

Prince George's County Council Agenda Item Summary

Meeting Date: 6/20/2006
Reference No.: CR-045-2006
Draft No.: 1
Proposer(s): Park & Planning
Sponsor(s): Dernoga, Peters
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 Cheltenham Property LLC and Charles Hayden to establish an agricultural district (Parcel 29)

Drafter: Karen T. Zavakos, Assistant Legislative Officer
Resource Personnel: David G. Bourdon, District Manager

LEGISLATIVE HISTORY:

Date Presented:		Executive Action:	6/26/2006 S
Committee Referral:	5/30/2006 - THE	Effective Date:	
Committee Action:	6/8/2006 - FAV		
Date Introduced:	5/30/2006		
Public Hearing:	6/20/2006 - 10:00 AM		
Council Action (1)	6/20/2006 - ADOPTED		
Council Votes:	MB:A, WC:A, SHD:A, TD:A, CE:A, DCH:A, TH:A, TK:A, DP:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE

Date 6/8/2006

Committee Vote, Favorable, 4-0 (In favor: Council Members Harrington, Bland, Dernoga, and Exum)

Staff provided a summary of the resolutions and referral comments that were received. CR-45-2006 establishes an agricultural district for approximately 87.7 acres. The property is located 12100 Cherry Tree Crossing Road in the Cheltenham area. Currently, six districts have been established in Prince George's County. The District Manager of Soil Conservation explained the process for filing a petition for an agricultural district and procedure for selling development rights to the state. Funding for the program comes from the agricultural transfer tax and from the state's share of open space funds. If Prince George's County does not use its agricultural transfer tax within three years for agricultural preservation, the earliest of the three years money will be send back to the state for use by other counties.

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.

The District Manager further explained the benefits of such a program. If a landowner eventually sells an easement to the state, the landowner is able to receive 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.

After approval of the agricultural preservation advisory board or the Planning Board, the Council will hold a public hearing on the petition. The MALPF needs to be in receipt of the petition and accompanying documents by June 21, 2006. Therefore, the public hearing has been scheduled on Tuesday, June 20, 2006.

The MALPF program is a valuable tool to save certain properties in the county. The problem is that the program eligibility is strict and many of our farms are not eligible. The county needs to come up with its own program tailored to fit our type of farms. A Council Member requested information on particulars of the different programs; the pros and cons of each.

The Office of Law finds CR-45-2006 to be in proper legislative form. The Office of Audits and Investigations determined that enactment of CR-45-2006 will not have an adverse fiscal impact on the county.

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:
