

(Attachment B.)

Criss, Jeremy

From: Criss, Jeremy
Sent: Friday, October 29, 2010 10:54 AM
To: Floreen's Office, Councilmember
Cc: Knapp, Mike; Knapp's Office, Councilmember; Leventhal, George; Leventhal's Office, Councilmember; weitzer@erols.com; Aldous, Nancy
Subject: Historic Preservation Amendments 09-01

Dear Council President Floreen,
Attached you will find a letter from the Agricultural Advisory Committee (AAC) pertaining to the Historic Preservation Amendments 09-01 that Council member Mike Knapp sponsored in the spring of 2009. During the October 19, 2010 AAC meeting it was recommended that the County Council take action on these amendments before the end of this calendar year. Please let me know if you have any questions.
Thanks Jeremy

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10/29/2010



AGRICULTURAL ADVISORY COMMITTEE

October 28, 2010

The Honorable Nancy Floreen,
Montgomery County Council President
100 Maryland Avenue
Rockville, Maryland 20850

Dear Council President Floreen: HPA09-1 Historic Preservation Amendments

During the October 19, 2010 meeting of the Montgomery County Agricultural Advisory Committee, it was recommended that we encourage the County Council to take action immediately following the general election on the Amendments to Historic Preservation that were proposed by Council member Knapp in spring of 2009.

The Montgomery County Agricultural Advisory Committee (AAC) reaffirms its support for HPA 09-01 Amendments to the Historic Resources Preservation Ordinance. The AAC is thankful to Council member Mike Knapp for sponsoring this amendment because it helps to address the repeated concerns from the agricultural community surrounding historic preservation. As the sponsor of these amendments, the AAC believes final action on the amendments before Council member Knapp leaves office at the end of this year would be appropriate. The agricultural community is not against Historic preservation; however, we need to find ways to make people want to participate without the heavy burden of government.

To demonstrate the views of the agricultural community, the Montgomery County Farm Bureau adopted Policy Resolutions for 2009-2010 during their annual meeting on November 10, 2009. Resolution 7. Reads as follows:

COUNTY HISTORIC PRESERVATION

The Montgomery County Farm Bureau strongly supports the County Preservation HPA09-01 amendments sponsored by Council member Mike Knapp. The Farm Bureau does not support the designation of rural and agricultural structures including farmland as historic without the agreement and consent of the property owner. Farm Bureau strongly opposes the practice of including the entire property within the historic designation master plan process as only the area immediately surrounding the historic structures should be necessary.

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Montgomery County is a leader in the field of farmland preservation because of the voluntary aspect where the process for participation starts with the property owners themselves. For any government program to be successful, property owners need a process to participate and fully learn the benefits associated with the program. The agricultural community strongly believes the historic preservation program would be more acceptable if property owners had better opportunities to understand the importance of historic preservation and the benefits the program provides. Council member Knapp's amendments help to tone down the heavy handed approach of Historic Preservation and emphasizes property owners be kept informed on the status of their property under consideration for the program. The amendment provides a process for property owners to participate in the review and approval process. This proposed process represents an open system of government that Montgomery prides itself on as residents are encouraged to participate in many types of public forums. Historic Preservation programs need to be conducted in an open and inclusive manner with active involvement and participation of property owners.

The Council needs to understand that Historic preservation and Agricultural preservation can be compatible on farmland if the property owner is allowed to decide whether they want to participate. The current process for Historic preservation is not conducive to the needs of the agricultural community in many different ways. Historic preservation needs to be more sensitive to the economic reality of agriculture as farmers do not always have the economic means to make the required historic improvements. Historic preservation should only involve the immediate property surrounding the historic site itself and not the entire property. Encompassing the entire farm in a Historic Master Plan designation represents a hardship on the farmer when agricultural improvements are proposed; this process involves the approval of a historic preservation work permit. The agricultural preservation programs provide flexibility in allowing agricultural improvements like fences. Historic preservation involves a more difficult review and approval process for any type of improvements proposed on a historic property.

The amendments will require that property owners be notified if their property is on the Locational Atlas. This Atlas represents the beginning of the process where HPC staff recommendations are made surrounding the properties that are listed in the Atlas. When area master plans are being updated, we are aware that HPC staff sends notices to property owners informing them that pictures will be taken of the properties during a specific time frame. Only recently were we aware of notices sent to inform the general public as to the HPC staff recommendation or outcome from taking the pictures. We are not aware of the efforts that HPS take to inform the property owner of what they are recommending. The AAC is very encouraged that the amendment proposes the Locational Atlas must be updated and if a specific site or property is not recommended for the Historic Master Plan, the site should be removed from the Atlas. This recommendation will eliminate the continued battles between the HPC and property owners. Once a site is not recommended for the Historic Master Plan designation, the site should

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be removed from consideration in the future. This recommendation will truly help to demonstrate an open system and process for historic preservation as sites are disqualified for future consideration thereby removing a potential cloud on the property for current and future owners.

The amendments also take into consideration how the Locational Atlas and Index of the Historic Sites which was published in October 1976, is the resource for all sites considered for designation as part of the proposed amendments to the Master Plan for Historic Preservation. Thirty four years have passed since this Atlas was published and property owners have naturally taken it upon themselves to make necessary improvements to modernize their homes for safety reasons and improve energy efficiency and these improvements should disqualify them meeting the historic criteria and guidelines as outlined in the law. However, the HPC staff often concludes that sites with the mentioned improvements still meet the historic criteria and guidelines. This outcome is simply wrong and the amendment requires specific criteria for a site must be met before it can be included in the Master Plan for Historic Preservation. The AAC supports the amendment and intent that if a property owner does not consent to the site's inclusion in the Master Plan for Historic Preservation, the burden is placed on the Planning Board to determine that the site meets more historic preservation criteria than a site in which the property owner does consent.

Thank you for considering the views of the Montgomery County Agricultural Advisory Committee. We encourage the Council to take action on these amendments before the end of this calendar year and the members of the County Council change for 2011. We look forward to working with the Council in committee as these amendments are discussed.

Sincerely,

David Weitzer, JVC

David Weitzer, Chairman
Montgomery County Agricultural Advisory Committee

Cc: Council Member Mike Knapp
Council Member George Leventhal

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