

Background (from a Farmers Viewpoint):

- A. Charles County farmers are typically “cash poor” because 90% of their equity is tied up in their land.
- B. Being able to sell a small piece of the farm (instead of the whole farm) is an asset that enables farmers to buy new equipment, build barns/sheds, diversify farming operations, take new risks, etc. It also allows us to pay our mortgage and equipment payments if we're faced with hard times. This flexibility allows agriculture in our county to expand and ensures the people doing the farming are secure.
- C. Farms are expensive so many are owned by extended families or partnerships. Again, having the option to sell a small part of the farm is very beneficial to ensure the farm stays in farming. If a member of the family or partnership wants out, selling a piece of the farm is a means to compensate the person leaving while enabling the other members to continue the operation. Many times, it would be impossible for a single person to "buy out" the others. Hence, the farm/equipment/etc. would be forced to be sold and the farming operation might stop.
- D. Settling an estate upon the death of a farmer is an area of concern that could trigger a forced sale of the entire farm in order to raise enough cash to pay Federal and State Estate and Inheritance taxes.
- E. If the farm children want to continue farming, having the flexibility to allow children to live on the farm is very important. Not being able to do so causes significant family tension and increases the risk that our next generation of farmers won't be here. Farm children learn about farming by being around it and by participating in it --- alternatively, farm children living off-farm never have the opportunity.
- F. Too often in this debate, farmers are labeled as being selfish and money hungry. Some folks expect farmers to sell their land to developers and leave. In reality, this expectation is far from the truth. Most farmers never want to sell because they love what they are doing and they want their kids to carry on the farming tradition.
- G. The environment. Farmers are the original stewards of the land --- they know if they take care of the land that it will take care of them. Most farmers are avid outdoorsmen/women. Many farmers are also watermen/women. Nearly every farm has some forest land and many of these are carefully managed for firewood, timber and wild game. Many farms put cropland into CRP (Conservation Reserve program) buffers along streams and wood lines. CRP certainly doesn't pay much, so why? Because farmers seek to create wildlife habitat, reduce run-off, and do what is best for the environment.
- H. Smart growth --- not everyone wants to live in town.
- I. Pride --- our farms look good because we are proud of them and we willingly put in the extra work to keep them up. Our farms are an asset to the community. So are farmers and farm kids. Farmers don't expect much in return --- in fact, they would rather be left alone.

(Continued on next page)

Proposed Plan to Preserve Farmers and Farming in Charles County:

1. Give farmers fair and equitable treatment.
2. If Charles County Government wants farms to survive, it should start making exceptions to regulations and start encouraging farmers. For example:
 - A. The current definition of a “minor subdivision” is unsatisfactory and needs to be revised to allow seven (7) new lots per farm property as stated in the Septic Bill --- without exception.
 - B. Farmers should be allowed to build additional houses on their own farmland --- as many as seven (7) new houses for their families.
 - C. Put a “stand alone” Agriculture and Forestry Chapter back into the proposed 2014 Comprehensive Plan.
 - D. Create a Charles County “Agriculture Advisory Board” that reports directly to the Board of County Commissioners.
 - E. Hire a full time Agricultural Marketing Specialist.
 - F. Designate agriculture as a “core targeted industry”.
 - G. Make the Agricultural Preservation Board viable with approval powers.
 - H. Put FFA (Future Farmers of America) back into every high school and hire ag teachers.
3. Maintain existing land values.
4. Current zoning density of 1 unit per 3 acres for farms should not be reduced to 1 per 20 acres.
5. We oppose the selective downzoning of farm and forest land only.
6. If any downzoning of farm and forest land is chosen, we recommend the entire county be downzoned --- including Planned Unit Developments (PUDs).
7. TDRs do not work when the housing market is slow --- over 1,000 TDRs are currently unsold. In order to create a better balance of supply and demand for TDRS, TDRs need designated sending and receiving areas. Designate Tier III and Tier IV as sending areas and allow Ag Preservation Districts first priority to sell TDRs. Designate the Development District as the receiving area and require all new homes to purchase 1 TDR per home --- to include all grandfathered (but not yet built) homes.
8. Farmers should be able to sell their land as needed without restrictions.
9. Farmers do not want the government to run their lives.
10. If citizens want farmland to be preserved, then let them pay for it. Let them stop trying to take farmer’s “private property rights”.
11. Ensure that “private property rights” means that farm land belongs to the farmers --- not the public or the government.
12. Farmers reject restricting future septic systems while sacrificing farm and forest land value. Chesapeake Bay nitrogen pollution from septic systems is minor --- 4% compared 19% from sewage treatment facilities and 16% from urban runoff. Upgrading sewage treatment plants should be priority #1.
13. All farmland that is permanently preserved through selling TDRs (or by being included in Tier IV) should be forever exempted in perpetuity by law from involuntary condemnation for all future development by local, county, state and/or federal government for any purpose including, but not limited to: highways, schools, parks, airports, golf courses, soccer fields, landfills, public facilities, water reservoirs, redevelopment, government owned property.

14. And for those who believe that all downzoned farmland will maintain its value: No downzoning of farmland without a written legal guarantee from the County to reimburse landowners for any loss of value due to downzoning for next ten years.

Specific Additional Actions for Tier Map/Comp Plan Recommended by Farmers --- This a package deal:

1. Use the "Planning Commission Recommended Tier Map" as basis --- move 30,000 acres in Nanjemoy area from Tier III to Tier IV for a Trial Period of 10 Years --- to test the idea that downzoning will increase farm and forest land values.
2. Establish a Family Homestead law which has 2 parts:
 - A. In the Nanjemoy Trial Area only for smaller properties less than 20 acres , allow up to 3 family lots at the current 1 unit per 3 acre zoning rate.
 - B. Throughout the County for larger farms over 20 acres in size, in order to help farmers maximize the amount of farmland, allow farmers to designate up to seven (7) family lots on 1 acre parcels on areas of the farm of the farmer's choosing.
3. Establish a base line value for farm and forest land by having the County pay for independent appraisals for ten (10) properties throughout the County as follows: 3 in Nanjemoy; 3 in Cobb Neck; 4 spread from Benedict to Port Tobacco. Same properties will be re-appraised at 10 year intervals.
4. "Ag Preservation Districts" is a misnomer. They are temporary 5 year renewable contracts required to sell TDRs. When 1 TDR is sold, the land is preserved --- but not permanently --- because there is a "buy back clause" that allows the land owner to buy back previously sold TDRs, pay back taxes and remove the land from preservation. Propose removing this "buy back clause". In return, put all Ag Preservation Districts (outside the Nanjemoy Trial area) into Tier III. This amounts to about 10,000 acres. In the long run, this move will have little impact as the farms will be permanently preserved if they sell any TDRs anyway.
5. TDRs need designated sending and receiving areas. Designate Tier III and Tier IV as sending areas and allow Ag Preservation Districts first priority to sell TDRs. Designate the Development District as the receiving area and require all new homes to purchase 1 TDR per home --- to include all grandfathered (but not yet built) homes.
6. Establish a Charles County Farmland Trust fund with \$5 million similar to Calvert County's with 2 year loans to buy farm and forest land, sell at least 1 TDR per property to permanently preserve it and resell the properties to the highest bidder and repay the loan to the County.

*Note: This document was approved by the Charles County Farm Bureau Board of Directors.

Meeting of Charles County Tier Map/Comprehensive Plan Working Group
Monday, January 27, 2014 (1 of 2)

The meeting of the Tier Map/Comprehensive Plan Working Group was held on Monday, January 27, 2014 in the Main Conference Room of the Charles County Department of Community Services Building, 8190 Port Tobacco Rd., Port Tobacco, Maryland 20677. The meeting began at 9:05 a.m. with the following persons in attendance:

Gregory Bowen*
Stephen Bunker
Richard Hall*
David Lines
Douglas Meeker
Joseph Richard
Denise M. Ferguson, Clerk to the Commissioners as staff liaison

**Mr. Bowen and Secretary Hall were not present for this meeting.*

Staff Attendees:

Peter Aluotto, Charles County Department of Planning & Growth Management
Steve Ball, Charles County Department of Planning & Growth Management
Charles Rice, Charles County Department of Planning & Growth Management

Richard Josephson, Maryland Department of Planning
Graham Petto, Maryland Department of Planning

Old Business

Ms. Ferguson indicated that she would be presenting the County Commissioners with the group's recommendation that the meetings be videotaped and the request for clarification on the assurances given to Mr. Bunker that any substantial changes recommended for the Comprehensive Plan would go back to the Planning Commission on Tuesday, January 28, 2014. She also explained that she was awaiting a legal opinion on e-mail parameters for the working group.

Ms. Ferguson collected acknowledgement of receipt forms from the members present for the following documents:

Bill Number 2011-08 - the Charles County Code of Ethics
Resolution 2012-70 – Code of Civility
Resolution 2012-81 – Oath of Office

The members reached consensus to approve the Minutes of January 22, 2014.

Work Session:

The Group conducted a work session on Senate Bill 236 - The Sustainable Growth and Agricultural Preservation Act of 2012, and a technical review of draft Tier Maps. The work session began with a Power Point presentation by Mr. Josephson and Mr. Petto on the Sustainable Growth and Agricultural Preservation Act (Septics Law). The presentation provided an overview of the law, tier criteria and development provisions within each tier, a map layering exercise, and a review of the MDP guidance map for Charles County.

Meeting of Charles County Tier Map/Comprehensive Plan Working Group
Monday, January 27, 2014 (2 of 2)

Following the presentation, the group held discussion on the sufficiency of the County's Adequate Public Facilities Ordinance (APFO), the Deferred Development District, and already approved subdivisions in the proposed Tier IV.

At the request of the group, Charles County Department of Planning & Growth Management then provided an overview the final Charles County staff recommended tier map.

There was then discussion on agricultural land values and how those values may be affected by the proposed tiers. Mr. Josephson noted that the State could share studies done regarding agricultural land values and programs and tools to address such concerns.

The group continued to review and dialogue about the proposed tiers for Charles County.

The members present ultimately reached consensus for County Planning staff and State Planning staff to meet and perform a staff analysis on the final Charles County staff recommended tier map. They asked staff to conduct this analysis with the potential impacts/interests/concerns specific to Charles County in mind.

Next Meeting – Monday, February 3, 2013 @ 9:00 a.m. (Government Building)

Ms. Ferguson asked the Group if there was anything else that they felt would be needed for the next meeting on February 3, 2014. The Group felt that follow-up with staff as directed above would be the main topic of this meeting.

Ms. Ferguson indicated that she would be sending the members a Doodle Poll in an attempt to schedule additional meetings for the group.

The meeting concluded at 11:26 a.m.

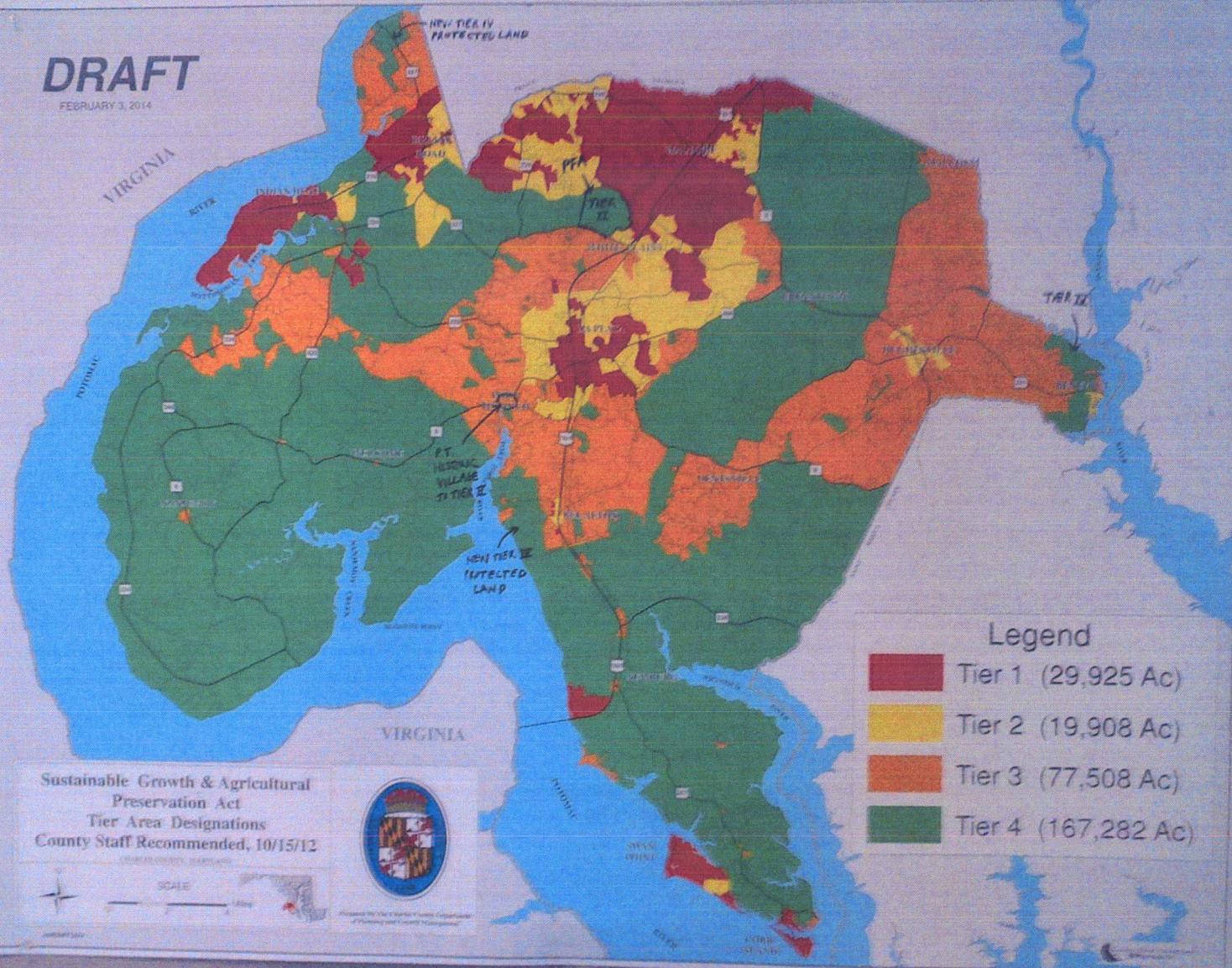
Submitted by:

Denise M. Ferguson, Clerk to the County Commissioners
Staff Liaison to the Tier Map/Comprehensive Plan Working Group

Approved on: February 3, 2014

DRAFT

FEBRUARY 3, 2014



Legend

- Tier 1 (29,925 Ac)
- Tier 2 (19,908 Ac)
- Tier 3 (77,508 Ac)
- Tier 4 (167,282 Ac)

Sustainable Growth & Agricultural
Preservation Act
Tier Area Designations
County Staff Recommended, 10/15/12



SCALE



Prepared by the Staff County Department
of Planning and Growth Management