



## AGRICULTURAL ADVISORY COMMITTEE

May 13, 2011

The Honorable Valerie Ervin  
President of Montgomery County Council  
100 Maryland Avenue  
Rockville, Maryland 20850

Dear Council President Ervin:           Re: ZTA 11-01 Commercial/Residential (CR) Zones

On behalf of the Montgomery County Agricultural Advisory Committee (AAC), we are writing to express our concerns surrounding the proposed Zoning Text Amendment 11-01 Commercial Residential Zones and the Building Lot Termination Program incentive density requirements.

The AAC continues to monitor the County's historical imbalance between Transferable Development Rights in down county receiving areas verses the upcounty sending area commonly referred the Agricultural Reserve. In many cases the final decisions that the County Council make regarding Master Plans and Zoning Text Amendments have seriously eroded the TDR capacity in the receiving areas which further contributes to the historical TDR imbalance that dates to 1980.

The AAC is now monitoring our new Building Lot Termination BLT Program and the three specific BLT receiving zones which include the Commercial Residential CR zone. The AAC was encouraged when the Council approved Section 59-C-15.87 of the County Code-Zoning Regulations which created new receiving capacity for the BLT program in the CR zones.

It is our understanding the proposed ZTA 11-01 creates new variations of the CR zone (CRT and CRM) that reduces the threshold of incentive density for the BLT requirements to balance all of the public benefits. The AAC is concerned as to how this potential outcome will create a precedent of future Council decisions for the BLT program that could mirror those decisions surrounding the TDR receiving capacity.

The AAC wants to commend the League of Women Voters as they have been instrumental in advocating for the BLT program. The County Council needs to know the Planning Board cost estimates for the BLT program in the CR zones are not accurate and this error was discovered by the League of Women Voters. It is our understanding the Planning Board estimates the cost of the BLT program is \$2.00 per incentive square foot of space when the actual cost is 56 cents per incentive square foot of space. The AAC agrees with the League as outlined in their letter dated May 9, 2011 "to urge the Planning Board to clarify in the recommendation to the Council that

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the 5 % requirement for the BLT is indeed affordable in all CR zones and proportional to the scale of development.”

The AAC encourages the County Council to stay the course and continue to support the new BLT program by not reducing or eliminating the BLT incentive density requirements. The County Council’s vision and legacy for the new BLT program needs to be clear and not clouded like our TDR program.

Thank you for this opportunity to provide the views of the Montgomery County Agricultural Advisory Committee on the ZTA 11-01.

Sincerely,

A handwritten signature in blue ink that reads "David Weitzer, SVC".

David Weitzer, Chairman  
Montgomery County Agricultural Advisory Committee