

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 5/20/2008  
**Reference No.:** CR-031-2008  
**Draft No.:** 2  
**Proposer(s):** Park & Planning  
**Sponsor(s):** Dean, Dernoga, Bland  
**Item Title:** A Resolution recommending that the Maryland Agricultural Land Preservation Foundation approves the petition of William D. and Catherine L. DeVaughn to establish an agricultural district, reference Tax Map 129/GridB4/Parcel 14/Tax Account 04-0252940.

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

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>		<b>Executive Action:</b>	6/12/2008 S
<b>Committee Referral:</b>	4/22/2008 - THE	<b>Effective Date:</b>	
<b>Committee Action:</b>	5/13/2008 - FAV(A)		
<b>Date Introduced:</b>	4/22/2008		
<b>Public Hearing:</b>	5/20/2008 - 10:00 AM		
<b>Council Action (1)</b>	5/20/2008 - ADOPTED		
<b>Council Votes:</b>	MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:A, EO:A, IT:A		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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### AFFECTED CODE SECTIONS:

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### COMMITTEE REPORTS:

**TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE** **Date 5/13/2008**

Committee Vote, Favorable as amended, 4-0 (In favor: Council Members Dernoga, Olson, Bland, and Exum).

The Legislative Officer provided a summary of the resolution and referral comments that were received. He indicated that the wrong petition had originally been attached to CR-31-2008 and that the correct petition and background information would have to be attached to the adopted resolution.

CR-31-2008 establishes an agricultural district for approximately 112.9720 acres of land (Tax Map 129/ GridB4/ Parcel 14/Tax Account 04-0252940) owned by William D. and Catherine L. DeVaughn. The property is located at 15601 St. Thomas Church Road near the Merkle Wildlife Management Area in Upper Marlboro in Prince George's County, Maryland.

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.

According to the Office of Audits and Investigations adopting CR-31-2008 will not have an adverse fiscal impact on Prince George's County.

The Office of Law finds CR-19-2008 to be in improper legislative form. The Office had a technical comment on a discrepancy concerning (i) the tax account number in the resolution and petition, 08-0829101, and in the attached tax assessment form, 04-0252940, and (ii) between the acreage in the resolution, 112.9720, and the attached application.

Mr. Yates Clagett, Prince George's County Soil Conservation District, indicated that the tax account was not properly listed on the correct petition and the correct tax account number is 04-0252940. He also indicated that a new survey was conducted in January 2008 that found the additional acreage on the property for a total of 112.9720 acres. The new deed description will also be attached to the adopted resolution. According to the Legislative Officer, these two items will require a Draft 2 of the resolution.

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**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.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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