

(Attachment D.)**Criss, Jeremy**

From: Jane Seigler [seigler.jane@gmail.com]
Sent: Wednesday, March 14, 2012 6:35 PM
To: Criss, Jeremy
Cc: Tim McGrath; Eddie Kuhlman; OrtisEvans@aol.com; David Heisler; Callum Murray; Zawitoski, John
Subject: Re: Sub Committee of the AAC-Proposed changes to the Legislative Intent of the RDT-AC zone

Hi everyone,

As promised, here is a draft of the proposed recommendation of the sub-committee to the AAC re: the proposed changes to the intent statement for the RDT-AC zone. I hope I have captured all of the thoughts and conclusions of the sub-committee. Please share your comments and suggestions.

* * * * *

To: the Montgomery County Agricultural Advisory Committee
 From: Ad Hoc Sub-committee for review of proposed changes to the intent statement for the RDT-AC zone

The sub-committee has reviewed:

- Section 59-C-9.23 of the current code: Intent of the Rural Density Transfer zone
- Section 2.2.1 A of the staff draft: Intent statement for the Agricultural Conservation Zone
- the proposed revised language for Section 2.2.1 A, as proposed to the Zoning Advisory Panel on January 25, 2012.

It is the opinion of the sub-committee that the following language best preserves the original legislative intent for the creation of the RDT zone, i.e., that agriculture is the primary and protected use in this zone, and that this zone is, therefore, distinct from the other rural zones. The sub-committee felt that the additional words and modifiers proposed on January 25 dilute the strength of this clear statement of intent. The sub-committee noted that the mission of the zoning re-write process is to shorten and simplify the current code (but not change it). Inasmuch as a good deal of the explanatory content of the current code will be pared away as part of the zoning re-write process, clarity in the intent statements becomes even more important.

Agricultural Reserve (AR)*

1. The intent of the AR Zone is to promote agriculture as the primary land use in sections of the County designated for agricultural preservation in the General Plan, the currently applicable master plan for the preservation of agriculture and open space, and other master plans. This is to be accomplished by providing large areas of generally contiguous properties suitable for agricultural and related uses and permitting the transfer of development rights from properties in this zone to properties in designated receiving areas.
2. Agriculture is the preferred use in the AR Zone. All agricultural operations are permitted at any time, including the operation of farm machinery. No agricultural use can be subject to restriction on the grounds that it interferes with other uses permitted in the zone, but uses that are not exclusively agricultural in nature are subject to additional use standards or the conditional use approval process.
3. The intent of the child lot option in the AR Zone is to facilitate the continuation of the family farming unit or to otherwise meet the purposes of the AR Zone.

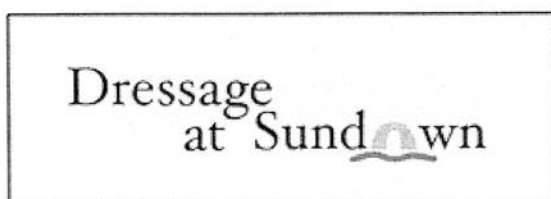
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Notes:

* The sub-committee suggests that the name of the zone be changed to Agricultural Reserve, to reflect common parlance.

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On Mar 7, 2012, at 6:24 PM, Criss, Jeremy wrote:

Hello Everyone,

The Sub-committee of the AAC will be meeting tomorrow night March 8, 2012 at 7:00 pm here at the Agricultural History Farm Park in Derwood.

You will discuss the proposed changes to the legislative Intent of the RDT-AC zone as drafted by the Montgomery Countryside Alliance-MCA.

You will recall that Diana Conway, President of the MCA attended the AAC meeting and had some difficulty answering specific questions from the Committee members because he admitted to not authoring the proposal and therefore she did not completely understand the importance the wording. Unfortunately, I must go to a Senate Hearing in Annapolis that starts at 6:00 pm on the MC 16-12 House Bill 722.

You will recall this bill involves the importance of the Legislative Intent of the RDT zone when private covenants are recorded on properties.

Therefore, I have requested John Z who is copied on this message to meet with you in my absence. John has reviewed the two versions of proposed changes by the MCA and my notes from the meeting.

John has also reviewed the memorandum from Callum which outlined his comments on the proposed changes.

All of these documents were discussed during the February 21, 2012 AAC meeting.

Jane I will call you tomorrow to discuss my take on the issue.

Thanks J

3/15/2012