



AGRICULTURAL ADVISORY COMMITTEE

February 22, 2016

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

Dear Council President Floreen: ZTA 16-02 Agricultural Zone-Transfer of
Development Rights Requirements

On behalf of the Montgomery County Agricultural Advisory Committee-AAC, please accept this letter as our comments for support with amendments on Zoning Text Amendment 16-02 Agricultural Zone-Transfer of Development Rights Requirements.

The AAC believes the ZTA 16-02 as proposed can help address a limited number of farms encumbered by any agricultural easement program administered by the County that have existing farm tenant dwellings and are excluded from the density calculation for a retained development right.

The AAC recommends that any agricultural easement program administered by the County needs to be broken out to specifically list which programs this term applies to. We believe the Transferable Development Rights-TDR program should be included in this term in light of the following facts:

1. The County Government approves the TDR receiving and sending areas
2. The County Government approves as to form and legality all TDR Easement documents before they are signed by the County Executive for recording in the land records
3. In the Preamble of the TDR Easement it states, "and sets forth a procedure for the transfer of Development Rights for the purpose of preserving agricultural land."
4. The County Government assigns the serialized TDR number for every TDR that is transferred into the TRR receiving areas.

The TDR program would not exist today if the County Government had not adopted the 1980 Master Plan and then approved the Rural Density Transfer Zone on January 6, 1981.

The AAC recommends that ZTA 16-02 also needs to include future farm tenant dwellings that remain accessory to farming and excluded from the density calculation for a retained TDR. The

legislative intent of the Agricultural Reserve states-to promote agriculture as the primary land use. The future viability of the Agricultural Reserve will require that future housing like farm tenant dwellings are allowed. Unfortunately, some people believe that once a farm is subdivided the farm tenant dwelling cannot remain accessory to farming because they believe agricultural and farming activities will stop. The AAC believes that more education is needed to make sure everyone understands that the subdivision of a farm will not always stop agricultural and farming activities.

The AAC thanks the County Council for this opportunity to present our views in support of ZTA 16-02 with some amendments and please let us know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "David Weitzer". The signature is written in black ink and is positioned above a solid black horizontal line.

David Weitzer, Chairman