

Prince George's County Council Agenda Item Summary

Meeting Date: 4/3/2007
Reference No.: CR-017-2007
Draft No.: 2
Proposer(s): Park & Planning
Sponsor(s): Exum, Dernoga
Item Title: A Resolution concerning the formation of an Agricultural District pursuant to the Maryland Agricultural Land Preservation Foundation program for the purpose of recommending that the Maryland Agricultural Land Preservation Foundation approve the petition of John and Carmen Buchheister to establish an agricultural district, reference map(148)and Parcel reference (48).

Drafter: Todd M. Turner, Legislative Officer
Resource Personnel: Yates Clagett, Soil Conservation District

LEGISLATIVE HISTORY:

Date Presented:		Executive Action:	4/16/2007 S
Committee Referral:	3/13/2007 - THE	Effective Date:	
Committee Action:	3/22/2007 - FAV(A)		
Date Introduced:	3/13/2007		
Public Hearing:	4/3/2007 - 10:00 AM		
Council Action (1)	4/3/2007 - ADOPTED		
Council Votes:	MB:-, WC:A, SHD:A, TD:A, CE:A, DCH:A, TK:A, EO:A, IT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE

Date 3/22/2007

Committee Vote: Favorable with Amendments, 3-0 (In favor: Council Members Dernoga, Olson and Harrington)

Staff provided a summary of the resolutions and referral comments that were received. CR-17-2007 establishes an agricultural district for approximately 55.2 acres owned by John and Carmen Buchheister. The property is located at the southern side of Tanyard Road in the Upper Marlboro area. Currently, six districts have been established in Prince George's County.

A landowner of active agricultural use may file a petition with the county governing body requesting the establishment of an agricultural district composed of the land owned by the petitioners. The petition must be reviewed by the agricultural preservation advisory board and the county's planning board. The agricultural preservation advisory board determines if the proposed district meets the qualifications established by the Maryland

Agricultural Land Preservation Foundation (MALPF) and whether or not the advisory board recommends establishment of the district. The Planning Board determines if the district is compatible with existing and approved county plans and overall county policy, and whether or not the planning and zoning body recommends establishment of the district.

If a landowner eventually sells an easement to the State, benefits to the landowner includes receiving some of the equity from his land while still retaining full use of the land for agricultural purposes. This also provides an economic means for the landowner to pass the property on to his heirs and ensure that the land remains in agricultural and open space use. The state benefits in that productive agricultural land remains in production and contributes to the economy. The county benefits in that the land remains in open space, preserves sensitive land in forests and wetlands and is compatible with its efforts in land use planning initiatives such as Commission 2000 and the rural tier.

A Council Member requested information on the number of acreage enrolled and the amount of funds allocated in the PDR program.

According to the Office of Audits and Investigations adopting CR-17-2007 will not have an adverse fiscal impact on Prince George's County.

The Office of Law finds CR-17-2007 to be in improper legislative form. The Office recommends adding a map reference (148) to the Parcel reference (48) to clearly identify the property for which the County is giving its approval and which will be subject to the District. In addition it recommends adding language to the summary that this property is adjacent to two other properties being considered for Districts, with a combined acreage of 133.52 acres to preserve the larger block of acreage and borders to the north and to the south, owned by the State of Maryland.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

Subtitle 5 of Title 2 (Agriculture) of the Annotated Code of Maryland provides for the establishment of the Maryland Agricultural Land Preservation Foundation and a procedure for the formation of agricultural districts. This program allows one or more landowners to voluntarily form an agricultural district to encourage the preservation of land. If adopted, this resolution provides the County governing body approval of the petition for the district.

CODE INDEX TOPICS:

INCLUSION FILES:
