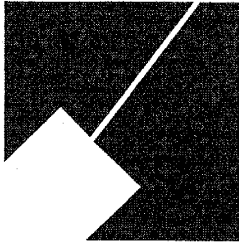


M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, www.mncppc.org

May 10, 2006

**MEMORANDUM**

**TO:** Montgomery County Planning Board

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

Judy Daniel, Rural Team Leader *JD*  
Community-Based Planning Division

**FROM:** Leslie Saville, Planner (301.495.2194) *LS*  
Community-Based Planning Division

**SUBJECT:** **Agricultural District Petitions** for Richard and Nancy Biggs, 137.8 acres, RDT Zone, 28600 Ridge Road, Damascus; Bernice Doody Et Al. Trust, 165.02 acres, RDT Zone, 11206 Mountain View Road, Damascus; and Lonnie W. Luther, 145.1 acres, RDT Zone, 28711 Clarksburg Road, Damascus

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**RECOMMENDATION:** APPROVAL to establish three Agricultural Districts and transmit recommendations to the County Council.

**DESCRIPTION OF DISTRICTS**

Petitions for the establishment of three Maryland Agricultural Land Preservation Foundation (MALPF) Agricultural Districts have been received. The petitioners are Richard and Nancy Biggs, Trustees for Bernice Doody, and Lonnie W. Luther. These properties are within the Damascus Master Plan area and total 447.92 acres (see Attachment 1).

Under MALPF Agricultural Districts, landowners keep their land in agricultural use for at least five years. To be eligible for creation of an Agricultural District, properties must meet the following requirements: include at least fifty contiguous acres; meet land quality standards based on soil or woodland classifications; and lie outside of water and sewer categories 1, 2 and 3 with no planned service. All three petitions meet these requirements. Once the petitions are approved, landowners become eligible to sell permanent easements to MALPF. These applicants intend to apply for permanent easements on July 1, 2006. Under permanent easements, future subdivision is limited to the creation of up to three child lots (at one lot per 50 acres) or one unrestricted lot.

The three petitions are briefly described below:

1. Richard and Nancy Biggs, 28600 Ridge Road, Damascus

The Biggs farm is a 137.8-acre parcel on Ridge Road north of Kemptown Road (Route 80), about 2½ miles north of Damascus. The farm produces small grains, fruits, and vegetables. There is one existing dwelling, and five TDRs remain intact on the property. The landowners do not intend to subdivide the property (see Attachment 2).

2. Bernice Doody Et Al. Trust, 11206 Mountain View Road, Damascus

The Doody farm is a 165.02-acre parcel on Mountain View Road in the village of Purdum. The farm produces beef, hay and small grains. Currently, there is one dwelling on the property. The trustees (the children of the landowner) are in the process of creating 27 TDRs which will leave six TDRs intact with the farm property, and they may reserve one future lot for a child (see Attachment 2).

3. Lonnie W. Luther, 28711 Clarksburg Road, Damascus

The Luther farm includes two parcels (30.0 and 115.1 acres) totaling 145.1 acres on Clarksburg and Moxley Roads, about two miles northwest of Damascus. A pipestem extends into Frederick County. The farm produces beef, small grains and hay. There is one existing dwelling and five TDRs on this property (see Attachment 3).

## **ANALYSIS**

These properties are zoned RDT, and they are located within the Damascus Master Plan area. The intent of the Rural Density Transfer (RDT) Zone is to promote agriculture as the primary land use by providing large areas of generally contiguous properties suitable for agriculture and related uses. The creation of these Agricultural Districts is compatible with the zone. The Damascus Master Plan describes the plan area as "a small town surrounded by the agricultural and rural open spaces of the County's Agricultural Reserve." As part of the Agricultural Reserve, the creation of Agricultural Districts on these farms is compatible with the Damascus Master Plan.

Approval of these petitions is a multi-step process. On March 14, 2006 and April 11, 2006, the Montgomery County Agricultural Preservation Advisory Board approved these petitions and submitted them to the Planning Board for comment. Following Planning Board review, the Montgomery County Council will introduce Agricultural District establishment resolutions in June 2006. The MALPF Board of Trustees will review and approve these Districts on June 26, 2006, and their approval may be contingent upon County Council approval. The status of each of the proposed Agricultural Districts is outlined in the transmittal letters from John Zawitoski, Director of Planning and Promotions, Agricultural Services Division of the Montgomery County Department of Economic Development (see Attachments 2, 3 and 4).

Planning Board action on these petitions is required under State law and subsequent guidelines established by the Maryland Department of Agriculture. 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 district establishment with state and local plans and programs.*

## **CONCLUSION**

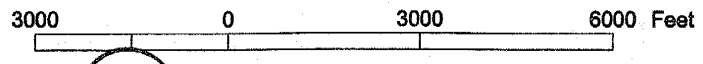
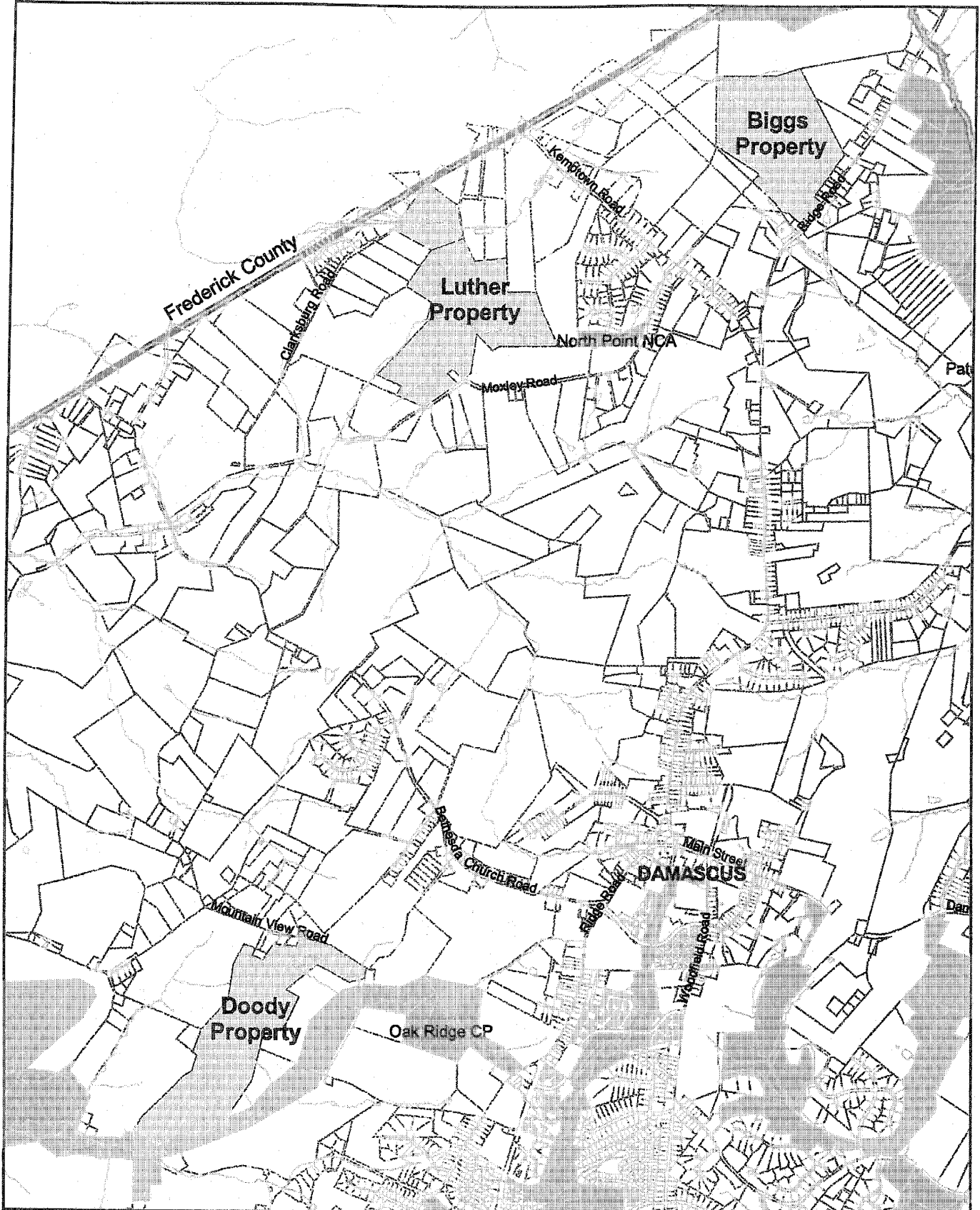
Staff finds that the proposed Agricultural Districts are compatible with the Damascus Master Plan, and local programs and policies to preserve agriculture. Staff recommends approval of these farms for inclusion in Agricultural Districts.

LS:ha: j:\2006 staff reports\team 7\Ag District Petitions May 2006

- Attachment 1: Location Map, Proposed Agricultural Districts
- Attachment 2: Transmittal letter with attachments dated March 16, 2006 from Department of Economic Development with Biggs and Doody petitions
- Attachment 3: Transmittal letter with attachments dated April 12, 2006 from Department of Economic Development with Luther petition
- Attachment 4: Transmittal letter dated April 20, 2006 to The Honorable George Leventhal, President, Montgomery County Council, from the Department of Economic Development with Biggs, Doody and Luther petitions

# ATTACHMENT 1

## Location Map, Proposed Agricultural Districts



# ATTACHMENT 2



## DEPARTMENT OF ECONOMIC DEVELOPMENT

Douglas M. Duncan  
*County Executive*

March 16, 2006

David W. Edgerley  
*Director*

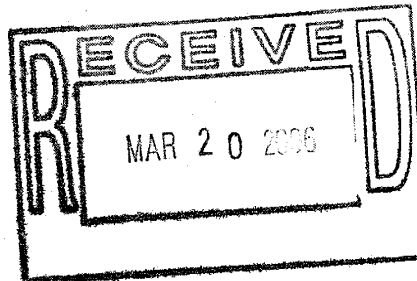
To: Derick Berlage., Chairman  
Montgomery County Planning Board

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

Subject: Creation of a Maryland Land Preservation Foundation (MALPF)  
Agricultural Districts - 2 Districts (Biggs/Doody) Totaling 302.82 acres

In accordance with the Maryland Agricultural Land Preservation Foundation (MALPF), The Department of Economic Development (DED) has received two petitions to establish Agricultural Districts (See Attachment A.) from the following entities and described in detail below:

- |    |  |                     |
|----|--|---------------------|
| 1. | Richard and Nancy Biggs<br>28600 Ridge Road<br>Damascus, Maryland 21771            | 137.8 acres         |
| 2. | Bernice Doody Et Al. Trust<br>11206 Mountain View Road<br>Damascus, Maryland 20872 | <u>165.02 acres</u> |
|    | Total Acres to be included in the Agricultural Districts                           | 302.82 acres        |



The pending Agricultural Districts consists of about 302 acres as outlined on the tax maps identified as Attachment B enclosed. The farms are active agricultural operations consisting of a rotation of small grains and hay, beef production and fruits and vegetables

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

### **The status of the Agricultural Districts are as follows:**

On March 14, 2006 the Montgomery County Agricultural Preservation Advisory Board approved the creation of both Agricultural Districts (Attachment C).

Montgomery County Planning Board to review the petitions to establish the Agricultural Districts in April 2006.

The Montgomery County Council will introduce District establishment resolutions in May 2006.

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Agricultural Services Division

Page 2

Mr. Derick Berlage

March 16, 2006

The County Council must hold a public hearing and vote to approve the resolution to establish the Districts in May 2006.

The Maryland Agricultural Land Preservation Foundation (MALPF) Board of Trustees to review and approve the Districts during June 2006

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

These entities wish to submit an easement application to MALPF prior to July 1, 2006.

To enable these entities to make application to sell MALPF easements by the July 1, 2006 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 District and Easement Application.

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 May, if at all 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 Districts
- (B) Tax Maps and Assessment Readout
- (C) APAB Approval Letters
- (D) Soil Maps

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

A:\2006DABerlage(mydocuments)

PETITION

TO THE GOVERNING BODY OF MONTGOMERY COUNTY

TO ESTABLISH AN AGRICULTURAL PRESERVATION DISTRICT

I/We the undersigned landowner(s) of productive agricultural land in Montgomery County, Maryland petition the county governing body of Montgomery County to establish an Agricultural Preservation District composed of the parcel(s) of land described herein. I/We understand that subject to county governing body and Agricultural Land Preservation Foundation approval of the requested District, the owner(s) of land parcel(s) within the District will become eligible for a period of at least five (5) years to make application to sell a development rights easement to the Maryland Agricultural Land Preservation Foundation during which time the attached District Agreement shall be in effect and recorded among the land records of Montgomery County, Maryland.

Landowner's Signature

Date

Richard A. Biggs  
Nancy J. Biggs  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3/7/06  
3/7/06  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Submission Date:

3/6/06

PETITION  
TO THE GOVERNING BODY OF MONTGOMERY COUNTY  
TO ESTABLISH AN AGRICULTURAL PRESERVATION DISTRICT

I/We the undersigned landowner(s) of productive agricultural land in Montgomery County, Maryland petition the county governing body of Montgomery County to establish an Agricultural Preservation District composed of the parcel(s) of land described herein. I/We understand that subject to county governing body and Agricultural Land Preservation Foundation approval of the requested District, the owner(s) of land parcel(s) within the District will become eligible for a period of at least five (5) years to make application to sell a development rights easement to the Maryland Agricultural Land Preservation Foundation during which time the attached District Agreement shall be in effect and recorded among the land records of Montgomery County, Maryland.

Landowner's Signature

Date

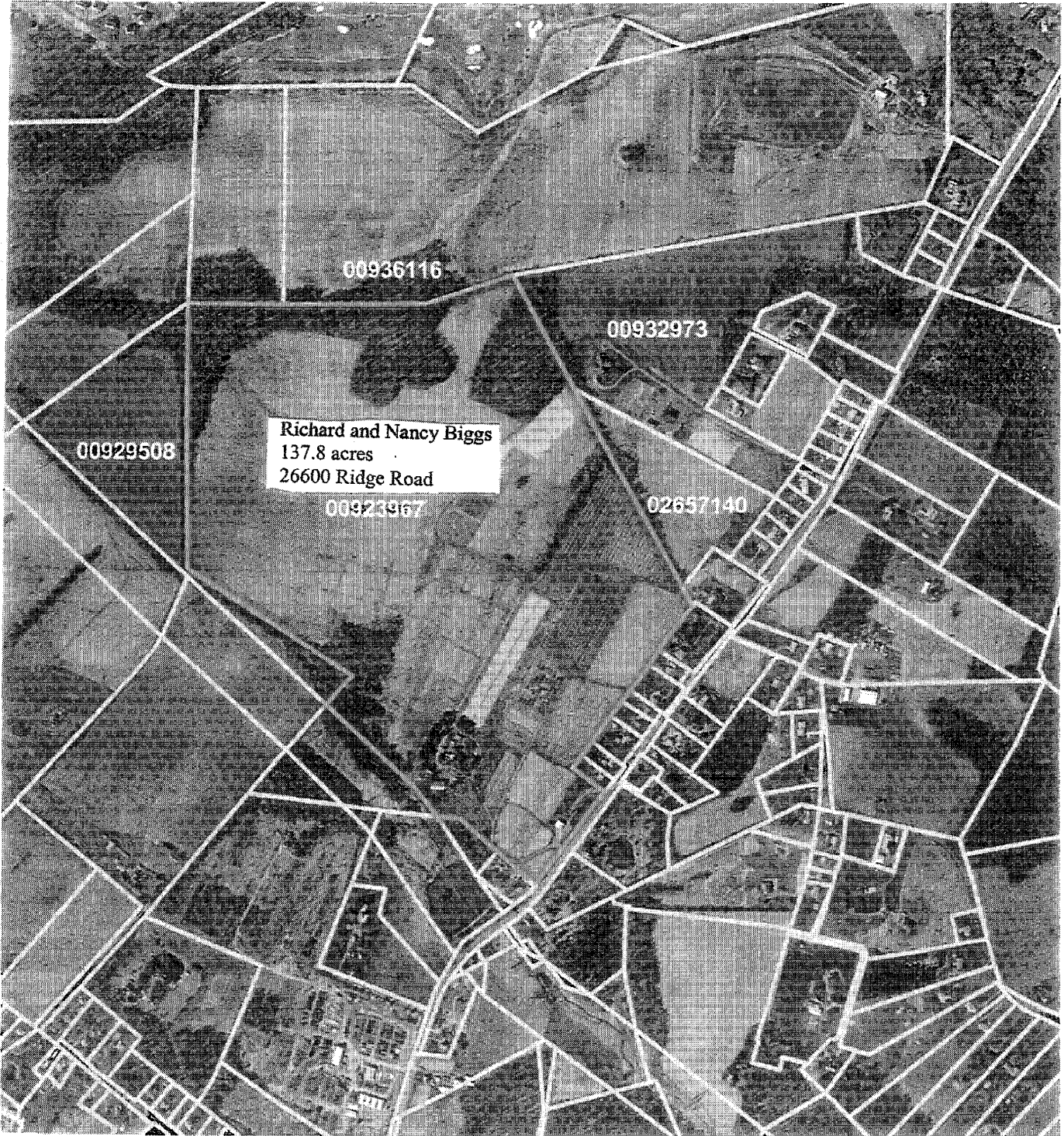
<u>John R. Doody</u>	<u>3/11/2006</u>
<u>Bernice E. Doody</u>	<u>3/13/2006</u>
_____	_____
_____	_____
_____	_____
_____	_____

Submission Date: 3/13/2006

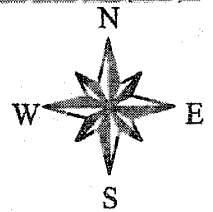


# 28600 Ridge Road

Attachment B  
Tax Map and Assessment Readout  
Richard and Nancy Biggs



1000 0 1000 2000 Feet



(9)

[Click here for a plain text ADA compliant screen.](#)



Maryland Department of Assessments and Taxation  
**MONTGOMERY COUNTY**  
 Real Property Data Search

[Go Back](#)  
[View Map](#)  
[New Search](#)  
[Ground Rent](#)

STR

Account Identifier: District - 12 Account Number - 00923967

**Owner Information**

Owner Name: BIGGS, NANCY S ET AL TR      Use: AGRICULTURAL  
 Principal Residence: YES  
 Mailing Address: 28600 RIDGE RD      Deed Reference: 1) /14556/ 557  
 MT AIRY MD 21771      2)

**Location & Structure Information**

Premises Address: 28600 RIDGE RD      Legal Description: WARFIELD & SNOWDEN  
 MT AIRY 21771

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
FZ51		P800		1				1	

Special Tax Areas	Town Ad Valorem Tax Class
	42

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1951	2,552 SF	137.85 AC	812
Stories	Basement	Type	Exterior
2	NO	STANDARD UNIT	FRAME

**Value Information**

	Base Value	Value As Of	Phase-in Assessments		PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
		01/01/2004	07/01/2005	07/01/2006	
Land:	95,470	129,470			
Improvements:	120,370	178,400			
<b>Total:</b>	<b>215,840</b>	<b>307,870</b>	<b>277,192</b>	<b>307,870</b>	
Preferential Land:	44,470	44,470	44,470	44,470	

**Transfer Information**

Seller: RICHARD A BIGGS      Date: 12/10/1996      Price: \$0  
 Type: NOT ARMS-LENGTH      Deed1: /14556/ 557      Deed2:  
 Seller:      Date: 01/06/1969      Price: \$0  
 Type: IMPROVED ARMS-LENGTH      Deed1: / 3821/ 493      Deed2:  
 Seller:      Date:      Price:  
 Type:      Deed1:      Deed2:

**Exemption Information**

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO      Special Tax Recapture: AGRICULTURAL TRANSFER TAX  
 Exempt Class:

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