

Certification of County Agricultural Land Preservation Programs
Re-Certification Request – Montgomery County
(Summary of Certification Letter dated February 03, 2006)

The Maryland Department of Planning and the Maryland Agricultural Land Preservation Foundation would like to thank you for submitting the report titled "The Montgomery County Farmland Preservation Program Report FY 1980 – FY 2003." Although not written specifically to address the reporting requirements of the certification program, it provided enough information for us to evaluate Montgomery County's agricultural land preservation program for the years FY 2000, 2001, 2002, 2003, and 2004. We are pleased to say that the County's agricultural land preservation program has been recertified for the period from July 1, 2005 through June 30, 2007. Since the recertification report is due October 30, 2006, please skip the interim report in favor of submitting the recertification report on time.

Montgomery County's annual report indicated that its farmland preservation program, among the best in the nation, is not resting on its laurels:

- The County preserved 3,903 acres through MALPF, AEP, and Rural Legacy, plus an unreported number of acres preserved through the TDR program.
- The County is 83% of the way to its goal of preserving 70,000 acres of its 93,000-acre Agricultural Reserve, and the report contains a scenario for reaching the goal.
- The report makes strong recommendations for improving other aspects of the program.

Our major concern, which the County is already addressing, is with residual lot rights in the RDT zoning district. Specifically, land protected through the TDR program can retain as many as one lot right per 25 acres. However, we have no information on the degree to which the RDT zone is being compromised by subdivision and development from these residual rights. We understand that the County's TDR Task Force has made recommendations to enhance the program in this regard, specifically to "target the density that remains on unprotected properties and those encumbered by TDR easements. This initiative will reduce densities on these lands beyond the 1 unit per 25 acre threshold. This program proposes to appraise the value of building lots and offer the landowner a level of compensation which is fair and equitable for the purpose of eliminating a future building lot" (per John Zawitoski, personal communication). This addition to the program is very timely, and necessary for the long-term success of the program, in our view.

The report did not address all of the reporting requirements, however:

- The report did not provide data on development in the agricultural reserve or compare acres preserved to acreage developed during the past five fiscal years. These data should include residential lots that have been subdivided from land under easement as a result of transferring development rights.
- Neither the County's chief financial officer nor an independent auditor signed the record of revenues and expenditures.
- Information about preserved farms was not included, nor was a map of preserved lands.

Please send us the signed financial statements at your earliest convenience, and let us know the decisions of the Montgomery County Council on the recommendations of the TDR Task Force. The other needed information can be included in your recertification report, due at the end of next October. That report should also provide an update on the implementation of action items.