

SUMMARY OF AGRICULTURAL INITIATIVES

INTRODUCTION

The Master Plan for the Preservation of Agriculture and Rural Open Space was approved and adopted 25 years ago. The implementation of this Master Plan has fostered the creation of a thriving greenbelt of active agricultural and rural open space. Montgomery County and state programs supporting the Agricultural Reserve have continued to be created to support the preservation of agricultural and rural open space.

On March 10, 2005, Derick Berlage, Chairman of the Montgomery County Planning Board, Douglas Duncan, County Executive and Michael Knapp, County Councilmember identified the need to create a series of actions to strengthen the preservation of agricultural and rural open space. These actions included the following:

- Improving economic sustainability and profitability of agriculture
- Reducing development activity in the Rural Density Transfer Zone
- Reducing the impact of large, Private Institutional Facilities in the Rural Density Transfer Zone
- Identifying additional receiving areas for the transfer of development rights
- Expanding education awareness about the preservation of agricultural and rural open space

SUMMARY OF ACTIONS

The Community-Based Planning Division with the Research and Technology Center and the Development Review Division have been working to create a series of initiatives that will improve opportunities to preserve agricultural and rural open space. As part of this effort, the Rural Team of the Community-Based Planning Division has conducted an extensive outreach program. The initiatives are summarized in the following paragraphs:

Master Planning

During the last year, the Olney Master Plan was approved and the Planning Board Draft of the Damascus Master Plan was completed. These plans augment the actions to preserve agricultural and rural open space by increasing the level of review by the Planning Board of the proposed recommendations in these master plan areas. The Rural Density Transfer Zone continues to be used as the primary implementation tool in these planning areas. Additional parkland, Legacy Open Space easements, and techniques to preserve the Patuxent River watershed were established in each of these master plans to augment the preservation of agricultural and rural open space.

The pending Sector Plan for Shady Grove, and the master plans for Olney and Damascus identify additional receiving areas to foster the transfer of development rights to areas more appropriate for development and away from the Agricultural Reserve. These plans provide the opportunity to preserve over 5,000 acres (over 1,000 TDRs) of farmland.

TDR Status Report

The staff also completed a status report of the sending and receiving areas for the transfer of development rights. The data indicates that approximately 2,000 development rights remain to be transferred from the Rural Density Transfer Zone which reflects the preservation of 10,000 acres. The Status Report also identified that only approximately two-thirds of the TDRs identified in the master plans are actually transferred. In addition to the TDRs identified in the Olney, Damascus and Shady Grove plans, the next ten master plans need to establish an average of approximately 200 receiving rights in each plan to accommodate the remaining TDRs.

Zoning Text Amendments and Floating Zone Applications

The staff have recommended that three Zoning Text Amendments be transmitted to the County Council for introduction. These text amendments are intended to strengthen the agricultural preservation program.

- **Super or Fifth TDR** - The Planning Board approved transmitting a text amendment that would reduce the development potential in the RDT Zone. This text amendment would provide additional incentives to increase the transfer of development rights applicable to a remaining lot.
- **Eliminating the Two-thirds Requirement** - The Planning Board also approved transmitting a text amendment that would eliminate the existing requirement for a minimum of two-thirds of the allowable number of TDRs to be transferred in any application for development in the receiving area.
- **Regulating Child Lots** - The staff completed a text amendment to clarify the use of the child lot provision in the Rural Density Transfer Zone.
- **TDRs and Floating Zone Applications** - The Planning Board has recommended that applications for floating zones located outside of an existing master plan consider the use of transfer of development rights.

Private Institutional Facilities and Sand Mounds

The Planning Board discussed the use of Private Institutional Facilities and Sand Mounds in the Agricultural Reserve. Both of these initiatives are controversial. The County Council has created a task force to provide recommendations concerning the use of Private Institutional Facilities and Sand Mounds in the Agricultural Reserve. Staff will participate in each task force including the provision of economic and historical information relevant to these two issues. Staff will begin to identify opportunities to provide sites for Private Institutional Facilities in other zones near transit stations and commercial centers.

Initiatives Already Started

- **TDR Tracking System** - Improving the maintenance of the TDR tracking system is a priority.
- **Expanding TDR Capacity** - The staff will continue to establish new TDR receiving areas in master plans to accommodate the remaining TDRs. Staff will also explore opportunities to include TDRs in commercial zones.
- **Agricultural Economics Study** – The Research and Technology Center is completing a report to help identify issues and opportunities for the continued viability of agriculture in Montgomery County.
- **Expand the Mission of the Agricultural Farm Park** – The staff has begun an amendment to the Facility Plan for the Agricultural Farm Park to expand agricultural operations.

New Initiatives

The staff have recommended the following new initiatives as part of the on-going effort to improve the preservation of agriculture and rural open space:

- **Limit Development** – Further limit non-agricultural uses in the RDT Zone.
- **Informational Brochure** – Create a brochure and web site to identify information concerning the Agricultural Reserve in Montgomery County.
- **Equestrian Easements** – Include equestrian easements and trails in the GIS System.
- **Increase TDR Receiving Sites** - Complete a Zoning Text Amendment to increase the use of TDRs in floating zones.

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Attachment:
Summary of Agricultural Preservation Initiatives



Summary of Agricultural Preservation Initiatives

County of State Agency Actions: M-NOPPG Actions

Agricultural Issues Under Study

| Farmland Protection | | | |
|--|---|--|--|
| <p>1981 County Transferable Development Rights Program allows sale and transfer of development potential from an Agricultural Reserve to designated growth areas of the county</p> | <p>2000 Legacy Open Space Program provides purchase or easements for protection of important resources in the county, including well managed farmland</p> | <p>Consider how best for the government to work with private non-profit groups to preserve farmland and farming</p> | |
| <p>1981 Master Plan for the Preservation of Agricultural and Rural Open Space establishes TDR program to reduce development potential in a designated agricultural reserve, and provide compensation to property owners in that area</p> | | <p>Evaluate regulations for agriculturally related and agriculturally friendly uses in the RDT Zone such as day camps, horticultural nurseries, and mulch manufacture. Consider remedies to regulatory roadblocks to legitimate agriculturally related and agriculturally friendly uses that preserve open space</p> | |
| <p>1994 County Agricultural Easement Program grants easements on well managed working farmland</p> | | <p>Evaluate whether modifications to the Master Plan for the Preservation of Agriculture and Rural Open Space should be considered</p> | |
| <p>1999 Maryland Rural Legacy Program grants easement on important rural resources including fertile farmland</p> | | | |
| <p>1976 - Maryland Agricultural Land Preservation Foundation grants easements on well managed working farmland</p> | | | |
| <p>1967 - Maryland Environmental Trust holds easements on farmland with environmentally fragile areas</p> | | | |

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Summary of Agricultural Preservation Initiatives

| County of State Agency Actions | | | |
|---------------------------------------|---|--|--|
| County of State Agency Actions | | MANOPPC Actions | |
| Agricultural Issues Under Study | | | |
| Farmland Protection Continued | <p>2005 (November) - County Council support for an evaluation of the regulatory environment for private institutional uses - particularly in the RDT Zone (considering the needs of the faith community). Evaluation to include waste treatment systems and regulation of accessory uses</p> | <p>2005 (November) - Planning Board supports a County Council evaluation of the regulatory environment for private institutional uses - particularly in the RDT Zone (considering the needs of the faith community). Major concern with waste treatment technologies that may lead to a proliferation of large institutional uses in the RDT Zone since such uses have the potential to dramatically impact the integrity of the zone, fragment farmland, increase traffic, impact water tables, and undermine the intent of the Zone</p> | |
| | <p>2004 - Olney Master Plan adoption confirms existing boundaries of the RDT Zone</p> | <p>2005 (July) - Planning Board recommends Damascus Master Plan that confirms existing boundaries of the RDT Zone and establishes Rural Village Zone regulations</p> | |
| <p>County of State Agency Actions</p> | | | |
| <p>MANOPPC</p> | | <p>Agricultural Issues Under Study</p> | |
| Farming Support | <p>1981 - Establishment of Agricultural Services Division within the Department of Economic Development to represent farming and farmers in the county</p> | <p>2005 (July) - Planning Board requested a Farming Economics Study from the Research and Technology Center the state of agriculture in the County</p> | <p>Consider indirect subsidies for small scale agricultural producers, including evaluating and/or providing tax breaks to small entrepreneurial agricultural operations</p> |

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Summary of Agricultural Preservation Initiatives

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| County of State Agency Actions | | | MANCPPO | Agricultural Issues Under Study | |
|--|--|--|--|--|--|
| Farming Support Continued | Agricultural Services has increased deer management efforts to increase crop yields | Agricultural Services Division provides business development assistance to farmers including providing new types of marketing support to individual agricultural operations, and providing information on innovations in agricultural research for farmers | | Evaluate how to allow "by-right", uses that provide incentives for farmers to remain on the land - small agriculturally related businesses for farming families; as consistent with patterns of rural land use, which traditionally mix agricultural, residential, and small-scale service commercial uses, including certain small-scale industrial and retail uses | |
| | | | 2005 - Planning Board expanded the County's extensive deer management program to State Parks including: public education and awareness of deer vehicle collisions and landscaping-for-deer tips; managed deer hunts by qualified hunters; sharpshooting operations in additional County parks and on private rural land, and donation of venison to service groups | | |
| County of State Agency Actions | | | | | |
| Equestrian Issues | | | | | |
| | 2004 - County Council adopts reforms to the land use and zoning requirements for equestrian uses in the County | | 2005 - Planning Board reaffirms support for equestrian activity, creating equestrian trails, and completing Woodstock Equestrian Park | | |
| | | | 2005 (November) - Planning Board directed the Research and Technology Center to add dedicated equestrian trails across private property into the GIS system and to maintain and add to that database in the future as required | | |
| County of State Agency Actions | | | | | |
| Agricultural Issues Under Study | | | | | |
| | | | | Evaluation of how best to market the Agricultural Reserve to the public, for farmers, and for future farmers including evaluation of new industry-wide promotional and marketing assistance | |
| | | | | 1. Establish a county-supported website for advertising 2. Establish a county-supported farm market with refrigeration | |

Summary of Agricultural Preservation Initiatives

County of State Agency Actions MANOPP

Agricultural Issues Under Study

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|---------------------------|--|---|--|
| <p>TDR Program</p> | <p>2005 (December) - County Council introduces ZTA requiring development rights for non-residential uses in the RDT Zone</p> | <p>2005 (November) - Planning Board directed staff to evaluate requiring the reservation of development rights for non-agriculturally related use in the RDT Zone, not just dwellings</p> | <p>County Attorney evaluation of the absolute severance policy for TDRs and proper TDR policy for tenant homes</p> |
| | <p>2005 (November) - Agricultural Services Division proposes to the County the creation of the "BLT" program to supplement the AEP and TDR program, and to provide a means to acquire "Super TDRs" before receiving capacity has been established</p> | <p>2005 (November) - Planning Board recommended "Super TDR" ZTA as an incentive to sell "buildable" TDRs in the RDT Zone (as recommended by TDR Task Force)</p> | <p>County Council evaluation of how the "Super TDR" and the "BLT" program can best work together to supplement the TDR program and reduce residential development in the RDT Zone; including County Council evaluation of the recommended "Super TDR" ZTA, and how to use "Super TDRs" acquired by the County through "BLT" - for mixed use zone or as incentives (perhaps to create Senior Housing)</p> |
| | | <p>2005 (November) - Planning Board recommended ZTA to eliminate minimum TDR use requirement (as recommended by TDR Task Force)</p> | <p>County Council evaluation of Planning Board recommendation to require TDR use in any rezoning requesting additional density outside a master plan recommendation</p> |
| | | <p>2005 (November) - Planning Board directed the Research and Technology Center to provide continuing maintenance of the recently established computerized tracking system for the TDR program; which will enable staff to provide annual TDR status report on TDRs used, lost, remaining receiving capacity, and receiving capacity created</p> | <p>Evaluation of allowing "buildable TDRs" to be used in small amounts in selected areas within the Agricultural Reserve</p> |

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Summary of Agricultural Preservation Initiatives

County or State Agency Actions: M-1/NOPPC

Agricultural Issues Under Study

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|-------------|--|--|---|
| TDR Program | | <p>2005 (November) - Planning Board directed staff to establish a Biannual Land Preservation Summit of local and state agencies and private programs to coordinate efforts of all programs working to preserve agricultural working lands and rural open space (as recommended by TDR Task Force)</p> | <p>Planning Board staff evaluation of the realistic potential for use of the existing older unused TDR receiving sites</p> |
| | | <p>2005 (October) - Planning Board directed staff to develop ZTA establishing TDR receiving capacity in certain mixed-use zones for use in the Shady Grove Master Plan. Using that work as a template, the staff is to consider similar changes to other zones for use in future master plans</p> | <p>Evaluation of the potential for inter-jurisdictional Transfer of TDR receiving capacity to Gaithersburg and Rockville (recommendation of TDR Task Force)</p> |
| | | <p>2005 (November) - Planning Board directed staff to propose a ZTA to establish TDR receiving capacity in floating zones (as recommended by TDR Task Force)</p> | <p>Evaluate how to improve the receiving site selection process including considering what zones are desired by developers for higher density potential, and creating TDR receiving potential for those zones</p> |
| | | <p>2005 (September) - Planning Board evaluates TDR Status Report presented by the Research and Technology Center in conjunction with the Shady Grove Sector Plan</p> | <p>Evaluating modifications to the Rural and Rural Cluster Zones, to allow 1 bonus lot per 5 lots if conservation design is used, if a TDR is used for the bonus lot (recommendation of TDR Task Force)</p> |
| | | <p>2002 - Planning Board establishes TDR Task Force to evaluate the status of the TDR Program and recommend modifications to the program</p> | <p>Evaluation of whether portions of the Rural and Rural Cluster zone should be considered for the RDT Zone or as higher density TDR receiving sites</p> |

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Summary of Agricultural Preservation Initiatives

| County of State Agency/Actions | | M-NOHFC | | Agricultural Issues Under Study | |
|--------------------------------|---|---|---|--|--|
| Rural Subdivision Issues | 2005 (December) - County Council directed evaluation of Rural Septic Issues - especially use of Sand Mounds in the RDT Zone and use of Multi-Use Septic Systems by Private Institutional Uses | 1999 Planning Board directs a Rural Subdivision Study Group to evaluate and recommend changes to better regulate subdivision activity in the RDT Zone | 2005 (December) - Planning Board consideration of ZTA to modify Child Lot policy in the RDT Zone to reflect policy of family lots, not marketable lots including easement mechanism to restrict non-agriculturally related use once residential TDRs are used or sold | Evaluate how best to resolve COMAR regulations and ROW issues | Evaluate creating a "farmparcel" designation in the Subdivision Regulations for rural properties without development potential |
| | | | | Allow more lots on private roads in the RDT Zone (recommendation of 1999 Rural Subdivision Study Group) | Establishing Agricultural Conservation Design Standards for review of subdivisions in the RDT Zone (recommendation of Rural Subdivision Study Group) |
| | | | | Evaluate allowing by-right clusterings in the Rural and Rural Cluster Zones (as allowed in the RDT Zone) | |

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Summary of Agricultural Preservation Initiatives

County or State Agency Actions: M-NCPPC

Agricultural Issues Under Study

| Agricultural Education | | | |
|------------------------|---|---|--|
| | <p>2005 - Agricultural Services Division is requesting increased support for existing agricultural programs like "Close Encounters with Agriculture"</p> | <p>2005 (November) - Planning Board directed the staff to create a brochure and website that will publicize the agricultural, historic, environmental, and recreational resources the Agricultural Reserve provides to county residents as a means to provide improved information about its contributions and resources; including support for the newly-established Heritage Tourism program</p> | <p>Evaluation of expanded agricultural courses at Montgomery College and within the Montgomery County Public Schools</p> |
| | | <p>2005 (July) - Planning Board directed staff to begin work on an amendment to the Agricultural Farm Park Master Plan that will significantly expand its educational functions to teach emerging farming methods, and to teach farming history and current farming practices</p> | |

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