



THE OFFICE OF AGRICULTURE

Marc Elrich
County Executive
June 18, 2019

Jeremy V. Criss
Director

Casey Anderson, Chair Montgomery Planning Board
8787 Georgia Ave
Silver Spring, MD 20910

Re: Barnesville Oaks Amendment, June 20, 2019 Meeting Agenda Item

Dear Mr. Anderson,

On the June 20, 2019 Planning Board meeting-agenda, item 5 is the Barnesville Oak, Preliminary Plan Amendment No. 12009011B. The Office of Agriculture-OAG is concerned about the restrictive covenants placed on the farm lots. The language contained in the covenants is in direct conflict with the 2010 Planning Board condition 12, related to the conditions of subdivision:

Record Plat must contain 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 covenants on the properties restrict the agricultural uses to equine activity or small household pets. These restrictions conflict with the legislative intent of the Agricultural Reserve. The zoning code is clear in that all agricultural operations are allowed, not a select few.

The OAG encourages the Planning Board to remove and abandon restrictive covenants that limits the types of farming uses. The OAG agrees with Royce Hanson and recommends, if the Planning Board accepts the staff recommendation, it should reaffirm its 2010 finding that 21 lots, 3 outlets, and 2 farm parcels is the appropriate configuration for the property in conformity with the 1980 Functional Master Plan for the Preservation of Agriculture and Rural Open Space.

Thank you,

A handwritten signature in blue ink that reads "Jeremy V. Criss".

Jeremy V. Criss, Director,
Office of Agriculture