

Testimony of Richard Lober, 14076 Big Branch Drive, Dayton in response to CB57&58 on 17 July 2017

Good evening. My name is Richard Lober and I reside at 14076 Big Branch Drive in Dayton Maryland.

I have been involved in a variety of zoning regulation amendments that involve use of farmland placed into the Howard County Agricultural Land Preservation Program. This program allows the County to buy the development rights of farms in our community in order to preserve the farm for agricultural uses only - in perpetuity. Tonight two such bills are being considered for a total of 112 acres for which the County will purchase development rights for up to \$3.25 million dollars.

I fully support this program and these Council Bills as they provide great benefit to our farming community and the residents of Howard County. However, I want to highlight certain portions of these bills that restrict development rights and express my concern over the County's efforts to continue to water down these provisions through zoning law amendments. In fact, CB60 which will be discussed tonight, does just that as have other recent allowed uses on farms in agricultural preserve.

As I noted, these bills allow the County to purchase the Development Rights to the farm in order to allow the farm to remain in agricultural use for perpetuity. However, during my last few years discussing these issues with the community, there seems to be some confusion over what Development Rights means. Many feel that it ONLY limits the building of homes on these farms.

However, turning to page 2 of CB-58, the Definitions section, the bill states:

“Development Rights” means the rights of the seller in the land to develop the Land for ANY purpose other than Agricultural Uses. “Development Rights” shall include, but not be limited to, the right to use the Land for INDUSTRIAL OR COMMERCIAL USES, for residential purposes, or the storage or depositing of trash, junk, rubbish or debris. These are the rights the County is buying and the farm owner is forfeiting to preserve our farmlands.

Turning to page 2, the bill states that Agricultural Uses includes what most of us would consider farming activities (growing crops, breeding animals, and the sale of agricultural products produced on the land) along with:

“Other uses DIRECTLY REALTED TO or as an accessory use of the Land for FARMING AND AGRICULTURAL PURPOSES.

The deeds of trust that convey the development rights from the farm owner to the County also contain very similar language.

This all seems pretty clear cut – farming only, no homes AND no industrial OR COMMERCIAL uses for perpetuity; however, upon reading the Howard County Zoning Regulations, section 106 on Conditional uses allowed on ag preserve properties, the following is allowed on farms in the ag preservation program:

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Barber Shops, Hair Salons, Cell Towers, Animal Shelters, Commercial School Bus operations, Solar Facilities and if CB60 passes this month, commercial compost and mulching (NWWR) businesses.

It is hard to imagine how these relate to an accessory use of a farm for FARMING AND AGRICULTURAL PURPOSES.

My understanding and discussion with many of the farmers who have become part of this program is that they are proud that they themselves, their parents or even grandparents made this commitment to maintain the farm as an agricultural activity for perpetuity. I also understand that some of these uses were allowed by the County for side businesses that would help the farmer earn a respectable living in a very tough occupation.

However, cell towers, solar facilities, school bus operations and large scale commercial compost/mulch manufacturing and shipment are not farming activities or are any way related to an accessory agricultural use of the farm.

This continuing watering down of the zoning regulations has allowed commercial business owners to purchase these farms at a very low cost (given development rights have been forfeited), place commercial operations such as those noted above on these farms, and reap the tax benefits (\$0 Property taxes) associated with the ag preserve program instead of paying what would be much higher taxes for facilities that should be placed on M1/M2 lands.

In fact, the County, farmers and those operating commercial facilities on these properties may face consequences related to the tax exempt status of the property and some of the tax advantages related to the payments within the program if these restrictions are not enforced – a real travesty.

While I endorse CB57 and 58, I would ask the County to review, control and enforce the restrictions against commercial uses on ag preserve farms in order to allow the vast majority of the participants and all County residents to enjoy the benefits of the program while shutting down those who take advantage of it purely for financial gain at our Taxpayers expense.