CHAPTER I:
POLICY FRAMEWORK

POLICY FRAMEWORK

In the late 1950's, agricultural and open space preservation arose as a social and economic issue. The loss of agricultural and open space land, as a metropolitan planning issue, was expressed in terms of metropolitan needs and problems--the need to preserve open space and the diseconomy in building the costly infrastructure to serve scattered suburban development. This was at the heart of the issue in 1956[1] when Maryland, the first state to do so, enacted a law to provide preferential assessments on farmland in the hope of encouraging farmers not to sell their property to developers. Today, 42 states have enacted this type of legislation. Despite preferential assessment programs, however, development pressure has continued to erode farmland. By 1976, a former Soil Conservation Service Administrator, R. M. Davis, warned that "nearly four-fifths of the total cropland available in this country is already in crops. . . An expanding U.S. population, coupled with growing demand for agricultural commodities abroad, makes our potential cropland figures seem very small indeed."[2] Recent studies and reports prepared by the Environmental Protection Agency, the Council of Environmental Quality, the National Wildlife Federation Conservation News, 10-15-79, and a Washington Post editorial of 11-21-79, point out the continuing losses of farmland and the critical need for protective measures. "Ten

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1 Constitutionality of the law was supported by referendum in 1960.

2 "Land and Food, The Preservation of U.S. Farmland," American Land Forum Report, Number 2, Spring 1979.

years from now Americans will be as concerned over the loss of the nation's prime and important farmlands as they are today over the shortage of oil and gas," points out Soil Conservation Service Administrator, Norman Berg. These sentiments are voiced by many in all levels of government and among farmers themselves. Now, an additional concern has entered the preservation picture. The quantity of crops, and not simply the protection of agricultural land for its open space amenity value, has become very important. Yields per acre throughout the United States are no longer increasing as in the past, while export demands become important in light of the balance of payment dilemma.[3] The preservation issue affects all of us in terms of foreign policy, national economy, and basic humanity.

Much attention is now being given to establishing agricultural preservation programs throughout the United States at all levels of government.[4] Within our area alone, a wide variety of alternative preservation methods have been developed. On the State level, Senate President James Clark, a farmer, provided leadership in establishing the Maryland Agricultural Land Preservation Foundation. This Foundation within the Maryland Department of Agriculture administers a voluntary program for the purchase of development right easements from farmers. To date, the Maryland program has amassed 5,148 acres into Agricultural Districts with 16 easement sale applications pending for an additional 2,842 acres. Howard County has committed itself to preserving, in perpetuity, 25,000 acres of farmland. Howard County relies upon a local program purchase development rights in conjunction with the State development right easement program. Baltimore County has committed itself to preserving approximately 110,000 acres of farmland by using an agricultural zone, one 1-acre lot for each 50 acres, in coordination with the State easement program. Calvert County was the first county in the State to develop a transfer of development right program in coordination with the State easement program. Carroll County, which has developed an agricultural protection area of 180,000 acres and Frederick County are relying upon subdivision techniques and agricultural zoning in coordination with the State Farmland Preservation Program, to protect their agricultural lands.

Although a variety of federal agencies, local governments, and private research institutions are trying to develop planning techniques that strike the right balance between farmland preservation, conservation, and growth the problem continues because of the traditional inability of local government to develop comprehensive growth management plans which acknowledge the fact that there is a saturation point in an area's environmental or community systems beyond which a decay of system quality results.[5] The purpose of this plan, then, is to develop a scheme of growth

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3 Stanley D. Schiff, Agricultural Research Consultant, testimony before the Montgomery County Council, November 29, 1979.

4 The National Agricultural Lands Study, jointly sponsored by USDA and CEQ (to be completed by January, 1981) and The National Agricultural Lands Project sponsored by the National Association of Counties Research Foundation, are two of the most noteworthy nationwide studies.

5 Dennis White, Agricultural Land Preservation Administrator, Howard County, Maryland, a white paper report entitled, "Considerations in The Use of Purchase of Development Rights to Preserve Farmland," January, 1980.

which will provide for, encourage, and accommodate a variety of land uses, one of which is farming, within an overall County-wide growth management system. The growth management system is explained later in this chapter.

The climate necessary to focus public attention on the need to preserve agriculture and rural open space within an overall growth management system has already been created in Montgomery County. The Montgomery County Council, Montgomery County Planning Board, and Agricultural Preservation Advisory Board and Committee have continued to express serious concern for the preservation of agriculture and rural open space.

In response to Council directives, the following action has been taken:

1. The Issues and Alternatives Report for the Protection of the Rural Wedge was published in 1979. This Report documents the existence of an economically healthy "critical mass" of farmland and identifies alternative preservation methods within a public policy framework;

2. The Olney, Sandy Spring/Ashton, and Poolesville Vicinity Master were prepared; they identify specific agricultural preservation areas and techniques such as agricultural districts, Rural Density Transfer Zone (within Olney only), and Rural Cluster Zone to protect both farmland and open space;

3. The preservation text amendment package was developed which includes the legislation for the Rural Density Transfer Zone (RDT) and Rural Cluster Zone (RC) to implement the master plans noted above. (See Appendix A for a summary of each zone.)

4. The enactment of a one year interium ordinance limiting development in selected areas of the Rural Zone to 1 dwelling unit per 25 acres while this Plan was prepared.

5. The local Agricultural Preservation Ordinance was enacted. This Ordinance complements the State Agricultural Land Preservation Program and enables the County to participate in the State program.

Also created, as a result of the State preservation effort, is the Montgomery County Agricultural Preservation Advisory Board and Committee which has been very active with preservation efforts in Montgomery County.

PLANNING FRAMEWORK

The General Plan

All land use planning in Montgomery County is based upon the County's General Plan. The 1969 General Plan is the guiding plan for the entire County except as it may be amended by the adoption of a local area Master Plan, a Sector Plan, a Subregional Plan, or as in this instance, a County-wide Functional Master Plan.

The Montgomery County General Plan . . ."On Wedges and Corridors" was adopted in 1964 and updated in December 1969. Its purpose was to help establish overall policies for development of the Maryland-Washington Regional District and to relate these policies to the metropolitan framework.

The General Plan envisioned development radiating outward from the Federal city in a series of corridor cities along the major transportation corridors with wedges of lower density between them. The General Plan seeks to prevent urbanization of the open spaces, the wedges, that now exist between the radial corridors it describes. The Agricultural Preservation Study Area has been developed to identify a specific and unique part of the wedge network in Montgomery County, as identified in the General Plan.

"Wedge" is a term that designates in the General Plan rural, open space, low density residential, rural villages, and preservation uses. The Study Area applies to areas that are generally located outside the 10-year sewer envelope and demonstrate a critical mass of productive farmland and rural open space that has not been significantly eroded by subdivision activity. Specifically, Planning Areas (17) Poolesville and Vicinity, (16) Martinsburg and Vicinity, (12) Dickerson-Barnesville, (18) Lower Seneca Basin, (10) Bennett and Little Bennett Watershed, and (15) Patuxent Watershed Planning Areas, (13) Clarksburg, (11) Damascus, (14) Goshen, Woodfield, Cedar Grove, and (23) Olney and Vicinity are also included in the Study Area because of their productive farmland and cohesive agricultural community and land mass. (See Planning Area Map.)

The General Plan's rural pattern recommendations have four broad purposes:

- To help make the urban pattern efficient and pleasant;
- To provide and protect large open spaces for recreational opportunities;
- To provide a rural environment in which farming, mineral extraction, and other natural resource activities can be carried out; and
- To conserve natural resources and protect the public water supply and recreational waters.

However, the General Plan left to a later date the development of a detailed implementation strategy. The 1969 General Plan treats the wedge as one large area without distinguishing between agriculture and rural open space areas. This proposed functional plan does provide specific agricultural and rural open space preservation alternatives. These alternatives include incentives and regulations which are designed to mitigate development pressures and to promote the preservation of farmland, in concert with rural open space and appropriate residential development, along with the ultimate development of Clarksburg, Damascus, Olney Town Center, and Poolesville.

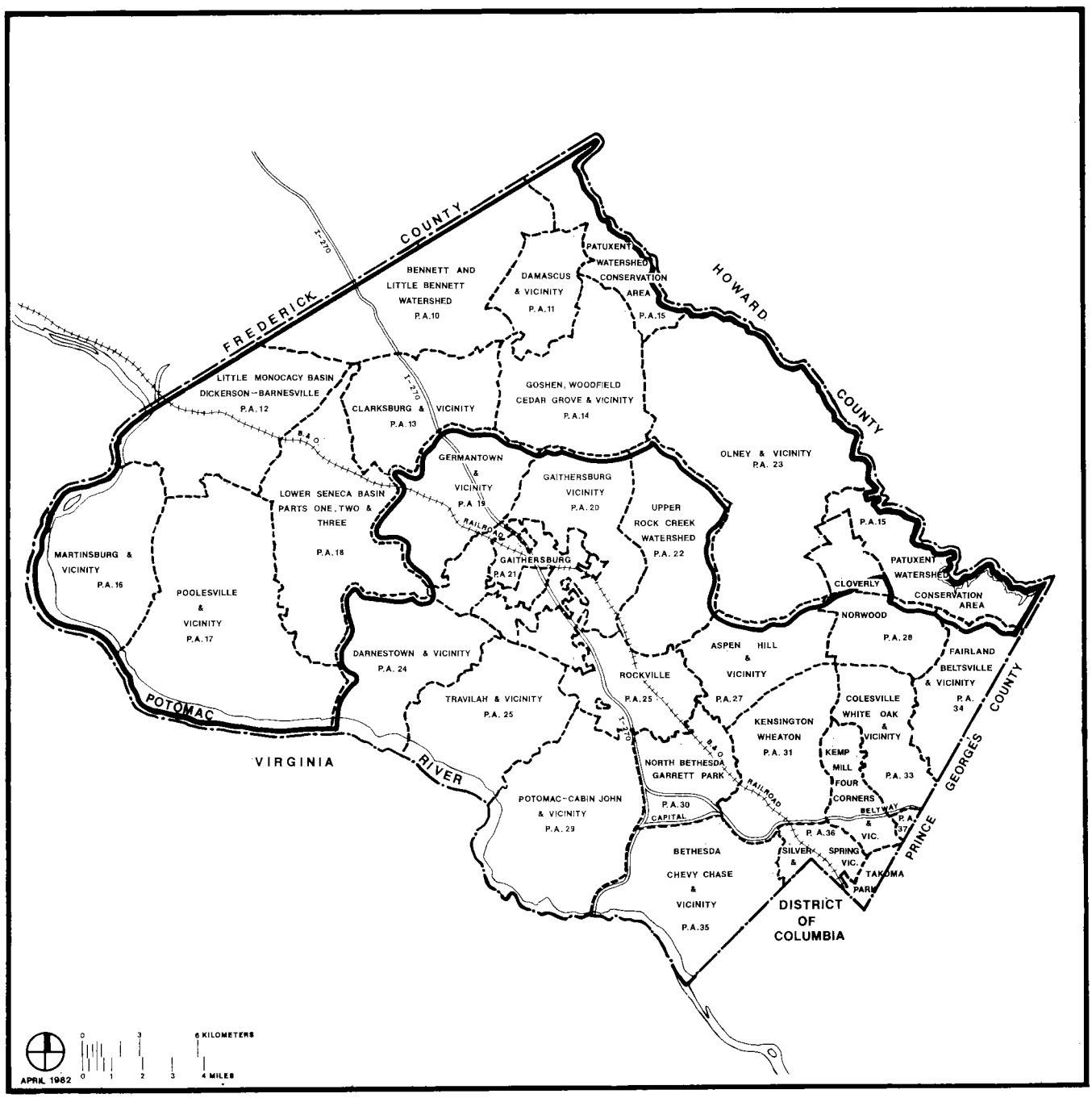
Growth Management System

As noted previously, Montgomery County has already developed a growth management program within which this proposed preservation program fits. The County's growth management program focuses on the orchestration of a variety of management tools

PLANNING AREAS

Legend:

- Montgomery County Boundary
- Study Area Boundary
- Planning Areas



FUNCTIONAL MASTER PLAN FOR THE PRESERVATION OF AGRICULTURE AND RURAL OPEN SPACE

designed to guide the locational aspects of growth as well as its timing and cost demensions in a manner that is responsive to the public interest.

With the adoption of the General Plan, a number of actions have been taken toward the development of a County-wide growth management program.

- The General Plan identified areas where development should be delayed or severely restricted. (1964-1969)
- The Capital Improvements Program (CIP) schedules projects for construction.
- The Ten Year Water Supply and Sewerage System Plan has required the county to identify sewer service areas in terms of the time at which service should be extended.
- The Germantown Master Plan (1973) demonstrated how staging could work.
- The Adequate Public Facilities Ordinance (1973) allows the Planning Board to disapprove a subdivision if it finds that existing facilities plus those contained in the CIP are inadequate to serve it.
- The Annual Growth Policy Reports have been developed which describe the existing public facility conditions, define objectives, determine the capacity of existing public facilities, project needs, analyze the costs and propose the tools to establish a growth pattern to carry out the concepts of the General Plan within the framework of responsible expenditure of public funds.

The first growth policy report was called Framework for Action, it outlined a framework for the entire growth management process. It centered on the capacity of existing and planned public facilities to serve the households and jobs that could be expected in the near future based on environmental, energy, and economic trends and limitations.

The second report, Fiscal Impact Analysis, and its sequel, Environment and Transportation, dealt particularly with the impact of alternative growth rates on the County's fiscal system in order to determine what it is possible to provide and the probable costs of maintaining current service levels with different growth rates. This report developed approaches to measuring costs in terms of levels of service for transportation, water, and sewage treatment.

The third report, Forecast-People, Jobs, and Housing, provided reasonably accurate 10-year demographic forecasts. This report provided the necessary demographic basis for functional planning based on relating facilities and services to the County's particular needs in particular areas.

The fourth report, Carrying Capacity and Adequate Public Facilities, emphasized the linkage between capital expenditures and operating costs and said that two things were necessary to make the linkage work; 1) the need for detailed demogrpahic forecasts, and 2) the need to be able to measure in detail the levels of service associated with

each of the functional activities. It also proposed the preparation of a County-wide staging plan based upon the "Carrying Capacity Concept" and "Adequate Public Facilities Concept."

The fifth report, called Planning, Staging and Regulating, carries out the recommendations of the earlier report, and produces a draft County-wide staging policy for public review and comment. One of the key ideas developed is the concept of "staging," as providing the necessary and desirable link between the concepts of "planning" and "regulating," on the private sector side of growth management, and between "planning" and "budgeting," on the public sector side.

The first and fifth growth policy reports specifically recognize the goal of maintaining the rural character of the Agricultural Preservation Study Area. The first report focused on General Plan concept recommendations and noted that "to allow extensive development in these areas would obviously be ruinous to the concept of the General Plan," in that widespread, scattered development would, "constitute the classic definition of sprawl, the very phenomenon that the General Plan was adopted to control."

The fifth report pointed out that the timing and scale of development within the Agricultural Preservation Study Area follows from three basic conditions:

1. There are no recommended transportation improvements to add to the existing capacity of the transportation system.

2. The Adequate Public Facility test for traffic will ensure that subdivision will only be approved if the nearest critical intersection will not exceed Level of Service D.

3. With the single exception of Clarksburg, the Study Area is not recommended for public sewer service within the next 20 years.

General Objectives of the Functional Plan

The Functional Master Plan for the Preservation of Agriculture and Rural Open Space in Montgomery County is built upon the policy framework established by the plans which preceded it.[6] The character of the Study Area has been established by these plans. This Plan embraces the goals and objectives set forth in its predecessors and recommends achieving those goals in only slightly different ways--through the use of more sophisticated analytical techniques and a number of planning and zoning tools which have developed since the earlier plans.

The Plan highlights the significant issues and recommends a course of action involved in the preservation of the Study Area utilizing its component parts, farmland, rural open space, residential development, and growth centers as defined in the General Plan

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6 The General Plan, Comprehensive Staging Plan, Clarksburg Master Plan, Damascus Master Plan, Olney Master Plan, Poolesville Vicinity Master Plan, and Sandy Spring/Ashton Special Study Plan; as well as the Ten Year Water Supply and Sewerage System Plan.

(See Montgomery County General Plan Concept Map); it then develops policy, preservation techniques, and recommendations related to those component parts. The Plan itself develops a zoning map and land-use plan that recognizes farmland as a permanent land-use and not simply a "holding land-use" to be utilized for future development.[7]

The critical land use issue in this Plan is the loss of productive farmland; the focus is the identification and application of land use regulations and incentives to help retain agricultural land in farming and complementary rural open space areas. The goal of 110,000 acres appears adequate to provide a viable land mass, an Agricultural Reserve, that would serve to define and support the critical mass of farmland in the County.

This Plan recommends that all proposed zoning changes be implemented through comprehensive rezoning (Sectional Map Amendment); the Sectional Map Amendment will be prepared immediately upon approval and adoption of this document. Rezoning by Sectional Map Amendment is not recommended for the Lower Patuxent Conservation Area (Lower P.A. 15) since the Eastern Montgomery County Master Plan and Sectional Map Amendment will be the vehicle by which the area is rezoned. Rezoning by Sectional Map Amendment process is recommended to implement the land-use recommendations expressed in the Poolesville Vicinity Master Plan.

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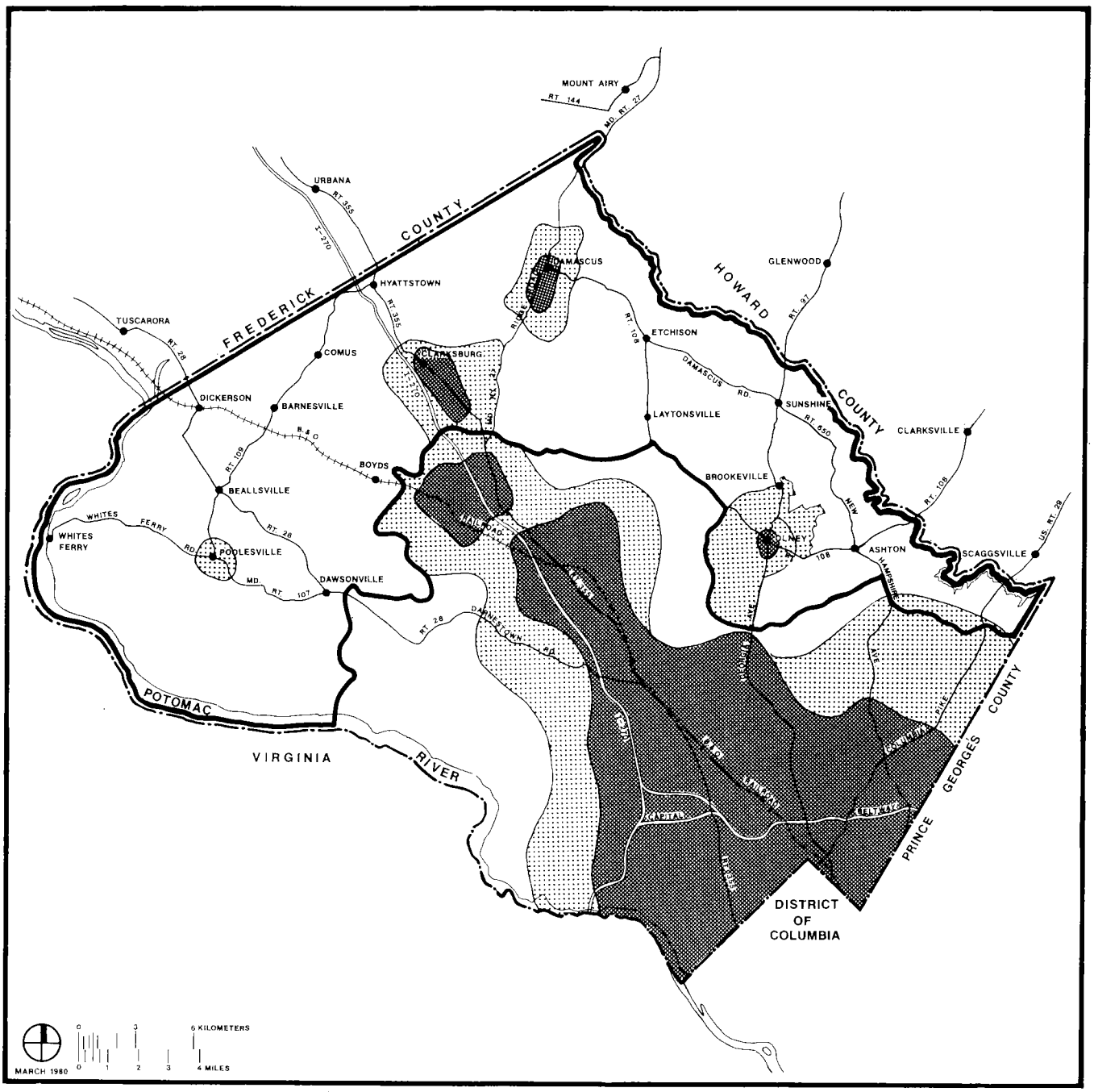
7 Commercial, industrial, and higher density residential uses will be recommended in appropriate portions of the Study Area identified for such development in the General Plan.

MONTGOMERY COUNTY GENERAL PLAN CONCEPT



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