

AGRICULTURAL PRESERVATION WORK GROUP MEETING MINUTES

October 3, 2007

1. **Attendance:** Marilynn Bland, Boyd Campbell, William Moore, Torben Agesen, Daniel Filippelli, Fred Tutman

2. **Meeting Agenda:**

I. **Approval of Minutes (September 19)**

Approval of minutes was postponed to the next meeting due to lack of a quorum.

II. **Program Open Space (POS)**

At the request of Fred Tutman, Barry Christy and Bernie Wentker of the Maryland Department of Natural Resources (DNR) were present to summarize and respond to questions concerning *Program Open Space*, a tool for preserving Rural Tier properties which was previously discussed by the Work Group. Chuck Montrie of the M-NCPPC Department of Parks and Recreation, Park Planning and Development Division was also present to explain how the Parks Department works with the State and utilizes POS funds.

The agency representatives explained that on the local side, the funding is administered by each County, and on the State side, the funding is used to purchase land for State parks. DNR is working to protect land along the Patuxent River. In addition, on the State side, the focus is in areas where there are already State holdings.

There are various funding sources used for acquisition once a property has been identified. An effort is made to look for properties where the funding can be spent within one year. A five-year rule applies for funding allocated to a County which is not used within the fiscal year that it is allocated to allow it to be spent later for appropriate acquisition.

Mr. Montrie explained that prioritization of acquisition properties is made by staff (Land Acquisition Officer) and ultimately the Planning Board. Torben Agesen inquired as to how long it takes for acquisition. Mr. Montrie responded that it is based on acquisition as well as the requirement for two independent appraisals.

Yates Clagett (Soil Conservation District) expressed concern regarding the upkeep and maintenance of structures on properties that have been acquired. Daniel Filippelli indicated that there needs to be public interest to request that M-NCPPC provide additional funding in their budget for upkeep and maintenance of these properties once they are acquired.

William Moore expressed his dissatisfaction with how the open space program has been administered over the past several years.

Margaret Addis (Office of Law) commented that it is necessary to partner with the State to find new ways to use open space money to purchase easements. As we look for common ground, we should work together to find more common ground. Ms. Addis mentioned scenic easements as a method to extinguish development.

The Work Group discussed the criteria used by M-NCPPC when selecting properties and the limitation to the program caused by the requirement that the property must have public access to be eligible for open space funding. Vice-Chair Bland indicated the need to have a focused discussion on this issue which should include the M-NCPPC Chairman.

Dr. David Billings suggested that the Work Group obtain a listing of all the County properties classified as farms for the purpose of communicating with these property owners on the mission of the Work Group as a means of keeping them informed.

Tamara Davis Brown was present in the audience and suggested that educational farms may also be a tool for farmers as they consider options for agricultural preservation efforts.

III. “Draft” Transfer of Development Rights (TDRs) Legislation

Ms. Addis summarized the legislation indicating that Chair Dernoga prepared the draft using CB-5-2006 which the Council did not take action on last year. Deletions made to the 2006 version include the downzoning provision, limited uses, and references to golf course subdivisions and rural entertainment parks. Ms. Addis explained that certain provisions, specifically the 25-acre minimum acreage and the prohibited use list, were deleted because they were problematic during the Council's review of CB-5-2006.

Boyd Campbell inquired if there has been an analysis on whether the program will work and that the cost associated with the program (property owner requirement to obtain a property survey) may be a deterrent. Mr. Campbell noted that there are other programs that do not require these costs and may be more attractive to property owners. He also suggested that there should be companion legislation for the Receiving Area.

Ms. Addis commented that in order for the program to work, there must be a demand/market for the TDRs and creating demand is critical.

Fred Tutman commented that in addition to TDRs, an inventory or toolbox of other incentives are necessary and this cannot be a stand alone tool for agricultural preservation.

Vice-Chair Bland requested that concerns and questions concerning the proposed draft be put in writing and forwarded to Chair Dernoga and staff for further discussion at the next meeting.

IV. Outline for Final Report to the County Council

Postponed to the next meeting.

- 4. Next Meeting:** October 17, 2007 at 3:00 p.m.
- 5. Adjourn:** The meeting was adjourned at 5:00 p.m.