

Montgomery County Certification Report
FY15 – FY18

Prepared by:
The Montgomery County Office of Agriculture





Montgomery County
Agricultural Reserve



THE OFFICE OF AGRICULTURE

Marc Elrich
County Executive

Jeremy V. Criss
Director

Table of Contents

1. Cover Memo: Montgomery County's Certification Report FY15 – FY18
2. County Executive's letter to the Maryland Department of Planning
3. Montgomery County's Agricultural Preservation Advisory Board's letter to the Maryland Department of Planning
4. Financial Reporting Form for Certified Counties, Agricultural Land Preservation Revenues and Expenditures
5. Narrative Requirement for Certification: program description
6. Montgomery County Easement Inventory
7. Montgomery County Agricultural Preservation Map



THE OFFICE OF AGRICULTURE

Marc Elrich
County Executive

Jeremy V. Criss
Director

Montgomery County's Certification Report FY15 – FY18

The information in this report details the required information by the Maryland Department of Agriculture and the Maryland Department of Planning. The regulations for the certification program can be found in the Code of Maryland Regulations (COMAR) Title 14 (Independent Agencies), Subtitle 24 (Office of Planning), Chapter 08: Guidelines for the Certification of County Agricultural Land Preservation Programs. They were adopted in 1991 and extensively amended in 1997 and 2008.

When a County is certified by the State, it allows the County to retain 75% of the State Agricultural Land Transfer Tax to use for their farmland preservation program. These funds can be used to purchase County easements, used as contribution funding for State preservation opportunities and for the program administration. The success of Montgomery County's farmland preservation program was and is aided by these funds. Moving forward, the collection of these funds will be limited due to several reasons: recovery from the Great Recession, nearing full development, and a high percentage of agriculturally assessed properties being encumbered by easements. It is important for our program to seek out and utilize any funding mechanism available to preserve farmland.

The certification report demonstrates Montgomery County's dedication to protecting farmland from the financial commitment to the County's zoning and land use policies. The leadership demonstrated from the farmers and County government make our farmland preservation program a national model.



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Marc Elrich
County Executive

May 30, 2019

Jason Dubow
Manager, Resource Conservation and Planning
Maryland Department of Planning
301 West Preston Street, Suite 1101
Baltimore, MD 21201

Re: Montgomery County's Certification Application

Dear Mr. Dubow,

Montgomery County has been and continues to be a local and national leader in farmland preservation. The Certification Report demonstrates the effort our County and agricultural community put forth to protect farmland for future generations. The combined efforts help add over \$280 million annually into the County's economy and employs over 10,000 residents.

With a viable agricultural community, located in the most populous county in the State, residents have access to locally grown produce and rural open space. The vibrant 93,000-acre Agriculture Reserve is a model land use policy to protect farmland and rural open space.

The agricultural community should be commended for its stewardship in farmland preservation. The continued success of the preservation of farmland within the County could not be accomplished without this important and vital community.

Sincerely,

Marc Elrich
County Executive

ME/ms



AGRICULTURAL PRESERVATION ADVISORY BOARD

April 10, 2019

Daniel Rosen, AICP
Resource Conservation Planner
Maryland Department of Planning
301 West Preston Street, Suite 1101
Baltimore, MD 21201

Re: Montgomery County's Certification Report

Dear Dan,

At the April 9th meeting of the Montgomery County Agricultural Preservation Advisory Board, Mike Scheffel discussed the certification report that was submitted to the Maryland Department of Planning on April 1, 2019.

Mike described the information contained within the report, the reasons for the late submittal and the Department of Planning's understanding and patience in accepting the report.

The Board approved of the Certification Report and thanks you and the Department of Planning for working with the Montgomery County Office of Agriculture.

If you have questions or concerns with the report, please contact Mike Scheffel (mike.scheffel@montgomerycountymd.gov) for further assistance.

Sincerely,

Michael Jamison, Chairman

CC: Jeremy Criss, Director, Montgomery County Office of Agriculture


**FINANCIAL REPORTING FORM FOR CERTIFIED COUNTIES
AGRICULTURAL LAND PRESERVATION REVENUES & EXPENDITURES**

For the Fiscal Year July 1, 2014 through June 30, 2015

	<i>Agricultural Transfer Tax Funds</i>	<i>Other County Funds</i>	<i>Program Total</i>
Revenues:			
Agricultural Transfer Tax Collected	\$18,255	\$0	\$0
Less: Agricultural Transfer Tax Remitted to Comptroller	\$4,564	\$0	\$0
Agricultural Transfer Tax Retained By Subdivision	\$13,691	\$0	\$13,691
County-General Fund Appropriation	\$0	\$0	\$0
County-Other Revenues	\$0	\$0	\$0
Total Revenues	\$13,691	\$0	\$13,691
Expenditures:			
Administrative Expenses	\$0	\$137,632	\$137,632
Matching MALPF Acquisitions	\$0	\$0	\$0
Purchase of Development Rights or Enhancements (See Note #1)	\$231,042	\$4,032,067	\$4,263,109
Three Year Monies Remitted to MALPF	\$0	\$0	\$0
Total Expenditures	\$231,042	\$4,169,699	\$4,400,741
Total Revenues	\$13,691	\$0	\$13,691
Excess Revenue over Expenditures	\$0	\$1,063,269	\$1,063,296
Beginning Fund Balance July 1, 2014	\$231,042	\$5,232,968	\$5,464,010
Ending Fund Balance June 30, 2015	\$13,691	\$1,063,269	\$1,076,960

**NOTE #1 - Purchase of Development Rights and Enhancements
Detail for determining Qualifying Expenditures**

Appraisals for Easements	\$0	\$0	\$0
Local Easement Purchases	\$0	\$4,169,699	\$4,169,699
Easement Incentive Payments	\$0	\$0	\$0
Tax Credits on Easement Properties	\$0	\$0	\$0
Other Financial Enhancements (Explain)	\$0	\$0	\$0
Total Qualifying Expenditures (Expenditures on Development Rights and Enhancements)	\$0	\$4,169,699	\$4,169,699


Acting Director, Department of Finance

5/31/19
Date


**FINANCIAL REPORTING FORM FOR CERTIFIED COUNTIES
 AGRICULTURAL LAND PRESERVATION REVENUES & EXPENDITURES**

For the Fiscal Year July 1, 2015 through June 30, 2016

	<i>Agricultural Transfer Tax Funds</i>	<i>Other County Funds</i>	<i>Program Total</i>
Revenues:			
Agricultural Transfer Tax Collected	\$963,023	\$0	\$0
Less: Agricultural Transfer Tax Remitted to Comptroller	\$240,756	\$0	\$0
Agricultural Transfer Tax Retained By Subdivision	\$722,267	\$0	\$722,267
County-General Fund Appropriation	\$0	\$0	\$0
County-Other Revenues	\$0	\$500,000	\$500,000
Total Revenues	\$722,267	\$500,000	\$1,222,267
Expenditures:			
Administrative Expenses	\$0	\$140,693	\$140,693
Matching MALPF Acquisitions	\$0	\$0	\$0
Purchase of Development Rights or Enhancements (See Note #1)	\$0	\$470,652	\$470,652
Three Year Monies Remitted to MALPF	\$0	\$0	\$0
Total Expenditures	\$0	\$611,345	\$611,345
Total Revenues	\$722,267	\$500,000	\$1,222,267
Excess Revenue over Expenditures	\$13,691	\$451,924	\$465,615
Beginning Fund Balance July 1, 2015	\$13,691	\$1,063,269	\$1,076,960
Ending Fund Balance June 30, 2016	\$735,958	\$951,924	\$1,687,882

**NOTE #1 - Purchase of Development Rights and Enhancements
 Detail for determining Qualifying Expenditures**

Appraisals for Easements	\$0	\$0	\$0
Local Easement Purchases	\$0	\$611,345	\$611,345
Easement Incentive Payments	\$0	\$0	\$0
Tax Credits on Easement Properties	\$0	\$0	\$0
Other Financial Enhancements (Explain)	\$0	\$0	\$0
Total Qualifying Expenditures (Expenditures on Development Rights and Enhancements)	\$0	\$611,345	\$611,345


 Acting Director, Department of Finance

5/31/19
 Date

**FINANCIAL REPORTING FORM FOR CERTIFIED COUNTIES
 AGRICULTURAL LAND PRESERVATION REVENUES & EXPENDITURES**

For the Fiscal Year July 1, 2016 through June 30, 2017

	<i>Agricultural Transfer Tax Funds</i>	<i>Other County Funds</i>	<i>Program Total</i>
Revenues:			
Agricultural Transfer Tax Collected	\$117,765	\$0	\$0
Less: Agricultural Transfer Tax Remitted to Comptroller	\$29,441	\$0	\$0
Agricultural Transfer Tax Retained By Subdivision	\$88,324	\$0	\$88,324
County-General Fund Appropriation	\$0	\$0	\$0
County-Other Revenues	\$0	\$520,434	\$520,434
Total Revenues	\$88,324	\$520,434	\$608,758
Expenditures:			
Administrative Expenses	\$0	\$143,451	\$143,451
Matching MALPF Acquisitions	\$0	\$0	\$0
Purchase of Development Rights or Enhancements (See Note #1)	\$735,758	\$253,222	\$988,980
Three Year Monies Remitted to MALPF	\$0	\$0	\$0
Total Expenditures	\$735,758	\$396,673	\$1,132,431
Total Revenues	\$88,324	\$520,434	\$608,758
Excess Revenue over Expenditures	\$200	\$555,521	\$555,451
Beginning Fund Balance July 1, 2016	\$735,958	\$951,924	\$1,687,882
Ending Fund Balance June 30, 2017	\$88,524	\$1,075,685	\$1,164,209

**NOTE #1 - Purchase of Development Rights and Enhancements
 Detail for determining Qualifying Expenditures**

Appraisals for Easements	\$0	\$0	\$0
Local Easement Purchases	\$0	\$396,673	\$396,673
Easement Incentive Payments	\$0	\$0	\$0
Tax Credits on Easement Properties	\$0	\$0	\$0
Other Financial Enhancements (Explain)	\$0	\$0	\$0
Total Qualifying Expenditures (Expenditures on Development Rights and Enhancements)	\$0	\$396,673	\$396,673


 Acting Director, Department of Finance

5/31/19
 Date


**FINANCIAL REPORTING FORM FOR CERTIFIED COUNTIES
 AGRICULTURAL LAND PRESERVATION REVENUES & EXPENDITURES**

For the Fiscal Year July 1, 2017 through June 30, 2018

	<i>Agricultural Transfer Tax Funds</i>	<i>Other County Funds</i>	<i>Program Total</i>
Revenues:			
Agricultural Transfer Tax Collected	\$81,810	\$0	\$0
Less: Agricultural Transfer Tax Remitted to Comptroller	\$20,453	\$0	\$0
Agricultural Transfer Tax Retained By Subdivision	\$61,358	\$0	\$61,358
County-General Fund Appropriation	\$0	\$0	\$0
County-Other Revenues	\$0	\$172,352	\$172,352
Total Revenues	\$61,358	\$172,352	\$233,710
Expenditures:			
Administrative Expenses	\$0	\$47,309	\$47,309
Matching MALPF Acquisitions	\$0	\$0	\$0
Purchase of Development Rights or Enhancements (See Note #1)	\$0	\$0	\$0
Three Year Monies Remitted to MALPF	\$0	\$0	\$0
Total Expenditures	\$0	\$47,309	\$47,309
Total Revenues	\$61,358	\$172,352	\$233,710
Excess Revenue over Expenditures	\$61,358	\$125,043	\$186,401
Beginning Fund Balance July 1, 2017	\$88,524	\$1,075,685	\$1,164,209
Ending Fund Balance June 30, 2018	\$149,882	\$1,200,728	\$1,350,610

**NOTE #1 - Purchase of Development Rights and Enhancements
 Detail for determining Qualifying Expenditures**

Appraisals for Easements	\$0	\$0	\$0
Local Easement Purchases	\$0	\$47,309	\$47,309
Easement Incentive Payments	\$0	\$0	\$0
Tax Credits on Easement Properties	\$0	\$0	\$0
Other Financial Enhancements (Explain)	\$0	\$0	\$0
Total Qualifying Expenditures (Expenditures on Development Rights and Enhancements)	\$0	\$0	\$0


 Acting Director, Department of Finance

5/31/19
 Date

III. In addition to the financial report above, the FIRST and SECOND annual report of each certification period shall include:

- _____ A. Demonstrate that the county has maintained a successful program of purchase of development rights or financial enhancements related to the purchase of development rights (11(B)(1)(a));

The Agricultural Reserve in Montgomery County is only partially protected from development and additional opportunities exist to increase the protections on farmland to limit further fragmentation. Seventy thousand acres of land are currently encumbered by some kind of agricultural land preservation easement, but 50,000 of these acres retain building rights at a density of 1 house per 25 acres and an additional 7,500 acres of land in the Ag Reserve are unencumbered by easements of any kind. To take advantage of opportunities to protect additional farmland, the County has been exploring ways to raise money above that which is available from agricultural transfer tax, the collection of which is low and unsustainable as a future revenue source. To achieve a funding level of \$1-3 million per year, the Montgomery County Agricultural Preservation Advisory Board (APAB) and the Montgomery County Office of Agriculture (OAG) have been exploring several ideas for novel ways to raise money for farmland preservation.

1. Agricultural Land Preservation Surcharge – The APAB and OAG worked with Delegate Luedtke to introduce Luedtke’s HB396 and Sen Middletown’s SB354 proposing that Counties in Maryland have the authority to impose an Agricultural Land Preservation fee. This would help provide an avenue for Montgomery County (and others) to raise funds for agricultural land preservation. The bills were supported by the Maryland Association of Soil Conservation Districts and Montgomery County Farm Bureau; Maryland Farm Bureau, Montgomery County Council and the County Executive were neutral. The bill did not make it out of committee in the House during the 2017-2018 session, but Delegate Luedtke is interested in bringing it back as a local bill. The APAB and OAG will work with Delegate Luedtke on this effort moving forward.
2. Water Quality Protection Charge (WQPC) – The Montgomery County Department of Environmental Protection (DEP) has conducted extensive research and monitoring on County stream health and the overall water quality. This water quality monitoring program has been described as the cornerstone of the DEP’s entire watershed program. The research and monitoring data suggests that the streams with the highest water quality are almost exclusively located in the Agricultural Reserve. This finding reflects the commitment by the agricultural community to voluntarily participate in agricultural land preservation programs and implement BMPs and land stewardship through conservation planning and nutrient management initiatives. The County’s agricultural land preservation efforts are recognized as one of the best programs in the Country. OAG has worked to demonstrate how WQPC funds could be used to purchase agricultural easements that would help the County meet soil conservation and water quality protections goals. By partnering with the County’s OAG, funds that are provided by the WQPC for agricultural easements will demonstrate the County’s significant investment in preserving valuable agricultural land and ensuring that the County’s high-quality streams are protected in perpetuity. In the end, County residents are benefactors from all of these objectives. At this time, however, DEP is unwilling to move forward with the APAB’s

proposal without the regulatory framework that would allow the trading of nutrient credits in the MS4 permit area.

_____ B. An inventory of properties which have been permanently preserved by an agricultural land preservation easement during the reporting period (.10(C)(2)).

1. 2015: Greenfield View Farm, LLC, Tax Acct #03-00034915, 192.79 acres, Montgomery County Agricultural Easement Program
2. 2015: Robert and Betsy Stabler, Tax Acct # 00003003, 160.77 acres, Montgomery County Building Lot Termination Program
3. 2015: Lynwood Farm LLC, Tax Acct #03584436, 226.51 acres, Montgomery County Building Lot Termination Program
4. 2015: Twin Ponds Farm LLC, Tax Acct #00036754, 77.16 acres, Montgomery County Building Lot Termination Program
5. 2016: Walter Pritchard, Tax Acct #00916437m 75.15 acres, Montgomery County Building Lot Termination Program
6. 2017: Greenfield View Farm, LLC, Tax Acct #03-00033682, 96.96 acres, Montgomery County Agricultural Easement Program
7. 2017: Charles Gingrich et al., Tax Acct # 00927420, 84.18 acres, Montgomery County Agricultural Easement Program

_____ C. The total number of easements purchased and acreage preserved through the county and State agricultural land preservation easement purchase programs during the reporting period (.10(C)(3)).

No easements have been purchased through the State agricultural land preservation program. The AEP and BLT easements listed in letter (B), above, have been purchased through the County programs.

_____ D. An update on progress made to reach the milestones established in the county's most recent program development strategy (.10(C)(4)).

In January 2009, Montgomery County achieved Phase I of its farmland preservation goal by preserving 70,000 acres of agricultural land through agricultural easements. The protection of 70,000 acres of farmland through the programs administered by the County or State of Maryland represented the completion of our Phase I goal. While we are very proud of this achievement, we recognize that majority of this preserved acreage (over 49,245 acres) were encumbered by TDR easements. While TDR easements do offer a level of protection, TDR easements are the least protective of all the traditional programs offered. TDR easements are not as protective because they usually retain development densities of 1 lot per 25 acres. Therefore, our next goal of layering more protective easements over TDR easement represents Phase II of the County's Agricultural Land Preservation goal. To this end, the Office of Agriculture is developing a strategic plan for Phase II of the agricultural land preservation program and the preservation opportunities

will be considered as they become available.

IV. In addition to the financial report and the information required in the first annual report, above, the SECOND annual report of each certification period shall include:

- _____ A. A map of all agricultural lands preserved in the county, including those preserved both during and before the certification period, showing those properties in relation to priority preservation areas (.10(D)(2)).
- _____ B. A description of the programs the county has established to encourage participation of farmers in agricultural land preservation efforts, including purchase of development rights or financial enhancements related to the purchase of development rights, outside of MALPF (.05(B));

Montgomery County Agricultural Easement Program (AEP)- Established in 1987, this program gives the County the ability to purchase agricultural land preservation easements to preserve land for agricultural production. Lands eligible for participation in this program must be zoned Rural, Rural Cluster, or Agricultural Reserve (AR), or must be determined to possess significant agricultural value. The program was created to increase both the level of voluntary participation in farmland preservation programs and to expand the eligibility of farmland parcels.

In addition, beginning in *FY91*, Montgomery County implemented a change in the Executive Regulation, 66-91 "Agricultural Land Preservation Districts & Easement Purchases" which enabled the County to create, acquire and account for Transferable Development Rights (TDRs) as a part of the easement acquisition process. The TDRs created through the easement acquisition process are held by the County and represent an asset with the potential to be a source of future revenue for the program.

Montgomery County Rural Legacy Program (RLP) - In 1997, the Rural Legacy Program (RLP) was enacted as part of the Governor's Smart Growth and Neighborhood Conservation Act. This State program provides competitive grants to Counties/Sponsors for preserving areas that are rich in agricultural, forestry, natural and cultural resources which, if protected, will promote a resource-based economy, protect greenbelts and greenways, and maintain the fabric of rural life. As with the County's AEP program, the Montgomery County Rural Legacy Program provides the mechanism for the County to create, acquire and account for Transferable Development Rights (TDRs) as a part of the RLP easement acquisition process. The TDRs created through the easement acquisition process are held jointly by the State/County and represent an asset and potential source of future revenue for the program.

Maryland Environmental Trust (MET)- was established by the State Legislature in 1967 to encourage landowners to donate an easement on their properties. In return, landowners are eligible for certain income, estate, gift, and property tax benefits. A donated conservation easement to MET protects natural resources and preserves scenic open space including farm and forest land, wildlife habitat, waterfront, unique or rare areas, and historical sites. A landowner who donates a conservation easement limits the right to develop and subdivide the land, now and in the future, but still retains title to the farm. By accepting the easement, MET agrees to monitor it forever to ensure compliance with its terms.

Montgomery County Transferable Development Rights (TDR) Program -

The Transfer of Development Rights (TDR) program allows landowners to transfer a development right from one parcel of land to another parcel. For agricultural land preservation, TDRs are used to shift development from agricultural areas (“TDR sending areas”) to designated growth zones (“TDR receiving areas”) which are located where we have public services. When rights are transferred from a parcel within the designated “TDR sending area,” the land is restricted by a permanent TDR easement. The land to which the rights are transferred are called the “receiving area.” A TDR program represents the private sector's investment in land preservation, as the price paid for TDRs are negotiated between a landowner and a developer. A developer who purchases TDRs is permitted to build at a higher density than permitted by the “base zoning.” The funds paid for a TDR by the developer to a landowner creates a wealth transfer from the developed areas back into the rural economy.

Montgomery County Legacy Open Space Program (LOS) - While distinctly different from the Rural Legacy Program (RLP), the LOS program was established by the Maryland National Capital Park and Planning Commission in October 2000. The objective of this program is to conserve the County's most significant open spaces. The program identifies natural resources, open space, agricultural, and historic lands for conservation and creates a comprehensive strategy to protect the County's “green infrastructure.” Acquisitions can be both “In Fee” and through “Conservation and Agricultural Easements.” While this program focuses on the protection of special, natural, and environmental resources within 6 separate categories through the Legacy Open Space Master Plan, the only category directly related to farmland conservation is resource Category 5.

Building Lot Termination Program (BLT)

The County Government approved the Legislative Act of January 6, 1981 creating the RDT (now AR) Zone including the ability for landowners to develop their properties at a density of one house per twenty-five acres. Simultaneous to the creation of the AR zone, the County created the Transferable Developments Rights (TDR) program as a mechanism for landowners to recapture a portion of the equity lost resulting from the change in zoning. Landowners who voluntarily elect to sell TDRs encumber their property with a TDR easement that prevents the land from being re-zoned to a higher density. While TDR easements prevent land from being rezoned to higher development density, the lands protected by TDR easements often retain development potential consistent with the permitted density of the AR zone. The heightened value associated with these tangible development rights combined with a growing number of residents who would like to see lower development density in the Agricultural Reserve prompted the development of a new program referred to as the Building Lot Termination Program (BLT). The BLT program provides another mechanism that enhances Montgomery County's farmland preservation toolbox through programs and initiatives offered to the County's farmers and rural landowners. This initiative focuses on a specific way to encourage the preservation of farmland owned by individuals that have decided, for a variety of reasons, to not protect or encumber their farms through our traditional easement programs. The BLT program will provide enhanced compensation to landowners for the extinguishment of potential lots in the AR zone. There will be two components to the BLT easement program. The first component will be a publicly funded initiative and the second will be funded on private market in a similar fashion as the County's nationally recognized Transferable Development Rights program (TDR). Both public

and private funding components both require the termination of an on-site waste disposal system for each BLT proffered for sale.

- C. An update on: The method, evaluation, shortcomings, and future actions the county is using or will use to achieve preservation goals (as required under Regulation .05E and F) that demonstrates significant progress toward achievement of the preservation goals in the priority preservation area (.11(B)(2));

The most significant initiative for farmland preservation in Montgomery County began over 30 years ago in 1980 when almost a third of the County, more than 93,000 acres of land, was designated as the County’s Agricultural Reserve. The vision was to preserve this land not only for the benefit of the County’s farmers, but to ensure future generations of residents would enjoy the environmental and aesthetic benefits of this wondrous open space.

The most revolutionary tool created by the County to fight the battle against suburban sprawl was the designation of a bona-fide agricultural zone, known as the Rural Density Transfer (RDT) Zone (now the Agricultural Reserve (AR) zone). This first-of-its-kind zoning became the predominant zoning in the Agricultural Reserve. By law, AR zoning sets a 25-acre density for subdivision of land but allows landowners to sell development rights based on the previous zoning designation of 1 unit per 5 acres to areas designated for higher density growth elsewhere in the County. The results are that the rural landowner can recapture some of the lost equity which resulted from the 1980 down-zoning, while centering development in strategic areas where the existing infrastructure can accommodate the increased density. While this “transferable development rights” program has been successful, further protection measures have been necessary to protect farmland, including the state’s Maryland Agricultural Land Preservation Foundation and Rural Legacy Programs and the County’s Agricultural Easement Program and Building Lot Termination program.

In January 2009, Montgomery County achieved Phase I of its farmland preservation goal by preserving 70,000 acres of agricultural land through agricultural easements. Our next goal of layering more protective easements over TDR easement represents Phase II of the County’s Agricultural Land Preservation goal.

- 1. The ability of the county's zoning and other land use management tools to do the following in the county's priority preservation area (.05(E)(1)(a)):
 - _____ a. Limit the amount and geographic distribution of subdivision and development in accordance with established agricultural land preservation goals (.05(E)(1)(a)(i));
 - _____ b. Stabilize the land base (.05(E)(1)(a)(ii)); and

- _____ c. Provide time for agricultural land preservation easement acquisition to achieve State and local preservation goals before the agricultural land resource is excessively compromised by development (.05(E)(1)(a)(iii)).

Montgomery County's goal of preserving 70,000 acres of agricultural land in was met in 2009. We are now focused on enhancing protection on 50,000 of acres that are currently protected only by TDR easements by purchasing additional development rights through traditional state and county-funded easement programs as well as new initiatives such as the Building Lot Termination (BLT) program.

- _____ 2. The ability of combined State, local, and other agricultural land preservation easement acquisition programs to permanently preserve lands in the county's priority preservation area at a rate sufficient to achieve State and local preservation goals (.05(E)(1)(b)).

Montgomery County's goal of preserving 70,000 acres of agricultural land in was met in 2009. We are now focused on enhancing protection on 50,000 of acres that are currently protected only by TDR easements by purchasing additional development rights through traditional state and county-funded easement programs as well as new initiatives such as the Building Lot Termination (BLT) program.

- _____ 3. The degree to which county land use and other ordinances and regulations restrict or otherwise interfere with the conduct of normal agricultural activities in the priority preservation area (.05(E)(1)(c)).

The Master Plan and County zoning establishes agriculture as the primary land use in the priority preservation area (the Agricultural Reserve or AR zone).

- _____ 4. The ability of county zoning, subdivision, and development regulations and policies to minimize the degree to which development in the priority preservation area interferes with normal agricultural activities (05.(E)(1)(d)).

The Master Plan and County zoning establishes agriculture as the primary land use in the priority preservation area (the Agricultural Reserve or AR zone). Montgomery County has one of the most restrictive development zones in the AR zone which limits development to one house per twenty-five acres.

- _____ 5. The ability of county and other farming assistance programs to support profitable agriculture and forestry activities in the priority preservation area (05.(E)(1)(e)).

The County has an Office of Agriculture (OAG) that was created in July 2016, replacing the Department of Economic Development's Agricultural Services Division which had been in existence since 1996. The OAG exists to promote agriculture as a viable component of the County's economic sector as well as to

preserve farmland as a resource for future agricultural production. The OAG is co-located with the Farm Services Agency, Natural Resources Conservation Service, Montgomery Soil Conservation District, and University of Maryland-Extension. Having all of these agencies in the same building offers farmers one-stop shopping when it comes to local, state, and federal agricultural assistance programs and also streamlines the interaction among related agencies to improve service to farmers and other County residents.

6. Statistics and other factual information necessary to evaluate the county's agricultural land preservation program, such as:

- _____
- a. A description of the amount of subdivision and development allowed on land within zoning districts comprising the priority preservation area, including base density and additional lots allowed for clustering, density transfers between parcels, and any other provisions affecting lot yields (.05(E)(2)(a));

The Agricultural Reserve (AR) zone is the priority preservation area in Montgomery County. The AR zoning allows for one house per twenty-five acres as long as a transferrable development right (TDR) has been retained for that purpose. For example, a 100-acre farm was eligible for 20 TDRs after the 1980 down-zoning. The landowner could sell those TDRs to areas designated for higher density growth elsewhere in the county and thereby regain some value lost because of the down-zoning in the AR zone. Under the AR zoning, the property is allowed 4 houses. In order to build those four houses, four of the 20 TDRs must be retained with the land. If they are sold, the landowner is not eligible for all the houses allowed under the AR zoning.

- _____
- b. The numbers and locations of residential parcels and acres subdivided and developed within the priority preservation area during the most recent 5-year period (.05(E)(2)(b));

- _____
- c. The total acreage and locations of farms and parcels permanently preserved through agricultural land preservation easements recorded in the land records of the county during the most recent 5-year period (.05(E)(2)(c));

2014: Roy and Kathy Stanley, Tax Acct #02-00023865, 75.74 acres, Maryland Agricultural Land Preservation Foundation

2014: Thomas Hartsock, Tax Acct #02-16541, 103.83 acres, Montgomery County Building Lot Termination Program

2014: Our House Inc, Tax Acct #08- 3497407, 98.94 acres, Montgomery County Building Lot Termination Program

2014: Charles and Bertha Stanley, Tax Acct #01- 9168, 105.72 acres, Montgomery County Building Lot Termination Program

2015: Greenfield View Farm, LLC, Tax Acct #03-00034915, 192.79 acres, Montgomery County Agricultural Easement Program

2015: Robert and Betsy Stabler, Tax Acct # 00003003, 160.77 acres, Montgomery County Building Lot Termination Program

2015: Lynwood Farm LLC, Tax Acct #03584436, 226.51 acres, Montgomery County Building Lot Termination Program

2015: Twin Ponds Farm LLC, Tax Acct #00036754, 77.16 acres, Montgomery County Building Lot Termination Program

2016: Walter Pritchard, Tax Acct #00916437m 75.15 acres, Montgomery County Building Lot Termination Program

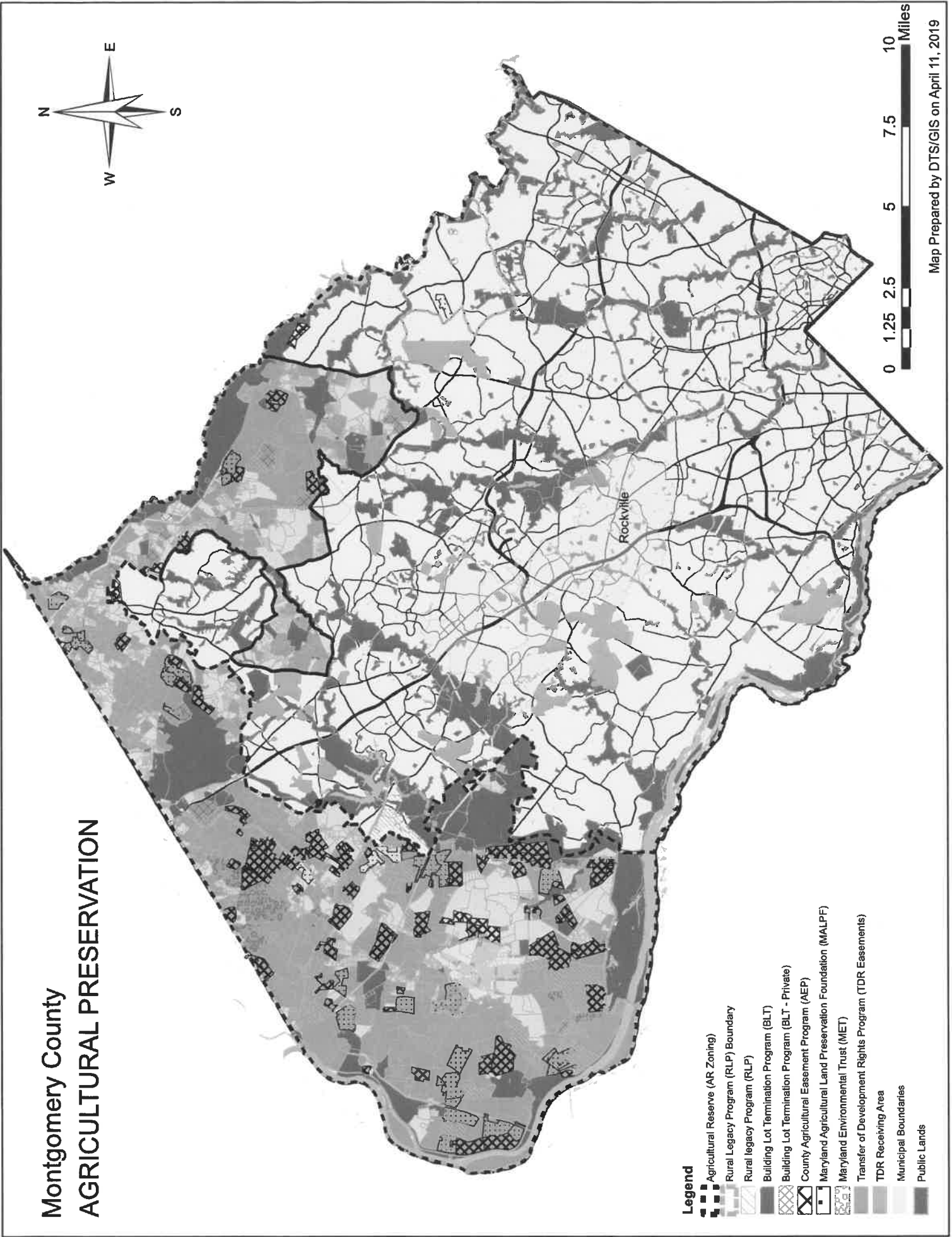
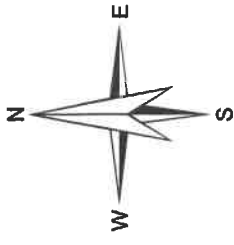
2017: Greenfield View Farm, LLC, Tax Acct #03-00033682, 96.96 acres, Montgomery County Agricultural Easement Program

2017: Charles Gingrich et al., Tax Acct # 00927420, 84.18 acres, Montgomery County Agricultural Easement Program

- _____ d. The constraints and restrictions placed by county ordinances and regulations on normal agricultural activities, such as minimum setbacks from property boundaries (.05(E)(2)(d)); and
- _____ e. The constraints and restrictions placed by county ordinances and regulations on non-agricultural development activities, in order to minimize conflicts with normal agricultural activities within the priority preservation area (.05)(E)(2)(e)).

Agriculture is the only commercial activity permitted in the AR zone. Other non-agricultural uses require conditional approval or special exceptions to the zoning ordinance.

Montgomery County AGRICULTURAL PRESERVATION



- Legend**
- Agricultural Reserve (AR Zoning)
 - Rural Legacy Program (RLP) Boundary
 - Rural legacy Program (RLP)
 - Building Lot Termination Program (BLT)
 - Building Lot Termination Program (BLT - Private)
 - County Agricultural Easement Program (AEP)
 - Maryland Agricultural Land Preservation Foundation (MALPF)
 - Maryland Environmental Trust (MET)
 - Transfer of Development Rights Program (TDR Easements)
 - TDR Receiving Area
 - Municipal Boundaries
 - Public Lands





OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Marc Elrich
County Executive

May 30, 2019

Jason Dubow
Manager, Resource Conservation and Planning
Maryland Department of Planning
301 West Preston Street, Suite 1101
Baltimore, MD 21201

Re: Montgomery County's Certification Application

Dear Mr. Dubow,

Montgomery County has been and continues to be a local and national leader in Farmland Preservation. The Certification Report demonstrates the effort our County and Agricultural Community put forth to protect farmland for future generations. These combined efforts help add over \$280 million annually into the County's economy and employ over 10,000 residents.

With a viable agricultural community, located in the most populous county in the State, it allows residents access to locally grown produce and rural open space. The vibrant 93,000-acre Agriculture Reserve is a model land use policy to protect farmland and rural open space.

The agricultural community should be commended for its stewardship in farmland preservation. The continued success of the preservation of farmland within the County could not be accomplished without this important and vital community.

Sincerely,

Marc Elrich, County Executive