



---

**65. *What Is The Smallest Lot Size?***

The smallest allowable lot size is 40,000 square feet.

**66. *Must An Owner Have Community Water And Sewer To Cluster In The RC Zone?***

No, it is not necessary to have community water and sewer to cluster. However, all development must occur in accordance with appropriate DPS health regulations and the policies expressed in the County's Ten Year Water and Sewer Plan.

**67. *What Land Uses Are Allowed In The RC Zone?***

The Zoning Ordinance, in Section 59-C-9.3, lists a number of uses that are either Permitted (P) or may be obtained through the Special Exception Application Process (SE) and the property owner may thus engage in such activities whether or not farming is continued.

**68. *Are MPDU's Required In The Agricultural Zone?***

Moderately Priced Dwelling Units are not required in the Agricultural Zones since these zones do not have the optional zoning provisions permitting greater density and reduced development standards.

## **OTHER FARMLAND PRESERVATION TECHNIQUES**

**69. *Can Farms Zoned Other Than RDT Or RC Still Receive Farmland Assessment?***

Land used for agricultural purposes, regardless of the zone designation, can receive farmland assessment.

**70. *Are There Other Programs To Protect Farmland?***

Yes. In addition to the Transfer of Development Rights Program, there is the Maryland Agricultural Land Preservation Foundation (MALPF); the Maryland Environmental Trust Program (MET); the Montgomery County Agricultural Easement Program (AEP); and the most recent programs are the Maryland Rural Legacy Program (RLP) and the Montgomery County Legacy Open Space Program (LOS).



---

**71. *Does The State Sponsor Any Programs To Protect Farmland?***

State purchases of farmland easements, by the Maryland Agricultural Land Preservation Foundation (MALPF), are recommended for the RDT and RC Zones if the farm parcel meets the criteria established by both the State and the Montgomery County Agricultural Preservation Board and Agricultural Advisory Committee. This 1977 program is administered by the Maryland Agricultural Land Preservation Foundation of the Maryland Department of Agriculture. The foundation is a 12-member body appointed by the Governor.

The program is completely voluntary and involves the establishment of Agricultural Preservation Districts in which the landowner agrees not to develop the land for at least 5 years. In exchange, normal agricultural activities (i. e., noise, odor, night operations, machinery operation, etc.) become protected activities in the District and, in Districts involving more than one property, landowners are assured of protection from the encroachment of other land uses. For many landowners, a District which provides agricultural land use protection in addition to easement sale eligibility is an attractive option.

Once a farm has been accepted into a District, the owner is eligible, but not obligated to sell a development right easement to the Foundation. To sell an easement is to sell only one of many rights the property owner enjoys. When an easement is sold, the owner continues to own the farm or may sell it, but the owner and heirs or a new buyer can be assured that the farm will remain undeveloped.

The sale of an easement results in exchanging a portion of equity in land for cash and easement sale eligibility, or even a gift of the easement to the State can be used effectively in estate planning as a means of equitably dividing an estate while saving the family farm.

**72. *Does The County Sponsor A Program To Protect Farmland?***

The Montgomery County Agricultural Easement Program (AEP) was adopted in 1989. This program, like the State program, is designed to provide an additional farmland preservation option for landowners. The program gives Montgomery County the authority to purchase an agricultural land preservation easement to preserve land for agricultural production. This is contingent upon the land being zoned Rural, Rural Cluster, or Rural Density Transfer, or subject to the land being designated as an approved State or County Agricultural Preservation District.

The County's purpose in creating this farmland preservation program is to increase both the level of voluntary participation and the range of eligible farm-



---

land parcels. The criteria and methodology for determining the value of the easement differs from the State program. Additional information is available through the Agricultural Services Division of the Department of Economic Development at (301) 590-2823.

**73. *How Does The Maryland Environmental Trust Protect Farmland?***

The Maryland Environmental Trust Program was established in 1967 to protect agricultural, environmental, or historic conservation values. Landowners are encouraged to donate easements from their property to the Trust. Additional information is available through the Trust at (410) 514-7900.

**74. *Can A Farmland Owner Participate In More Than One Preservation Program?***

Maybe. The augmentation of farmland preservation programs can be considered on a case-by-case basis. Contact the Agricultural Services Division of the Department of Economic Development at (301) 590-2823.

**75. *Does Any One Preservation Program Offer More Advantages To The Farmland Owner?***

Each landowner must evaluate their particular situation. There may be some advantage to participate in the TDR program, because it still allows a variety of land uses, in addition to the subdivision of land for residential purposes. While the TDR program currently provides the lowest preservation value, it also offers the most flexibility.