

Prince George's County Council

Agenda Item Summary

Meeting Date: 6/15/2004
Reference No.: CR-039-2004
Draft No.: 1
Proposer(s): Park & Planning
Sponsor(s): Dernoga, Bland, Harrington
Item Title: A Resolution recommending that the Maryland Agricultural Land Preservation Foundation approve the petition of John P. and Donna L. Denison to establish an agricultural district

Drafter: Ralph E. Grutzmacher, Legislative Officer
Resource Personnel: David Bourdon, District Manager

LEGISLATIVE HISTORY:

Date Presented:		Executive Action:	6/15/2004 S
Committee Referral:	6/8/2004 - THE	Effective Date:	
Committee Action:	6/9/2004 - FAV		
Date Introduced:	6/8/2004		
Public Hearing:	6/15/2004 - 10:00 AM		
Council Action (1)	6/15/2004 - ADOPTED		
Council Votes:	MB:A, SHD:A, TD:A, CE:A, DCH:A, TH:A, TK:A, DP:A, PS:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

TRANSPORTATION, HOUSING & THE ENVIRONMENT COMMITTEE

Date 6/9/2004

Committee Vote: Favorable, 4-0, (In favor: Councilmembers Harrington, Dean, Peters and Hendershot).

Staff provided a summary of the resolutions and referral comments that were received. CR-39-2004 establishes an agricultural district for approximately 132 acres. The property is located at Accokeek and Gardner Road. Currently, one district has 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 the 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, those monies are reverted 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 Founder

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 Maryland Agricultural Land Preservation Foundation needs to be in receipt of the petition and accompanying documents by June 22, 2004. Therefore, the public hearing has been scheduled on Tuesday, June 15, 2004.

A Council Member requested information on the specifics of the negotiations for selling the development rights to the State of the previous District.

The Office of Law finds CR-39-2004 to be in proper legislative form.

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 petition is the fifth to be filed in Prince George's County since the inception of the program. To date, no districts have been established in Prince George's County. The County governing body must decide whether to recommend that the Foundation approve the district.

CODE INDEX TOPICS:

INCLUSION FILES:
