

*Robert P. Jamison
16200 Edwards Ferry Road
Poolesville MD 20837*

August 3, 2012

Montgomery County MD Planning Board
8787 Georgia Ave.
Silver Spring, MD 20910

Ms. Rose Krasanow, Chief, Area 1
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring Md 20910

Greetings,

As you know, land in the Rural Density Transfer Zone that is being subdivided and taken out of agriculture is subject to forest mitigation and its attendant fees. This applies to land which will be taken out of agriculture and used for the placement of a dwelling and has also been applied (we contend erroneously) to ground where a septic system is located. We bring this to your attention because forest mitigation is being applied to septic system areas even though the ground above a conventional septic system is still fully suitable for normal agriculture after the septic system is installed. Indeed, this area of land is actually improved for farming by the septic system. Clearly such ground is not being taken out of agriculture simply because a septic system is being installed underneath its surface. Therefore it does not fairly come within the language, intent or purpose of the forest mitigation law. Hence it is unjust to impose forest mitigation on conventional septic areas being used for farmland.

We attach for your review an email from Mr. Gene Von Gunten of the Health Department which supports that farming is fully compatible with a conventional septic system. He mentions that there could be a problem if deep tilling is done on a shallow trench system (my system will be the normal deep trench) but in fact no deep working of the soil is ever necessary with modern farming practices and equipment (i.e. no-till farming, etc.). I farm 2,000 acres, more or less, and I assure you that septic systems are routinely farmed-over in every instance known to me. I know of no reason why any farmer would take such an area out of agriculture.

We currently have a plan coming in front of the board in connection with our parcel on Club Hollow Road, Poolesville Maryland (Plan No.720110100) which is facing this unjust forest mitigation. This particular parcel of land is rented out by us for equestrian pursuits and the septic system area will continue to be used for agriculture (horses), after the septic system is

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installed. We ask you now for a policy change in accordance with the reality that the land is not being taken out of agriculture. The clear language of the law imposes forest mitigation only on land which is being taken out of agriculture and no such reduction is occurring in the normal case of a contemporary septic systems on working farms. The forest mitigation fee (or mitigation) must be paid before the subdivision hearing so we are asking you to change your policy before we have our hearing. In this way we can avoid the forest mitigation on the septic area which we consider unjust, arbitrary and capricious when it is applied to a conventional septic area on a working farm such as ours where farming is clearly intended to continue after construction of a residence.

I am sure that the Agriculture Advisory Board will not only verify my position but support a change in policy to conform to the language of the law. I appreciate your reviewing the policy on this matter. While I understand it has been in effect for some years, I may have been the first real farmer to notice that I was being required to pay a forest mitigation for taking land out of agriculture which is not actually being taken out of agriculture at all.

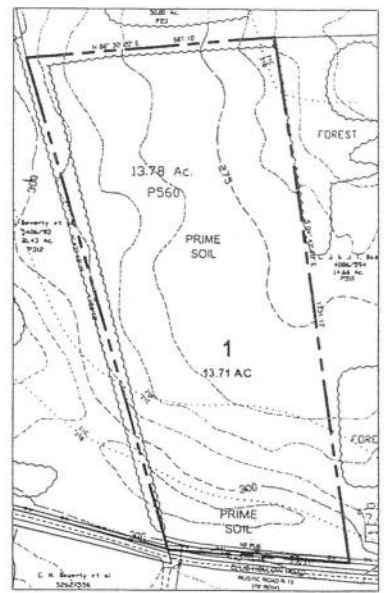
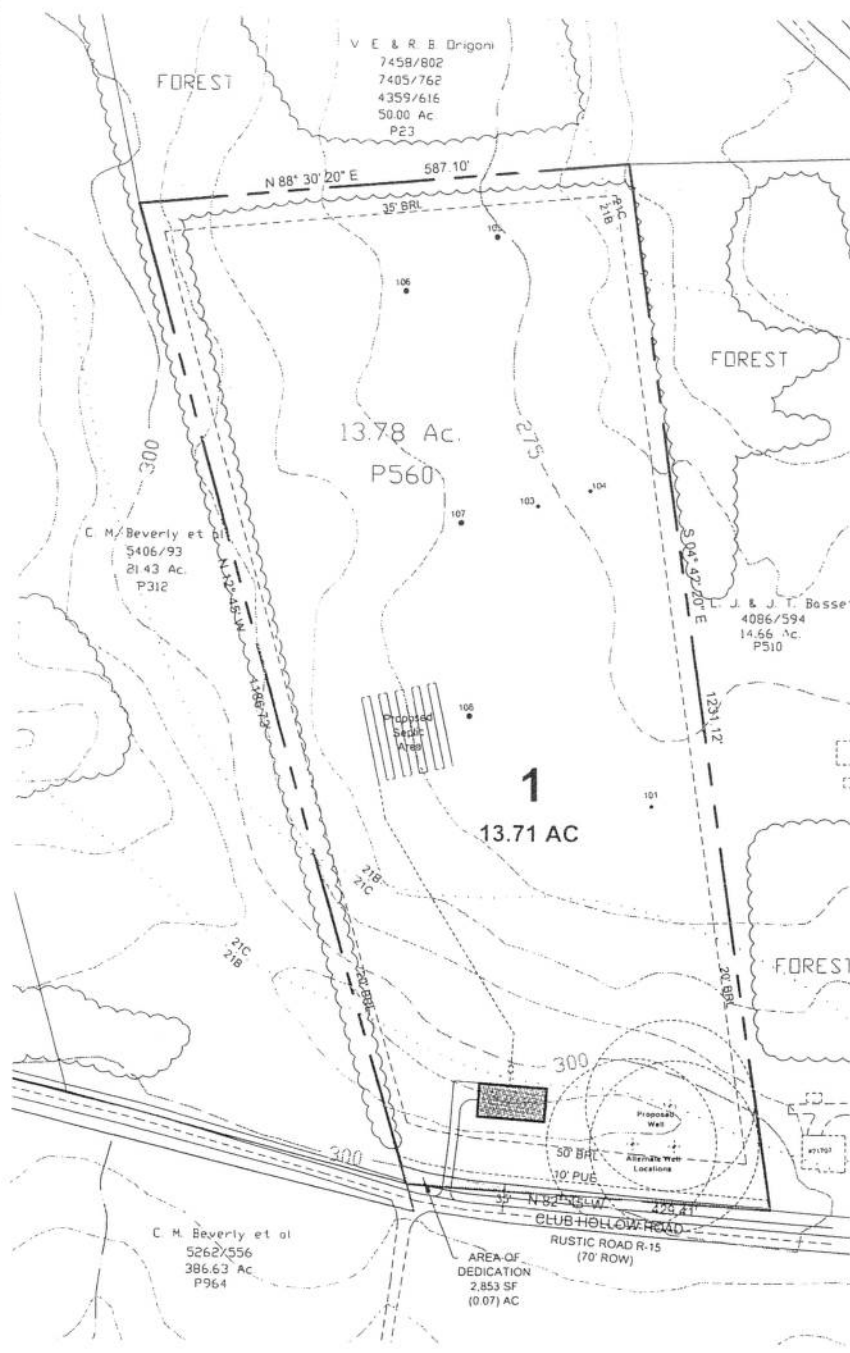
Thank you,

A handwritten signature in cursive script that reads "Robert P. Jamison". The signature is fluid and somewhat stylized, with a large loop at the end of the last name.

Robert P. Jamison

Enclosure: As stated, and Plat of Property

Cc: Agricultural Advisory Board, Jeremy Criss, John Zowitowski, Josh Maisel of Benning and Associates



DETAIL VIEW: PRIME SOILS MAP
1" = 200'

BOUNDARY CERTIFICATION:
I hereby certify that the boundary shown hereon is correct to my best knowledge based upon available records and visual observations.

Signature _____ Date _____

Scale 1" = 100'

