



Montgomery Preservation Inc.

Promoting the Preservation, Protection and Enjoyment of Montgomery County's Rich Architectural Heritage and Historic Landscapes

June 17, 2019

Montgomery County Planning Board
8787 Georgia Avenue, Silver Spring, MD 20910

Re: Barnesville Oak, Preliminary Plan Amendment No. 12009011B

Dear Chairman Casey and members of the Planning Board;

Stud Farm LLC, the present owner of the 369+-acre parcel of the former Barnesville Oak Farm in the Montgomery County Agricultural Reserve, has asked that the 2010 Resolution of Approval Condition 13 be amended to exclude farm laborer, tenant houses and apartments on the working farmstead from density calculations. This would give these new owners more housing on the property than was intended by the Planning Board when granting the approval. Montgomery Preservation Inc. (MPI) opposes granting this request.

MPI asks that the 2010 Resolution requiring the remaining farm parcels to remain in agricultural use and that usual farming practices cannot be prohibited, be enforced. A covenant barring raising livestock or poultry is in place for 80+ acres of the Stud Farm parcel at present. The purpose of the covenant appears to protect the adjacent Greentree Farm subdivision from farm odors and sounds, not to promote and encourage agricultural and farming practices. Agriculture is the use basis of this zone, not single family detached residential subdivision.

Approval Condition 12 required the record plats for the remaining parcels to include the following note: "Agriculture is the preferred use in the Rural Density Transfer Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery, and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone." The language is present but is contradicted in covenants that prohibit "livestock" except horses, and prohibits raising poultry, which is largely permitted in suburban Montgomery County.

MPI is concerned that the conditions of the 2010 approval are being ignored to the detriment of the Agricultural Reserve. This is a rural farming district and those who choose to live within its boundaries should not expect it to be an urban environment, nor is it legal to require it to be so. MPI requests that the amendment to Approval Condition 13 not be approved, and that the original 2010 conditions of approval be enforced.

Sincerely,
Eileen McGuckian, President

Attachment: Montgomery County Code Definition of "Farming"

Montgomery County Code; Chapter 26- Article 59-3. Uses and Use Standards

Section 3.2.6. Farming

Defined

Farming means the practice of agriculture on a property, and any associated buildings. Agriculture means the business, science, and art of cultivating and managing the soil; composting, growing, harvesting, and selling crops, and the products of forestry, horticulture, and hydroponics; breeding, raising, managing, or selling livestock, including horses, poultry, fish, game, and fur-bearing animals; dairying, beekeeping, and similar activities; and equestrian events and activities.

Agriculture includes processing on the farm of an agricultural product to prepare the product for market and may cause a change in the natural form or state of the product. Farming includes the following accessory uses:

- A. Accessory agricultural processing and storage of products grown or raised on-site or on property owned, rented, or controlled by the farmer. Accessory agricultural processing includes a milk plant, grain elevator, on-farm animal slaughtering, and mulch or compost production and manufacturing.
- B. The sale of products of agriculture and agricultural processing, if products are produced on-site or on property owned, rented, or controlled by the farmer.
- C. The sale of horticultural products grown off-site but kept on the farm temporarily on a maximum of 2 acres or 20% of the site, whichever is less.
- D. The delivery and installation of horticultural products grown on the farm.
- E. The production and manufacturing of mulch or compost where up to 20% of the materials used in accessory processing can come from off-site sources.
- F. Accessory agricultural education and tourism activities conducted as a part of a farm's regular operations, with emphasis on hands-on experiences and events that foster increased knowledge of agriculture, including cultivation methods, animal care, water conservation, Maryland's farming history, the importance of eating healthy, and locally grown foods. Allowed activities include corn mazes, hay rides, and educational tours, classes, and workshops. The maximum footprint for any structure and the total footprint of all structures primarily used for education or tourism is limited to 10% of the total footprint square footage of all structures on the site used for agriculture. The property must have DPS approved sanitation facilities for this accessory use.

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