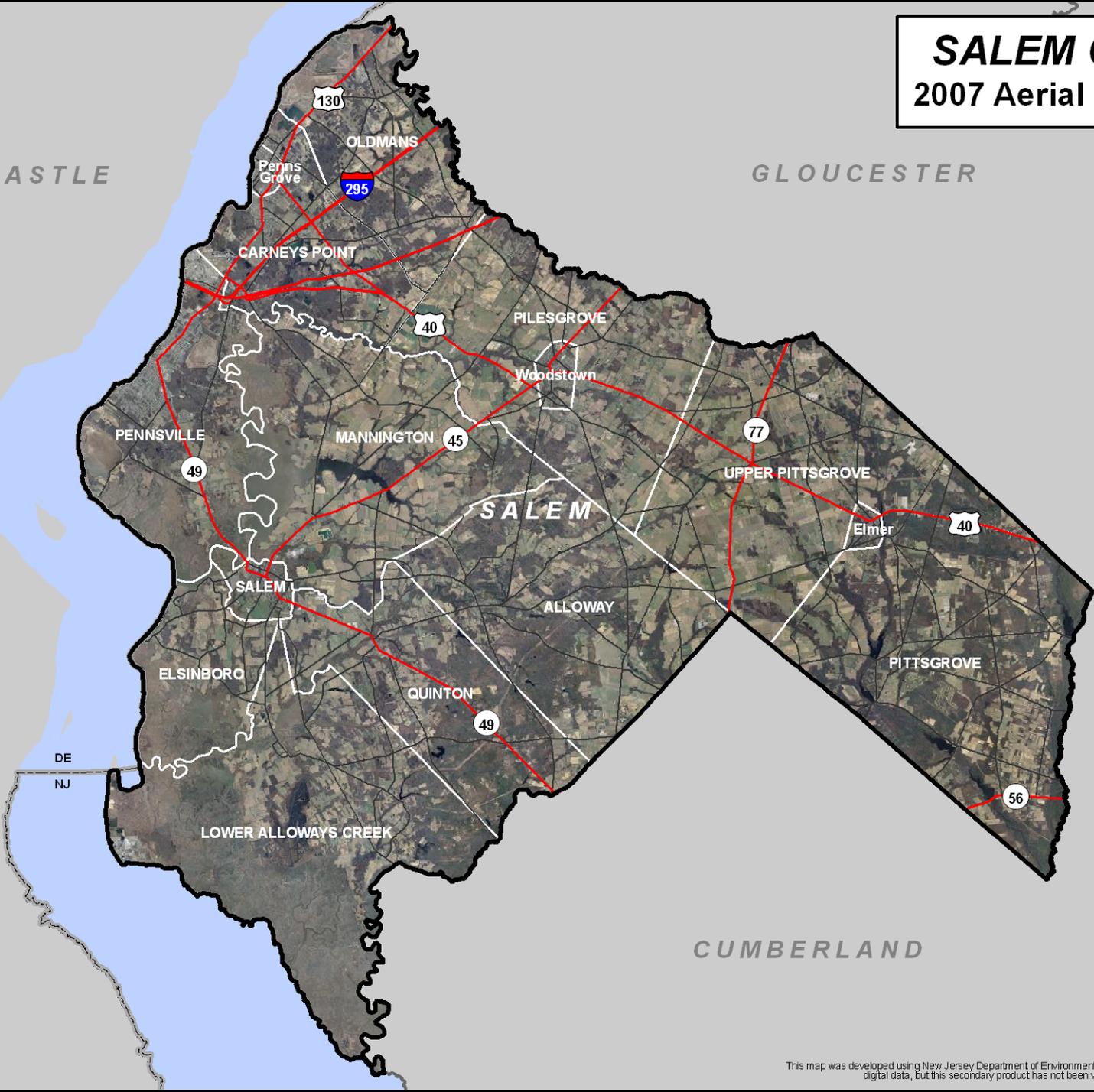
- Alloway
- Carneys Point
- Elmer
- Elsinboro
- Lower Alloways Creek
- Mannington
- Penns Grove
- Pennsville
- Salem City
- Woodstown

SALEM COUNTY

2007 Aerial Photograph

NEW CASTLE

GLOUCESTER



PENNSVILLE

49

MANNINGTON

45

PIESGROVE

Woodstown

UPPER PITTSGROVE

77

Elmer

40

PITTSGROVE

56

SALEM

ALLOWAY

QUINTON

49

ELSINBORO

LOWER ALLOWAYS CREEK

DE

NJ

CUMBERLAND

Sources: NJDEP, NJDOT, NJOIT
This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.

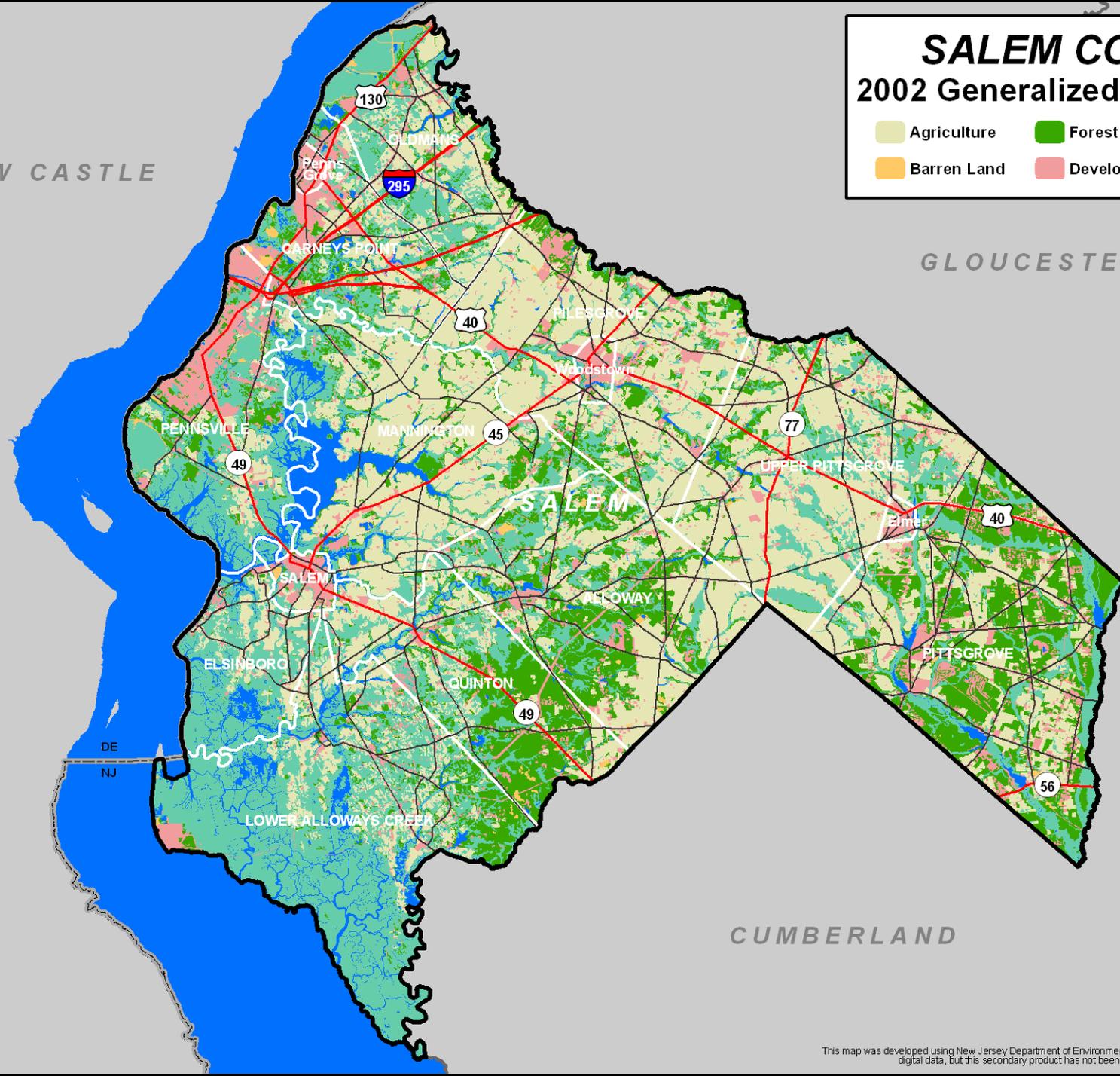
SALEM COUNTY

2002 Generalized Land Cover

- Agriculture
- Forest
- Water
- Barren Land
- Developed
- Wetlands

NEW CASTLE

GLOUCESTER



DE
NJ

CUMBERLAND

Sources: NJDEP, NJDOT, NJGIT
 This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.

Farmland

- Farms occupy approx. half of county land
- In 2002, 753 farms on 96,238 acres
- Approx. 24,000 acres of farmland preserved
- 72,000 acres of farms NOT preserved

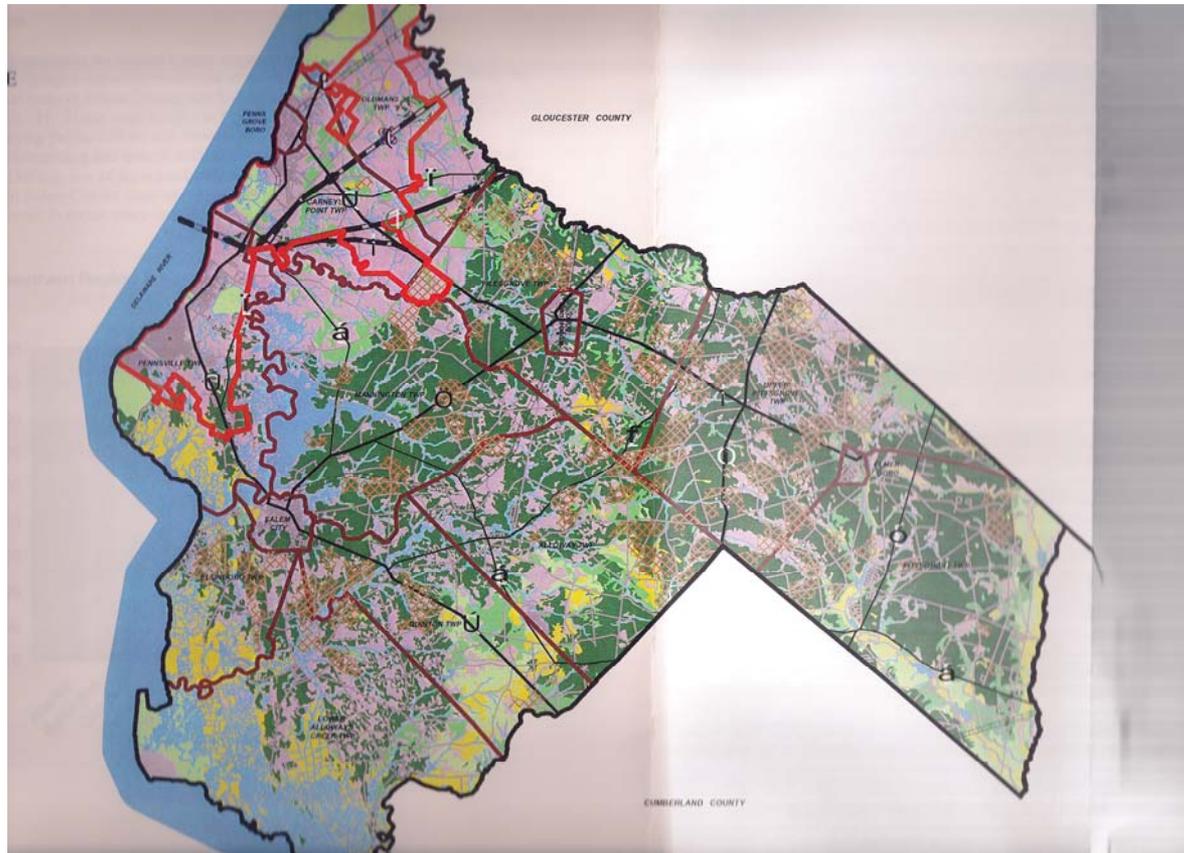
To preserve 50,000 acres (or roughly 2/3):

\$7,000 per acre = \$350 million

Planning Initiatives

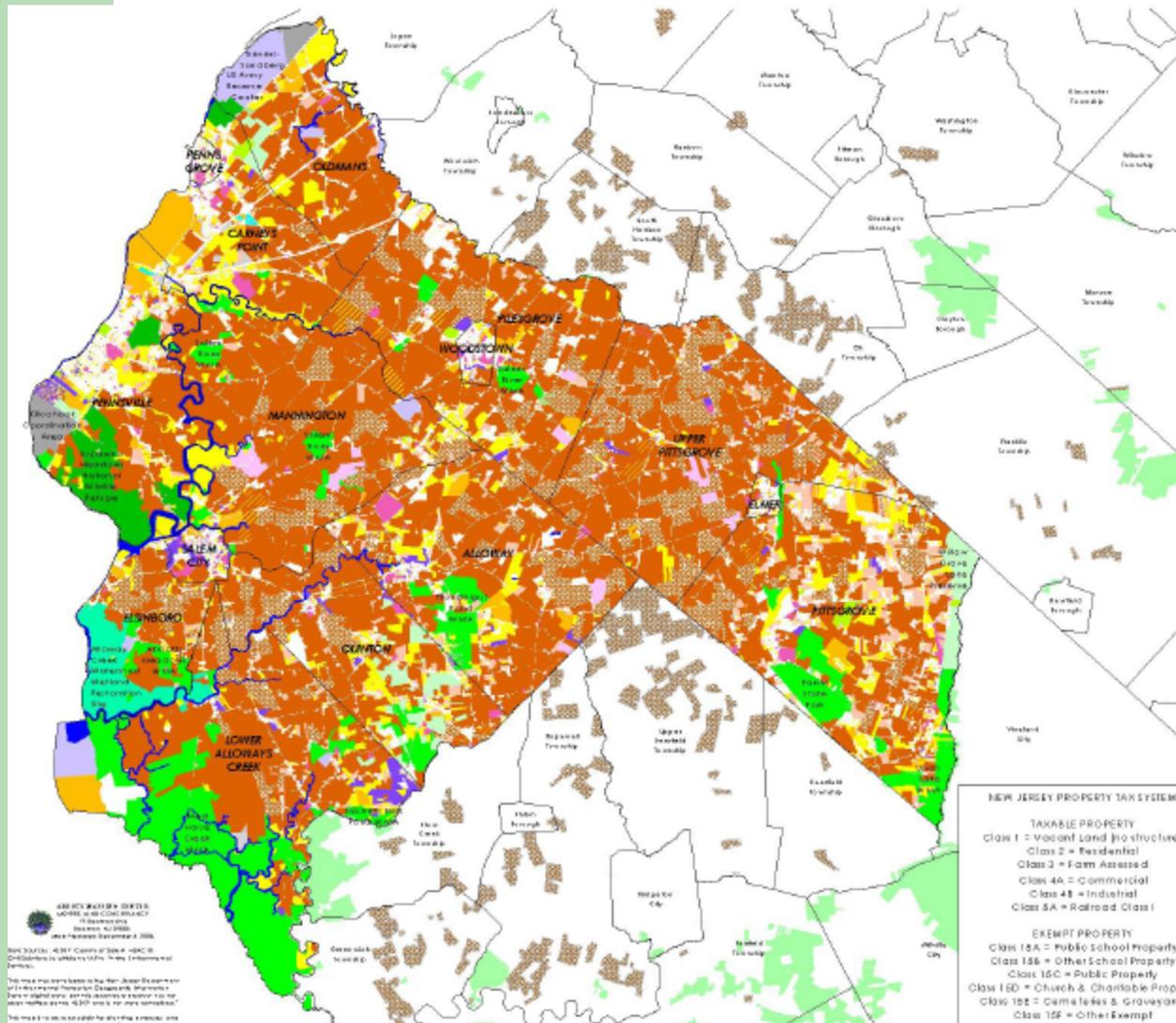
- Smart Growth Plan
- Open Space and Recreation Plan (2006)
- Farmland Preservation Plan (2008)
- TDR Plans
 - Alloway, Quinton, and Elsinboro
 - Mannington
- Wastewater Management Plan

Smart Growth Plan



Open Space, Recreation, & Farmland Plans

OPEN SPACE MAP
Salem County, New Jersey



- US Government Owned Open Space (Class 15C)
- State Owned Open Space - NJDEP (Class 1, 15C, 4A)
- County Owned Open Space listed on Recreation & Open Space Inventory - ROSI (Class 15C)
- Municipal Open Space listed on Recreation & Open Space Inventory - ROSI (Class 1, 15C, 3B, 4A)
- Non-Profit Open Space# (Class 1, 15F)
- PSEG Dead Restricted Estuary Enhancement Lots (Class 1, 3A, 3B)
- Preserved Farmland (Class 1, 15C, 2, 3A, 3B)
- Farm Assessed Property Pending Preservation (Class 3A, 3B, 2)
- US, State & County Owned Property (Class 15A, 15B, 15C, 15E, 5A)
- Property Owned by the Army Corp of Engineers (Class 15C)
- Property Owned by NJ Dept. Transport, NJ Turnpike Authority, SO NJ Dept. Transport (Class 1, 15C, 15F)
- Property Owned by Delaware River Basin Authority (Class 15F, 4A)
- Municipal Property (Class 1, 15C, 3B, 4A)
- Vacant Property (Class 1)
- Farm Assessed Property - some with residence (Class 3A, 3B, 2)
- Public School Property (Class 15A)
- Other School Property (Class 15B)
- Public Property (Class 15C)
- Church & Charitable Property (Class 15D)
- Cemeteries & Graveyards (Class 15E)
- Other Exempt Property (Class 15F)
- Residential Property* (Class 2)
- Commercial & Industrial Property* (Class 4A, 4B)
- Vacant & Tax Exempt Property (Class 1, 15D, 15F)
- Vacant & Farm Assessed Property (Class 1, 3B)
- Tax Exempt & Farm Assessed Property (Class 15B, 15D, 15E, 15F, 3B)
- Commercial, Industrial and Farm Assessed Property (Class 4A, 4B, 3B)
- Municipal boundary
- River
- Regional Open Space
- Regional Preserved Farmland

NEW JERSEY PROPERTY TAX SYSTEM

TAKABLE PROPERTY
 Class 1 = Vacant Land (no structure)
 Class 2 = Residential
 Class 3 = Farm Assessed
 Class 4A = Commercial
 Class 4B = Industrial
 Class 5A = Railroad Class

EXEMPT PROPERTY
 Class 15A = Public School Property
 Class 15B = Other School Property
 Class 15C = Public Property
 Class 15D = Church & Charitable Property
 Class 15E = Cemeteries & Graveyards
 Class 15F = Other Exempt

Non-Profit Open Space - New Jersey Natural Land Trust, The Conservation Fund, Natural Land Trust, New Jersey Conservation Foundation, The Nature Conservancy

* Properties greater than 2 acres shown for Carneys Point, Elmer, Penns Grove, Pennville, Toler, City and Woodlawn. For all other towns, properties greater than 4 acres shown.

3 0 3 6 Miles

AMERICAN SATELLITE SYSTEMS
 4817 Camp Hill Blvd. #200
 Columbia, SC 29203
 (803) 799-1000
 www.americansatellite.com

This map was prepared by the firm American Satellite Systems, Inc. for the County of Salem, New Jersey. The map is not a warranty, representation, or guarantee of any kind. The map is provided for informational purposes only. The user assumes all responsibility for the use of the map. The map is not to be used for any other purpose without the written consent of American Satellite Systems, Inc.

TDR in Salem County: Alloway, Quinton, and Elsinboro Townships

- Existing zoning provides enormous build-out potential
- Difficult to identify receiving area(s) that can accommodate build-out number
 - Politically difficult
 - Insufficient vacant or developable ground
 - Need for expanded sewer service areas
- Alloway Township:
 - 7,358 units total build out potential
- Elsinboro Township
 - 663 units total build out potential (660 residential)
- Quinton Township
 - 5,528 units total build out potential (5,462 residential)

TDR in Salem County: Mannington Township

- Highest % of Prime Soils in Salem County
- In 2000 - 573 housing units
- 2005 study calculated zoning build-out capacity of Township in 2006 at 5,168 housing units
- Master Plan Re-Examination reduced densities permitted in Agriculture, Conditional Residential, and Rural Residential zoning districts
 - Build-out capacity reduced to 2,085 housing units (2 & 3 acre densities)
- WMP: HUC-11 nitrate dilution model - one dwelling unit per 7.5 acres (could further reduce residential build-out capacity)

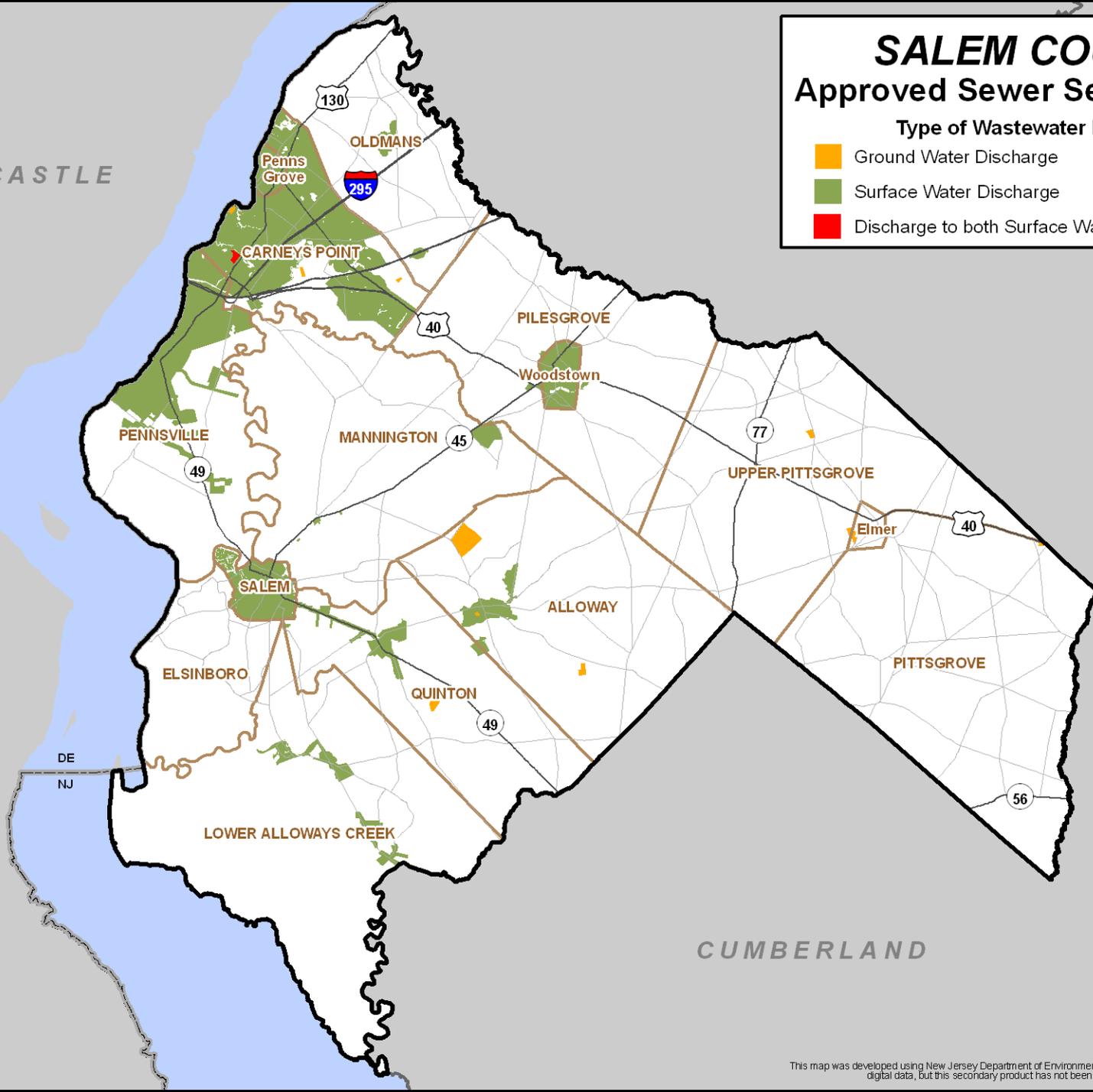
SALEM COUNTY

Approved Sewer Service Areas

Type of Wastewater Disposal

- Ground Water Discharge
- Surface Water Discharge
- Discharge to both Surface Water & Ground Water

NEW CASTLE



CUMBERLAND

Sources: NJDEP, NJDOT, NJGIT
 This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.

Where does that leave us?



*Need for a
new approach*

Regional TDR Program

- Better able to address capacity limitations such as sewer service area
- Planning costs are spread out
- Opportunity to preserve larger swaths of contiguous farmland to support ag industry
- Solve problems of developers (profitability)
- Sharing infrastructure costs

Innovative TDR: Rural Lands Stewardship Program Collier County, FL

- Assigns credits based on:
 - Environmental sensitivity of land
 - Environmental stewardship practices implemented
- Land Use layers that can be voluntarily removed for compensation
 - Residential Land Uses
 - General Conditional Uses
 - Earth Mining and Processing Uses
 - Recreational Uses
 - Agricultural Uses – Group 1
 - Agricultural – Support Uses
 - Agricultural Uses – Group 2
- More than transferred rights; implements environmental management strategies
- 42,540 acres currently designated sending areas, or 47.5% of eligible land

STEWARDSHIP NATURAL RESOURCE INDEX FACTORS

Stewardship Overlay Designation	
Flowway Stewardship Areas (FSA)	0.7
Habitat Stewardship Areas (HSA)	0.6
Water Retention Areas (WRA)	0.6
Areas of Critical State Concern (ACSC)	0.4
None of the Above	0.0
Proximity Indices	
Enclosed by FSA, HSA, or WRA	0.4
Within 300 feet of FSA or HSA	0.3
Within 300 feet of public or private preserve land	0.2
None of the above	0.0
Listed Species Habitat Indices	
Panther occupied habitat, plus other species	0.8
Panther occupied habitat	0.5
Other documented listed species habitat	0.4
None of the above	0.0
Soils/Surface Water Indices	
Open Water and Muck Depression soils	0.4
Sand Depression soils	0.3
Flats (Transitional) soils	0.2
Non-hydric soils	0.0
Restoration Potential Indices	
Large mammal corridor restoration areas	0.5
Connector wetlands and flowway restoration areas	0.5
Wading bird restoration areas	0.4
Other listed species restoration areas	0.3
None of the above	0.0
Land Use – Land Cover Indices	
FLUCCS Code Group 1	0.4
FLUCCS Code Group 2	0.3
FLUCCS Code Group 3	0.2
FLUCCS Code Group 4	0.0

Innovative TDR: Warwick Township, Lancaster County, PA

- 1,845 acres of farmland preserved, 961 through TDR (591 TDRs severed, 337 TDRs transferred)
- One transferable development right for each two gross acres of farmland
- TDRs sold to increase lot coverage in the 150-acre Campus Industrial zone (receiving area)
 - Maximum lot coverage within the Campus Industrial zone is 10%
 - However, for each TDR acquired, an additional 4,000 square feet of lot coverage is permitted, up to a maximum of 70% coverage
 - Hospital and related industrial & commercial development
- Generated \$544,000 in annual school tax revenues

Campus Industrial development



40 TDRs

141 TDRs



The end result..... TDRs have preserved . . .



Key Issues: Program Purpose

- Protect farmland
- Protect open space?
- Promote redevelopment
- Promote smart growth in new areas (town centers)?

Key Issues:

Sending and Receiving Areas

- Receiving Areas
 - Riverfront communities
 - Areas with existing sewer service
 - Expanding sewer service areas?
 - Smart Growth Plan
 - What type of development is desired?
- Sending Areas
 - Farmland Plan
 - Contiguous to preserved farms
 - Coordination of purchase of development rights
 - Soil quality
 - Are complementary efforts needed? (Right to Farm, special taxation, etc)

Key Issues: Feasibility

- Environmental/infrastructure feasibility
 - Sewer capacity
 - How to expand?
 - Local systems focused on centers?
 - Dupont plant?
 - Combination? Something else?
 - Groundwater
 - Sufficient resources for new development?
 - Needs to support viability of farming
 - Organic farming or management practices
- Market Feasibility
 - Compensation to landowners who preserve farms
 - Market for new development in receiving areas
 - Redevelopment or new towns (or both?)

Project Priorities

1. Complete steps in State Act TDR Process
 - Population and economic growth estimates/analysis for draft plan
2. Understand/facilitate planning issues that affect TDR goals and process
 - WMP
 - COAH
 - Municipal Plan Endorsement Process
 - Inconsistencies among existing plans
 - State-level TDR Task Force issues
3. Identify potential sending and receiving areas
4. Assess potential program mechanics
 - Participation from all or some municipalities
 - Voluntary or mandatory
 - Coordination with PDR
 - Transfer ratio; type(s) of development in receiving areas

Resources

www.dvrpc.org/TDR/

www.dvrpc.org/TDR/taskforce/salemcounty.htm

- Basecamp online project management
- Suzanne McCarthy, smccarthy@dvrpc.org,
(215) 238-2934
- Evangeline Linkous, elinkous@dvrpc.org,
(215) 238-2865