



**Queen
Anne's
County**

DEPARTMENT OF PLANNING & ZONING

110 Vincit St., Suite 104
Centreville, MD 21617

County Commissioners:

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To: Planning Commission
From: Doug Summers, County Planner
Meeting Date: April 10, 2025
File Number: SUB #24-11-0440
File Name: Woods Heritage
Owner/Applicant: Four Oak Farm Properties, LLC
1458 Harrow Avenue
Crofton, MD 21114
Surveyor: Kirby & Associates, Inc.
PO Box 27
Centreville, MD 21617

General Information:

Map/Parcel/Lot(s): 60 / 1 / 1
Parcel Size: Total = 90.423± acres
Location: 516 Poplar School Road, Centreville, MD
Zoning District: Agricultural (AG)

Proposal and Requested Actions:

The applicant is proposing to amend Major Subdivision # 03-05-02-0008 by modifying the approved landscape buffer areas.

The applicant is requesting Amended Major Subdivision approval to provide relief from planting the required landscape buffer under §18:1-76.D.

Project History:

September 8, 2005

- Planning Commission granted final approval to Major Subdivision # 03-05-02-0008.
 - The subdivision created thirteen (13) non-contiguous cluster lots, two (2) sliding scale lots, one (1) building pad, required open space, as well as the landscape buffer in question.

January 9, 2025

- Planning Commission tabled the vote on the request by the applicant to modify the approved landscape buffer area.
 - The applicant was advised to create a draft easement document for review that would define a landscape buffer area for potential future planting.

Agricultural Buffer History & Background:

2002 Comprehensive Plan, Land Use Policy 5C, Implementation Strategy 1:

Consider augmenting the buffer requirements and/or distance setbacks of new non-agricultural, residential development that is adjacent to AG zoned land to protect continued agricultural uses from nuisance claims.

2004 Zoning Code §18:1-76(d):

In cases where a cluster residential development is proposed in any zoning district outside of the growth areas, the developing property shall provide a vegetative buffer along the perimeter property line in the vicinity of the proposed development to provide additional protection for the existing and continuing agricultural uses on adjacent properties. The buffer will occur regardless of the presence or absence of required district boundary.

2005 County Ordinance 05-12 – PASSED 4-0; County Commissioner Sponsored:

Based on the recommendations in the 2002 Comprehensive Plan and from the Preservation Task Force created by the County Commissioners (Resolution 03-54), §18:1-98.E was added to the County Code.

§18:1-98.E: (Summary) For non-contiguous development, both new subdivisions and infill lots, a planted tree buffer at least 50' in width shall be installed between the developed portion of the parcel and any adjacent farm operation or tillable and pastureland. Significant planting requirements were detailed within the code.

2006 County Ordinance 06-09 – FAILED 0-5; Citizen Sponsored:

Proposal to provide an exemption to Ag buffer screening requirements for parcels with an existing 50' wide forest area.

2007 County Ordinance 07-12 – FAILED 0-5; Citizen Sponsored:

Proposal to provide an exemption to Ag buffer screening requirements for parcels with an existing 50' wide forest area that is to be preserved.

2008 County Ordinance 8-25 – TABLED 5-0; County Commissioner Sponsored:

Proposal to adopt Rural Preservation & Development Act to address growth concerns and to protect established industries.

2009 Blue-Ribbon Panel on Smart Growth and Rural Planning was created:

County Commissioners voted 3-2 to create the Blue-Ribbon Panel in response to ordinance 8-25 – Rural Preservation & Development Act.

2010 County Ordinance 8-25 – WITHDRAWN 5-0:

Due to recommendations from Blue Ribbon Panel on Smart Growth and Rural Planning.

2012 County Ordinance 12-09 – PASSED 5-0; Citizen Sponsored:

Based on recommendations from Blue Ribbon Panel; Final version established the following: (TABLED during 4/2012 and 6/2012 Planning Commission hearings)

Eliminated §18:1-98E in its entirety regarding non-contiguous development buffer requirements, and updated §18:1-76(d) to its current language below:

§18:1-76.D. Cluster Subdivisions. In cases where a cluster residential development is proposed in any zoning district outside of the growth areas, the developing property shall provide a vegetative buffer of native species along the perimeter property line a minimum of 30 feet in width consisting of a mixture of canopy trees, canopy tree whips, and mature

plant material of significant density to provide immediate buffering capacity in the vicinity of the proposed development to provide additional protection for the existing and continuing agricultural uses on adjacent properties. The buffer will occur regardless of the presence or absence of required district boundary. The buffers may be used in conjunction with meeting requirements of Chapter 18:2, Forest Conservation. The Planning Director or the Planning Commission, as appropriate (for the type of subdivision approval), may modify the requirements of this section if strict compliance would not be likely to protect adjacent agricultural lands from nuisance claims or complaints.

Considerations Associated with Eliminated Agricultural Buffer:

- Tax Map 60 Parcel 1 Lot 1 is designated as non-contiguous open space.
- Tax Map 60 Parcel 1 Lot 1 is currently zoned Agricultural (AG).
- The Queen Anne’s County zoning code defines *Agriculture* as:
 - *All methods of production or management of livestock, poultry, crops, vegetation and soil, other than commercial logging and timber harvesting operations; and includes but is not limited to:*
 - *Tillage, plowing, seeding, fertilization, pest control, harvesting, maintenance of best management practices, and marketing;*
 - *Feeding, housing, grazing, raising, and maintaining animals such as cattle, dairy cows, sheep, hogs, poultry, and equine and the handling of their by-products;*
 - *Orchards, nurseries, vineyards, cheese making, winery, U-pick operations, and farm breweries; and*
 - *Silviculture, sod production, and aquaculture.*
- Below are additional aspects of the agricultural uses that should also be considered:
 - Winery operations associated with vineyards
 - These may include warehousing and shipping facilities, tasting and retail sales, buildings with associated parking, and outdoor events that support operations.
 - Farm breweries
 - Cannabis cultivation
- The full scope of potential agricultural uses should be assessed for current and future residents and farmers.
- The permitted uses on the property are limited due to the open space designation. According to column A of the Open Space table, the uses allowed by-right or conditionally within non-contiguous open space are:
 - Agricultural uses
 - Fields or pastures
 - Accessory building
 - Commercial forestry
 - Noncommercial forestry
 - Commercial stables
 - Public recreation

- Private stables
- Nurseries
- Farm employee dwelling
- Drainage structures
- Minor extractions
- Dredge disposal
- Shooting clubs
- Outdoor recreation

Considerations Associated with Landscape Buffer Area Easement:

- The easement outlines a process for the planting of intermittent buffers at the discretion of the individual lot owner. This may result in a fragmented buffer. This would likely decrease the effectiveness of the buffer.
- Use of the easement benefits the current property owners, farmers, and developer. Future property owners within the subdivision and the potential for future uses as listed above on lot 1 are not considered.
- Property owners who wish to plant bear the full cost of the planting and maintenance of a buffer that is not on their property.
- Consistency with §18:1-76.D.

Conclusion:

- Both the past and current zoning and subdivision regulations have contained a provision that provides the Planning Commission the ability to modify the buffer requirements. Currently, that provision is as follows:
 - §18:1-76.D. Cluster subdivisions. *In cases where a cluster residential development is proposed in any zoning district outside of the growth areas, the developing property shall provide a vegetative buffer of native species along the perimeter property line a minimum of 30 feet in width consisting of a mixture of canopy trees, canopy tree whips, and mature plant material of significant density to provide immediate buffering capacity in the vicinity of the proposed development to provide additional protection for the existing and continuing agricultural uses on adjacent properties. The buffer will occur regardless of the presence or absence of required district boundary. The buffers may be used in conjunction with meeting requirements of Chapter 18:2, Forest Conservation. **The Planning Director or the Planning Commission, as appropriate (for the type of subdivision approval), may modify the requirements of this section if strict compliance would not be likely to protect adjacent agricultural lands from nuisance claims or complaints.***
- In evaluation of this waiver from strict compliance with the buffer standards, the Planning Commission must make findings as to whether this modification would or would not likely protect adjacent agricultural lands from nuisance claims or complaints.
- The Planning Commission must make findings as to where this modification is consistent with §18:1-76.D, namely minimum perimeter property line buffering to be provided by the developing property owner and Forest Conservation requirement consistency.

- The Planning Commission must look beyond current ownership and conditions of the subject properties. The Commissions should consider realistic on-site application and how future landowners may be affected.

Suggestion for Resolution:

RESOLVED, that the Planning Commission, regarding the request by Four Oak Farm Properties, LLC, for approval for the modification of a landscape buffer, and as more particularly described in Department of Planning & Zoning file SUB #24-11-0440, hereby finds:

1. This amendment to the Major Subdivision **IS / IS NOT** consistent with §18:1-76.D of the Queen Anne's County Zoning & Subdivision Regulations, and
2. (****MAKE ADDITIONAL FINDINGS TO JUSTIFY THE DECISION****)

...and hereby **GRANTS / DENIES** Amended Major Subdivision approval subject to the following conditions:

1. Any remaining edits and/or documents required by Planning & Zoning be reviewed and approved.
2. Any required legal documents must be approved, signed, and recorded prior to obtaining final signatures.
3. The applicant submits an amended major subdivision plat for final approval.
4. All required signatures must be obtained.