



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

February 6, 2003

MEMORANDUM

TO: Montgomery County Planning Board

VIA: John A. Carter, Chief *JAC*
Community-Based Planning Division

Judy Daniel, Rural Team Leader
Community-Based Planning Division

FROM: Maria Martin, Planner *MM*
Community-Based Planning Division (301/495-4734)

SUBJECT: Agricultural District Petitions -- Elmer School Road, Dickerson

STAFF RECOMMENDATION: APPROVAL to establish an Agricultural District and transmit the recommendation to the County Council.

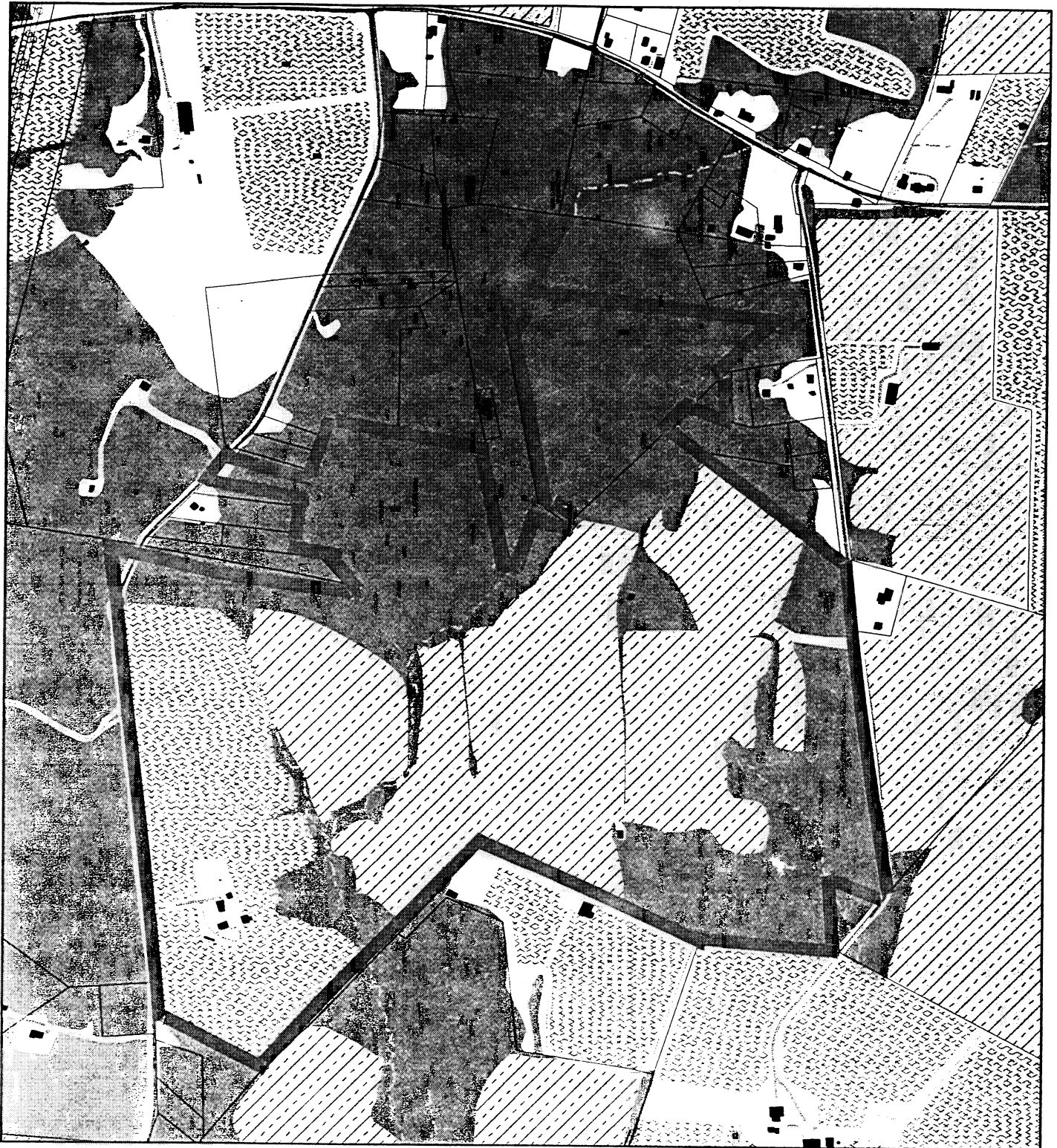
Attached is a copy of the petition, and supporting documents, for the establishment of an Agricultural District for the Bernard Mihm property. Copies of the vicinity and tax maps indicating the location of the farm is attached.

Bernard Mihm made a written application to Montgomery County's Agricultural Easement Program (AEP) to sell an agricultural land preservation easement on 272.84 acres located at 18015 Elmer School Road in Dickerson. The Agricultural District consists of three parcels. The properties are located within the Functional Master Plan for Agriculture and Rural Open Space and is currently zoned RDT. This property is in active agricultural production consisting of a rotation of small grains and hay. (Attachments 1, 2 and 3).

Planning Board action on this petition is required under State law and subsequent guidelines established by the Maryland Department of Agriculture. The Planning Board responsibility is as follows:

"Within 60 days of the referral of a petition, the County planning and zoning body shall inform the local governing body whether establishment of a district is compatible with existing and approved County plans, programs and overall County policy, and whether the planning and zoning body recommends establishment of the district. In the process of review, the local planning and zoning body shall consider compatibility of strict establishment with state and local plans and programs."

AGRICULTURAL DISTRICT - MIHM 272.84 ACRES



Map compiled on January 21, 2003 at 4:18 PM | Site located on base sheet no. 225NW23

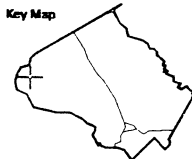
NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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Key Map



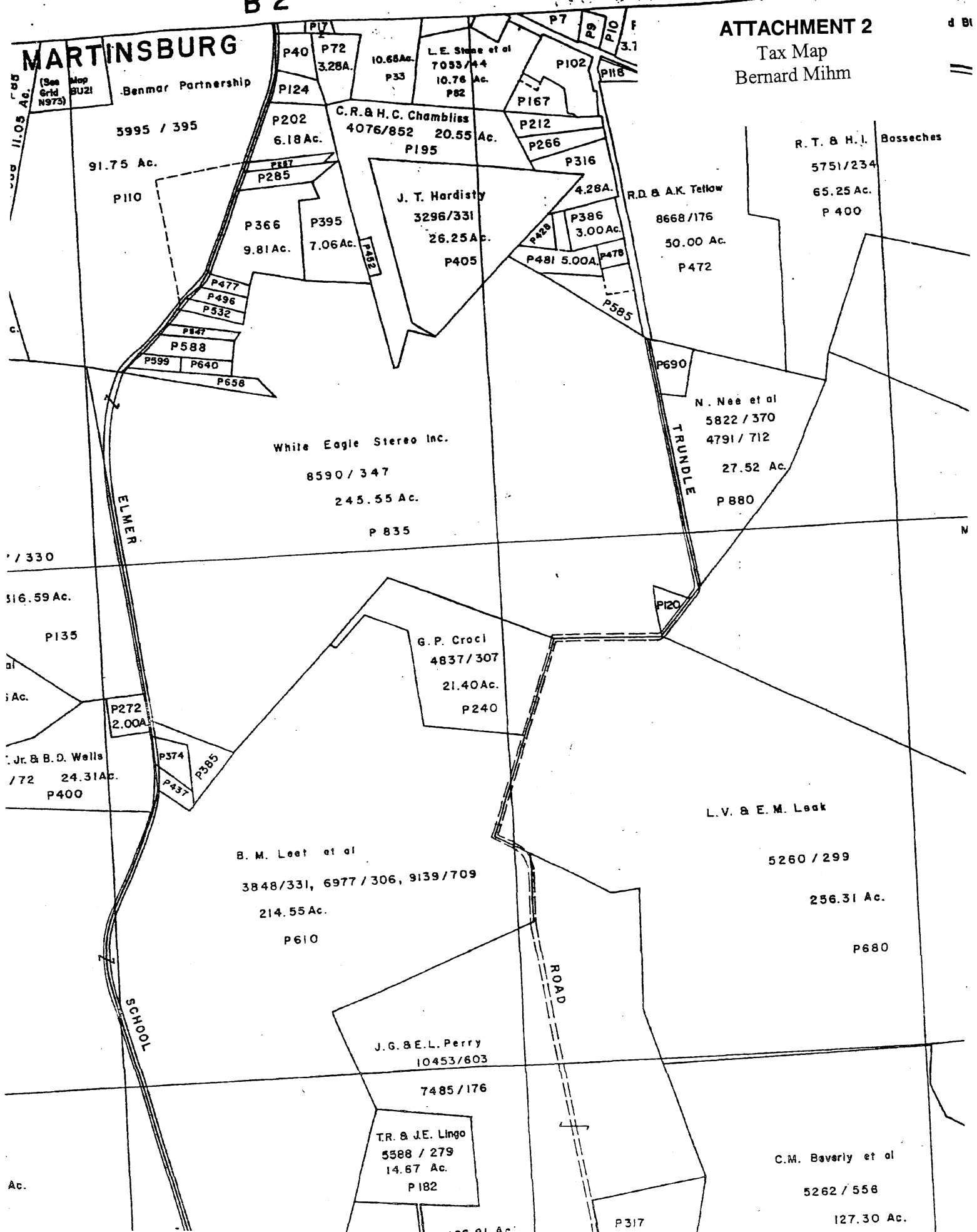
Research & Technology Center
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M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760





DEPARTMENT OF ECONOMIC DEVELOPMENT
January 2, 2003

Douglas M. Duncan
County Executive

David W. Edgerley
Director

Bernard Mihm
18015 Elmer School Road
Dickerson, Md 20842

Dear Mr. Mihm:

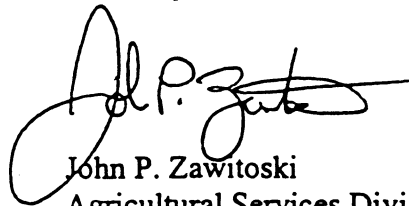
I am writing to you today on behalf of the Montgomery County Agricultural Preservation Advisory Board, to inform you that the Board met on December 9, 2002 to discuss the Agricultural District applications for your farm.

The Board recommends the approval of the Agricultural District and instructed me to actively pursue the preservation of these farms with the County Planning Board and County Council. The agricultural productivity of your farm is excellent due to the fact that 85.6 % of the soils consists of prime and productive classifications: 207.19 acres of USDA Class II prime soils classification and 26.15 acres of USDA Class III prime soils classification. I explained to the Board how the preservation of these farms would enable you to ensure the continued viability of this farming operation.

The recommendation at this time is to create an Agricultural District through the Maryland Agricultural Land Preservation Foundation. The designation of the District will enable an agricultural easement to be purchased on the farm.

I look forward to working with you on this property in an expeditious manner. Should you have any questions regarding this matter, please do not hesitate to call me at 301-590-2831.

Sincerely,



John P. Zawitoski
Agricultural Services Division

cc: File
Jeremy Criss



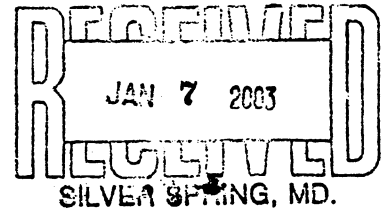
DEPARTMENT OF ECONOMIC DEVELOPMENT

Douglas M. Duncan
County Executive

January 3, 2003

David W. Edgerley
Director

COMMUNITY OF LEARNING
THE MONTGOMERY NATIONAL CAPITAL
PARK AND PLANNING COMMISSION



To: Mr. Derek Berlage., Chairman
Montgomery County Planning Board

From: John P. Zawitoski, Director of Planning and Promotions
Department of Economic Development

Subject: Creation of a Maryland Land Preservation Foundation (MALPF)
Agricultural Districts- Bernard Mihm 272.84 acres and Dr. Carol Petrovitch-111.63 acres

In accordance with the Maryland Agricultural Land Preservation Foundation (MALPF), petitions to establish Agricultural District's (See Attachment A.) have been received from the following entities and are described in detail below.

- | | | |
|----|---|--------------|
| 1. | Bernard Mihm (3 parcels totaling)
18015 Elmer School Road, Dickerson, Md 20842 | 272.84 acres |
| 2. | Dr. Carol Petrovitch
23001 Davis Mill Road, Germantown, Md 20842 | 111.63 acres |

Total Acres for Agricultural Districts	384.47 acres
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The pending Agricultural Districts consist of two properties totaling 384.47 acres. The above properties are outlined on the tax map identified as Attachment B enclosed, are in active agricultural production consisting of a rotation of small grains and hay.

The Planning Board is required to make written comments to the County Council as to whether creation of such a district is compatible with the planning policies of the County.

The status of the Agricultural Districts are as follows:

On December 9, 2002 the Montgomery County Agricultural Preservation Advisory Board approved the creation of the Agricultural Districts (Attachment C).

Montgomery County Planning Board to review the petition to establish the Agricultural Districts in early February 2003.

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Mr. Derek Berlage
January 3, 2003

The Montgomery County Council will introduce District establishment resolutions in March 2003.

The County Council must hold a public hearing and vote to approve the resolution to establish the Districts in late March /early April 2003.

The Maryland Agricultural Land Preservation Foundation (MALPF) Board of Trustees to review and approve the Districts during May 2003

The application to sell an easement and other supporting documentation must be processed by the Department of Economic Development (DED) pending the approval of the resolution to create the requested Agricultural Districts.

These entities wish to submit an easement application to MALPF prior to July 1, 2003.

To enable these entities to make application to sell MALPF easements by the July 1, 2003 application deadline, we will need the Planning Board's support in approving these Districts prior to the County Council Introduction of Resolution, Public Hearing, and final action on the Resolution. Once the County has approved the resolution, the DED will process the Agricultural Districts and Easement Applications.

Please let me know, at your earliest opportunity, when the Planning Board can schedule review of these Agricultural Districts. We would like to schedule these Districts before the Council in early February, if possible. The Planning Board should forward written comments on the creation of these Agricultural Districts to the Montgomery County Council and also to the DED.

Thank you for your assistance and consideration. Should you have any questions or need additional information, please call me at 301-590-2831.

Attachments

- (A) Petition to Establish an Agricultural District
- (B) Tax Map
- (C) APAB Approval Letter
- (D) Soil Map
- (E) Additional Background Information

cc: David W. Edgerley, Director DED
Jeremy Criss, Manager DED
Judy Daniel, Rural Area Team Leader

