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## Section 3.0 – Priority Preservation Area Element

This plan element identifies the County’s agricultural and forestry resource land that will support continued agricultural production and timber harvesting for the present and future. These resources are identified on Map ESA-10: Priority Preservation Areas (PPA). Areas depicted on the map include approximately 119,004 acres of land zoned Agriculture (AG) and Countryside (CS). Currently, the County has permanently preserved 69,093 acres of land and has committed to the Maryland Agricultural Land Preservation Foundation (MALPF) to increase the goal of preserved land inventory to 100,000 acres of land in agricultural production, forestry and/or natural resources by 2030.

### Section 3.1 Legislative & Regulatory Background

The Agricultural Stewardship Act of 2006, adopted by the Maryland General Assembly, requires counties with certified agricultural land preservation programs such as Queen Anne’s County, to establish a PPA and manage this area according to certain criteria. The legislation required that the PPA Element be adopted by July 1, 2008 in order to maintain Maryland Agricultural Land Preservation Foundation (MALPF) certification. Therefore in 2008, the County designated its two existing approved Rural Legacy Areas as the County’s PPA. However, as part of this Plan, the County is expanding its PPA to encompass the 119,004 acres of land identified on Map ESA-10, including the Rural Legacy Areas.

### Section 3.2 Vision, Overarching Goals & Guiding Principles

Article 66B visions with respect to preservation and conservation emphasize quality of life and sustainability, environmental protection, resource conservation and stewardship. These key visions provide the framework for the priority preservation of County agricultural land, natural resources and amenities.

- **Quality of Life and Sustainability** – A high quality of life is achieved through universal stewardship of the land, water and air resulting in sustainable communities and protection of the environment.
- **Environmental Protection** – Land and water resources, including the Chesapeake Bay and Coastal Bays, are carefully managed to restore and maintain healthy air and water, natural systems and living resources.

#### Article 66B Twelve Visions

1. **Quality of Life**
2. *Public Participation*
3. *Growth Areas*
4. *Community Design*
5. *Infrastructure*
6. *Transportation*
7. *Housing*
8. *Economic Development*
9. **Environmental Protection**
10. **Resource Conservation**
11. **Stewardship**
12. *Implementation*



- **Resource Conservation** – Waterways, forest, agricultural areas, open space, natural systems and scenic areas are conserved.
- **Stewardship** – Government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with resource protection.

### Section 3.2.1 Overarching Goal & Preservation Vision

The **Overarching Goal** for the Priority Preservation Element is to support and sustain a strong, diversified agricultural community through implementation of preservation and development mechanisms such as economic incentives that are equitable to all stakeholders.

The **VISION** of the future of Queen Anne's County is to maintain and enhance the County as a **good place to work** and a **great place to live** through agricultural and rural preservation for the purpose of:

- Creating a strong, sustainable rural community, full of **diversified agricultural opportunities** including forest crop, row crop, viticulture and a wide array of agriculture alternatives;
- **Promoting and protecting agriculture** through rural preservation that sustains rural values and lifestyles;
- **Supporting the rural character** with small towns, country roads and open spaces;
- Gaining a **larger market** share on the East Coast **for locally grown agricultural products**;
- **Retaining and protecting productive farmlands**, historic farmsteads, coastal marsh and forested lands, and pristine landscapes throughout the County;
- Creating a greater **awareness of the County's agrarian history** through effective preservation policies and tourism education; and
- Advancing **specialty farming industries and markets**.

### Section 3.2.2 Guiding Principles for Prioritizing Lands for Preservation

The following guiding principles outlined in Maryland's Agricultural Stewardship Act of 2006 provide the characteristics and identify guidelines for designating lands for priority preservation. Priority Preservation Areas should:

- ① Contain productive agricultural or forested soils, or be capable of supporting profitable agricultural and forestry enterprises;
- ② Be governed by local policies that stabilize the agricultural and forest land base so that development does not convert or compromise agricultural or forest resources; and
- ③ Be large enough to support the kind of agricultural operations that the County seeks to preserve.

The acreage designated as the County's PPA encompasses approximately 119,004 acres or 50% of all land within the County's boundary. In accordance with the Agricultural Stewardship Act of 2006,



approximately 100% of these 119,004 acres remain undeveloped land that may have capacity for preservation within the PPA. Under the guidelines of the Act, 80% of these lands or 95,203 acres should be targeted for preservation.

### Section 3.2.3 Issues (Challenges) and Opportunities to Preservation of Priority Lands

The following is a summary listing of issues and opportunities associated with the County's overall ability to implement agricultural land preservation programs, such as acquiring easements, funding, taxation, land management tools (i.e. zoning), and subdivision standards to protect agricultural land from development and to reach preservation goals.

#### *Issues or Challenges:*

- There is insufficient funding available to take advantage of opportunities for preservation.
- The undeveloped lands within current areas to which transfer development rights can be received (such as within the Planning Areas) are not proportionate to the number of available development rights that could be transferred from Agricultural (AG) and Countryside (CS) zoned properties.

#### *Opportunities:*

The State and County offer a variety of preservation/conservation easement programs. The following key programs are utilized by the County.

- The County commits to matching Maryland Agricultural Land Preservation Foundation (MALPF) with funds from the agricultural transfer tax.
- The County adopted a Purchase of Development Rights (PDR) Program with dedicated funding from the recordation tax.
- The County adopted a tax credit of up to a maximum of \$500 for each property enrolled in MALPF.
- The County adopted language to strengthen the Right to Farm law.
- The Transfer of Development Rights (TDR) program and Non-Contiguous Development (NCD) technique have provided considerable land preservation without use of any public funding through the creation of deed restricted open space that cannot be developed.
- As of March 2010, there are 75 landowners with a total of approximately 11,047 acres on a waiting list that are willing to sell preservation easements.



### Section 3.2.4 Blue Ribbon Panel on Smart Growth & Rural Development

In January of 2009, the County Commissioners established a Blue Ribbon Panel to study various aspects of *smart growth* and issues associated with rural preservation and development. The Panel's members were representative of the County, including farmers, business people, conservationists and leaders from local municipalities. The Panel received comments and observations from real estate appraisers, attorneys, bankers, farmers, realtors, developers and conservation groups.

The Panel discussed and evaluated the following:

- Various preservation programs and methods;
- Growth management practices from across the region and the State;
- Development tools and techniques that are currently available to the development community and property owners; and
- Optional preservation and development tools and techniques, some of which require further study.

The Panel submitted its recommendations to the Planning Commission, which were then reviewed and modified by the Planning Commission. Those recommendations that the Planning Commission determined are relevant to agricultural land preservation are identified in this Element.

#### **Agricultural Preservation Recommendations:**

- *Expand the 2008 PPA to an area greater than the Rural Legacy Areas.*
- *Enhance the Purchase of Development Rights (PDRs) program through consideration of County bonding authority to purchase PDRs.*
- *Explore opportunity for creation of voluntary County agricultural districts as a mechanism to provide an inventory of potential applicants for easement acquisition.*
- *Continue to aggressively apply for preservation funding.*
- *Consider modifications of the TDR Program to include more tools for increased agricultural land preservation.*
- *Consider appropriate locations for new Planning Areas with development incentives.*

### Section 3.3 Priority Preservation Area (PPA)

In 2008, Queen Anne's County adopted a Priority Preservation Area (PPA) in accordance with the Agricultural Stewardship Act as depicted on Map ESA-9: Rural Legacy Areas & Priority Preservation Areas 2008. The 2008 County designated PPA boundaries are the same as those boundaries identified as Rural Legacy Areas. This plan expands the area designated as the County's PPA to include those lands identified on Map ESA-10: Priority Preservation Areas. Lands within the expanded PPA, which are considered *priority lands*, may consist of a variety of the following characteristics when prioritizing special parcels for preservation:

- Prime Agricultural Soils;
- Forested Lands;
- Sensitive Areas and Targeted Ecological Areas (Green Print Area) – refer to Map ESA-3: Sensitive Areas & Targeted Ecological Areas (Green Print Area);
- Tier II High Quality Watersheds – refer to Map ESA-6: Sanitary Sewer Service Areas with Tier II-High Quality Waterways;



## 3.0 Priority Preservation

- Contiguous to existing preserved lands; and
- Proximity to Rural Legacy Areas.

The designated 2010 PPA includes:

- Approximately 119,004 acres, which represents approximately 50% of lands within the County and 59% of lands zoned Agricultural (AG) or Countryside (CS). For zoning districts, refer to Map LU-5: Current Generalized Zoning Areas. For the PPA, refer to Map ESA-10: Priority Preservation Areas.
- Greenbelts, which are areas around certain existing towns and communities that establish an edge to those growth areas where agriculture and forestry are predominant land uses, are shown in specific Community Plans as reflected on Maps ESA-10: Priority Preservation Areas and LU-7A: Comprehensive Plan Map – Countywide Land Use and LU-7B: Comprehensive Plan Map – County/Town Planning Areas.

The PPA excludes the following areas, even though the lands are zoned Agricultural (AG) and Countryside (CS):

- Existing subdivisions and development; and
- Existing conserved lands as depicted on Map ESA-8: Conservation Lands.



## Section 3.3.1 Preservation/Conservation Accomplishments

Queen Anne’s County is one of only three counties in Maryland that has preserved approximately 33% of its total land area in some form of conservation. Table 3-1 identifies the various preservation/conservation programs and accomplishments between 2002 and 2009. Between 2002 to 2009, the total acreage of all types of conserved and preserved lands increased from approximately 74,683 acres to 78,847 acres (a 5.6% increase). Of the 78,847 acres, approximately 69,093 acres are permanently preserved. Refer to Map ESA-8: Conservation Lands for the location of the various types of preserved/conserved lands.

**Table 3-1: Comparison of Preservation/Conservation Lands 2002-2009 - Countywide**

Preservation/Conservation Program	Number of Properties		Acreage		Change 2002 – 2009	
	2002	2009	2002	2009	Acreage Change	% Change
MALPF Districts (not permanent)*		63	12,970	9,754	-3,216	-24.8%
MALPF Easements		144	19,114	23,445	4,331	22.7%
MALPF/Greenprint Easement		4	222	519	297	133.8%
MET		45	6,774	8,254	1,480	21.8%
Rural Legacy Easements			5,013	5,405	392	7.8%
Private Conservation Easements**			1,378	1,061	-317	-23.0%
County Parks			1,881	2,409	528	28.1%
State Owned Land			5,019	5,356	337	6.7%
TDR Sending Areas – Open Space		48	2,471	2,664	193	7.8%
Deed Restricted Open Space**			19,841	11,421	139	0.7%
Non-Contiguous Open Space				8,559		
<b>Total Acreage – Incorporated Towns</b>			<b>2,284</b>	<b>3,734</b>	<b>1,450</b>	<b>63.5%</b>
<b>Total Acreage For The County</b>	<b>238,337 Total Acres in Queen Anne’s County</b>					
<b>Total Acres Conserved/Preserved</b>			<b>74,683</b>	<b>78,847</b>	<b>4,164</b>	<b>5.6%</b>

Source: Queen Anne’s County, Department of Land Use, Growth Management and Environment, April 2009

\*MALPF Districts will expire in 2012.

\*\*Tracking and Calculating Methods:

**Private Conservation Land** is defined as lands of Non-Profit Conservation organizations. Aspen Institute is a Private Conservation organization and also decided to preserve some of their property in a MET Easement – MET #873ASPO6. Due to this change, the Private Conservation land layer was reconfigured as to not double count any land that fell within the MET Easement. Additionally, the creation of a parcel layer in 2008 and updated aerial imagery provided refinement in the data.

**Deed Restricted Open Space** reflects changes due to two circumstances. First, prior to 2004, the Deed Restricted Open Space layer included all Non-Contiguous “Open Space,” whether permanently preserved in an easement or not. In 2004, all of these files were reviewed and the actual acreage preserved was entered into a database. When the parcel layer became available in 2008, the properties were remapped to correctly show the true location of what was platted as Open Space. Second, prior to 2004, Open Space was calculated based on the size of the polygon. Currently, all Open Space is calculated based on the acreage preserved as shown on recorded plats.

In the Agricultural (AG) and Countryside (CS) Zoning Districts, the County uses development and preservation techniques such as Transfer of Development Rights (TDR), Purchase of Development Rights (PDR), and Non-Contiguous Development (NCD). These techniques require the creation of deed restricted open space thus achieving higher levels of preservation through private market transactions rather than relying on funding from governmental programs. Approximately 22,644 acres of land have



been preserved using these development techniques. When the cluster subdivision technique is used for rural development in these zoning districts, the regulations limit the lots created by subdivision to 15% of the developed parcel and require that the remaining 85% be deed restricted as open space where the principal permitted use is farming or other such uses permitted by the zoning district. The following briefly describes each of these techniques:

- **Transfer of Development Rights (TDRs)** – The County has had a TDR program since 1987 when agriculturally zoned lands were downzoned from one dwelling unit per acre to one dwelling unit per eight acres. A TDR program creates a process by which development rights may be transferred from one parcel of land to another through the conveyance of development rights by deed or easement that is recorded among the land records. Development is moved or “transferred” from areas where it is not desired due to various reasons, such as environmentally sensitive lands or the land is planned for preservation, to another site within a designated Planning Area that has the ability to accommodate the additional units of development. The development rights are extinguished on the sending parcel because they are utilized on the receiving parcel. The program also allows TDRs as an incentive to be used with non-residential development to increase floor area.

The County’s current TDR program also has provisions with respect to the transfer of development rights between parcels located in the Critical Area. Under this component of the program, both the parcel from which the development right(s) are being transferred as well as the parcel to which the development right(s) are being received must be located within the Critical Area.

The TDR program is regarded as a private market transaction between willing buyers and sellers. To date, the County has not been involved in the transaction; however, the necessary legal documents are reviewed for consistency with the Code and other regulations.

- **Non-Contiguous Development (NCD)** – The NCD is a cluster subdivision technique designed to preserve prime agricultural land and natural resources. A property owner may increase their development potential by working with other land owners who wish to preserve their lands. The properties do not have to be next to each other, hence the term “non-contiguous,” however, all the properties must be included together as part of an overall development plan. NCD is a technique only allowed within the Agricultural (AG) and Countryside (CS) zoning districts, and cannot involve land that is part of the Chesapeake Bay Critical Area. Cluster development in both the AG and CS District requires a ratio that results in 85% of the total lands being placed in deed-restricted open space to 15% of the lands permitted for development. With the use of the NCD technique, development “rights” can be moved and transferred to another parcel, thereby clustering the development rights from two or more properties onto one “developing” property. The overall open space among all involved properties must be 85%, thus maintaining the ratio of 15/85. Therefore, the NCD technique creates a large amount of deed-restricted open space through private market transactions among land owners in order to accomplish this type of land preservation.
- **Cluster Subdivision** – The cluster subdivision technique is intended to protect agricultural land by requiring a ratio of open space dedicated for preservation to a certain amount of land available for development. In the rural and agricultural areas, the ratio is 85% open space to 15% development. A property owner who wishes to create a cluster subdivision will have to



dedicate 85% of the subject property to open space by placing it in an easement. Then the residential lots are “clustered” on 15% of the site in order to preserve the rural and agricultural nature of the property that is deed-restricted open space.

Although these techniques have been used to support preservation of lands, the County continues to demonstrate the flexibility to utilize a variety of development tools and techniques to achieve preservation/conservation and *smart growth* goals.

Agricultural land preservation is strongly supported by the County’s land owners as demonstrated by the number of applications for the Maryland Agricultural Land Preservation Foundation (MALPF) and the Rural Legacy Program. From 2003 to present, the County has spent \$24.6 million for the purpose of preserving land through MALPF and the Rural Legacy preservation programs. Table 3-2 reflects applications submitted for MALPF easements from 2003 to 2009, and acreages preserved through the Rural Legacy Program between 2007 and 2009. The County currently has 75 pending applications for funding through MALPF for permanent preservation.

**Table 3-2: Summary of Preservation Program Participation 2004-2010**

Summary of Preservation Programs	
Preservation Program	Applications/Acres of Land
<b>Maryland Agricultural Lands Preservation Foundation (MALPF)</b>	
	<b>Applications/Acres of Land</b>
FY04	14 applications (1,627 acres)
FY05	0*
FY06	1 application (114 acres)
FY07	20 applications (2,542 acres)
FY08	46 applications (5,751 acres)
FY09	75 applications (11,047 acres)
FY10	0*
<b>Rural Legacy Program</b>	
	<b>Acres of Land Encumbered</b>
FY08	1,275 acres
FY09	2,815 acres
FY10	326 acres

*\*The MALPF Program was not funded by the State in 2004 and 2009.*

*Applications may roll from year to year based upon desire of applicant for reapplication.*

*Source: Queen Anne’s County, Department of Land Use, Growth Management and Environment, 2009*

### Section 3.3.2 Agricultural and Forested Lands

Currently, 85% or 202,627 acres of the County’s land is zoned Agricultural (AG) or Countryside (CS). The importance of the region’s agricultural heritage is a top priority with residents, the farming community and with County planning initiatives. Such lands continue to retain crucial economic value to the County and the Eastern Shore.



### Section 3.3.3 Current and Desired Future Agricultural Environment

The County's current agricultural economy includes agricultural production and products such as field crops, vegetables, fruits, livestock and poultry. The future agricultural economy is expected to continue production in a similar manner with the ability to provide other types of specialty agricultural products through use of a variety of agricultural practices, innovations and methods. The following is a listing of types of agricultural, forestry and aquaculture and associated uses:

- Livestock and poultry production;
- Vegetable and fruit harvesting and processing;
- Forestry, logging and timber harvesting;
- Aquaculture harvesting and processing;
- Agricultural retail (i.e. farmers markets and wholesaling);
- Specialty agricultural operations, such as vineyards, wineries, and other specialty products; and
- Silviculture and sod production.

### Section 3.3.4 Preservation Potential

The 2006 Agricultural Stewardship Act outlines guidelines to establish, designate and certify PPAs. The County's acreage goal for land to ultimately be preserved through easement and zoning within a PPA must be equal to at least 80% of the remaining undeveloped land in the area that may have capacity for preservation, as calculated at the time of application for State certification of an area. The Act identifies that the PPA may:

- Consist of a single parcel of land, multiple connected parcels of land, or multiple unconnected parcels of land; and
- Include Rural Legacy areas.

As depicted on Map ESA-10, the total acreage within the designated PPA is approximately 119,004 acres. All of those acres are considered **undeveloped land that may have capacity for preservation**.

When identifying land available for preservation, **undeveloped land that may have capacity for preservation** is a technical term that meets the State's requirement for measuring the theoretical estimate for the amount of development rights that would be acquired by an easement.

#### **PPA Preservation Goal & Key Tools**

- Currently, the County has 78,847 acres of conserved land, and of that 69,093 acres are permanently preserved.
- 80% of undeveloped land that may have capacity for preservation within the PPA is approximately 95,203 acres.
- Preservation of a total of 100,000 acres by 2030 as stated in the County's MALPF Certification provided there are sufficient funds to purchase permanent easements augmented by other preservation tools to achieve this goal.
  - Use a variety of zoning techniques to protect priority lands from development.
  - Use new techniques such as voluntary County Agricultural Preservation Districts, the Critical Farms Program, and enhanced Purchase of Development Rights (PDR) Program.



Table 3-3 identifies the MALPF 2030 Certification goal of a total of 100,000 acres of which the County has permanently preserved 69,093 acres. In order to meet this 2030 MALPF Certification goal, the County will continue to work cooperatively with land owners to preserve an additional 30,907 acres through easement acquisition and other means of preservation.

**Table 3-3: MALPF Certification 2030 Goal and Existing Preservation Acreage**

MALPF Preservation Potential 2030	Acres
<b>2030 Preservation Goal as stated in the County's MALPF Certification (Total Acreage)</b>	<b>100,000</b>
Current Acreage Permanently Preserved (April 2010) – Countywide	69,093
Preservation Yield to Meet 2030 MALPF Certification Goal	30,907

An annual average of 1,545 acres would need to be targeted for preservation in order to reach the MALPF 2030 Certification goal of 100,000 acres. This preservation goal can be achieved through use of public or private funding if available, voluntary easements, acquisition and development tools and techniques.

**Table 3-4: Projected Annual Preservation Goal to Reach MALPF 2030 Certification Goal**

Current Permanently Preserved Lands	Targeted Annual Average Acreage*	Projected MALPF 2030 Certification Goal
69,093 acres	1,545 acres/year	100,000 acres

\*Targeted annual average goal based upon 2002 -2008 preservation/conservation trends. Refer to Table 3-1.

Table 3-5 provides an assessment of preservation potential applying the State PPA guidelines. This assessment identifies the long term PPA preservation goal of 95,203 acres of preserved lands at the time of certification of the PPA, which is in addition to the existing 69,093 acres that are already permanently preserved. The assessment also considers the acreage of the 75 pending MALPF applications as of March 2010 as part of the acreage assessed for preservation potential. Future MALPF preservation acres apply towards meeting the long term PPA preservation goal.

**Table 3-5: Preservation Yield Assessment Applying PPA Guidelines**

Long Term PPA Preservation Potential		Approximate Acres	
(1)	<b>Total Number of Acres within Designated PPA (also approximate undeveloped acreage)</b>		<b>119,004</b>
	(a) Environmentally sensitive areas preserved through zoning and other regulation (acreage is included in lines 1, 2 and 3)	30,604	
	(b) 75 pending MALPF applications for preservation potential (acreage is included in lines 1, 2 and 3)	11,047	
(2)	80% of undeveloped lands that may have capacity for preservation within PPA (PPA goal for preservation through easement and zoning) (line 1 X .80)		95,203
(3)	<b>PPA Preservation Goal</b>		<b>95,203</b>

Source: Calculated using datasets provided by Queen Anne's County, Department of Land Use, Growth Management and Environment, March 2010



### Section 3.3.5 Preservation Yield Assessment Options

The lands within the designated PPA as depicted on Map ESA-10 include lands zoned Agricultural (AG) and Countryside (CS) with the exception of:

- Permanently preserved land;
- Planning Areas, incorporated Town Boundaries and future annexation areas;
- Common areas within subdivisions;
- Public and private properties exempt from taxes such as churches and schools;
- Major and minor subdivisions approved from January 2002 to April 2009;
- Lots that are less than or equal to 5 acres; and
- Lots improved with a residence 20 acres or less.

The following tables, Table 3-6 and Table 3-7, identify preservation yield assessment for two options to preserve lands within the designated PPA:

- Option 1 – Application of *rural land use preservation strategy* using a cluster development technique:
  - 85% of property is preserved by deed restricted open space; and
  - 1 dwelling unit per 20 acres up to 5 units is clustered on 15% of the parcel, with new lots varying in size due to environmental constraints and Environmental Health Department for on-site sewerage disposal systems; and
  - All new development rights may be transferred from the parcel.
- Option 2 – Application of *alternative rural land use preservation strategy* with the following assumptions:
  - on-site development density at 1 dwelling unit per 20 acres on parcels up to 100 acres, with a limit of 5 units, which includes any existing dwellings;
  - farm employee dwelling units are excluded;
  - new lots are clustered, with an average minimum lot size that meets the Environmental Health Department requirements for on-site sewerage disposal systems, and the remaining portion of the parcel is placed in deed restricted open space; and
  - for parcels that are greater than 100 acres, after on-site development at 1 unit per 20 acres, the remaining acreage is calculated at a density of 1 unit per 8 acres for TDRs in keeping with the PPA Preservation Goal.

Note: The above are assumptions for the purpose of calculating various preservation strategy options as described. The assumption for average size of new lots (approximately 1.25 acres) is for purposes of assessing Option 2 and is not an existing or recommended zoning regulation.



**Table 3-6: Preservation Yield Assessment – Option 1 Application of Rural Land Use Preservation Strategy Using a Cluster Development Technique**

Long Term PPA Preservation Potential		Approximate Acres	
		PPA Goal – 95,203	
(1)	<b>Total Number of Acres within Designated PPA (also approximate undeveloped acreage)</b>		<b>119,004</b>
(a)	Environmentally sensitive areas preserved through zoning and other regulations (acreage is included in lines 1, 2, 3 and 4)	30,604	
(b)	75 pending MALPF applications for preservation potential (acreage is included in lines 1, 2, 3 and 4)	11,047	
(2)	Preservation using a cluster development technique to maximize preservation – 85% deed restricted open space (line 1 X 85%)		101,153
(3)	<b>Yield for potential preservation</b>		<b>101,153</b>
(4)	<b>PPA Preservation Goal</b>		<b>95,203</b>
(5)	<b>Potential Amount Exceeding PPA Goal</b>		<b>5,950</b>

Source: Calculated using datasets provided by Queen Anne’s County, Department of Land Use, Growth Management and Environment, 2009

The application of a cluster development technique described above as Option 1, results in a yield for potential preservation of 101,153 acres. If the maximum yield were achieved to preserve land under this option, the County has the potential to exceed the PPA goal for preservation by 5,950 acres. This option supports the County preservation goal for the PPA.

**Table 3-7: Assessment of Preservation – Option 2 Application of Alternative Rural Land Use Preservation Strategy**

Long Term PPA Preservation Potential		Approximate Acres	
		PPA Goal – 95,203	
(1)	<b>Total Number of Acres within Designated PPA (also approximate undeveloped acreage)</b>		<b>119,004</b>
(a)	Environmentally sensitive areas preserved through zoning and other regulations (acreage is included in lines 1, 2, 3 and 4)	30,604	
(b)	75 pending MALPF applications for preservation potential (acreage is included in lines 1, 2, 3 and 4)	11,047	
(2)	Preferred rural area land use – 1 unit per 20 acres up to 100 acres capped at 5 units total with dwelling units clustered on an average 1.25 acre lot each* with requirement for deed restricted open space and use of TDRs		114,861
(3)	<b>Yield for potential preservation</b>		<b>114,861</b>
(4)	<b>PPA Preservation Goal</b>		<b>95,203</b>
(5)	<b>Potential Amount Exceeding PPA Goal</b>		<b>19,658</b>

Source: Calculated using datasets provided by Queen Anne’s County, Department of Land Use, Growth Management and Environment, 2009

\*Actual lot size will be based upon environmental health factors.



The application of the preferred rural land use strategy described as Option 2 on Page 3-11, results in a yield for potential preservation of 114,861 acres. If the maximum yield were achieved to preserve land under this option, the County has the potential to exceed the PPA goal for preservation by 19,658 acres.

This option supports the County's preservation goal for the PPA and the *Sustainable Smart Growth Management Strategy* identified in Section 1.0: Land Use.

### Section 3.3.6 Sustainability Indicators & Measures

The County has some of the most productive agricultural soils in the State and a long history of agriculture productivity. The approach to preservation of priority lands is to send growth to designated Planning Areas and Towns and to support the infrastructure needed for those areas to accept growth. The following sustainability indicators should be measured and evaluated over time to determine community impact with respect to meeting priority preservation goals contributing to the overall sustainability of the County.

- Agricultural Lands
  - Acreage of agricultural lands preserved through programs, including: Maryland Agricultural Land Preservation Foundation (MALPF); Rural Legacy; Maryland Environmental Trust (MET); Local Land Trusts; Transfer of Development Rights (TDR); Purchase of Development Rights (PDR); Cluster Subdivisions; and Non-Contiguous Development (NCD) technique.
- Forested Lands
  - Acreage preserved and acres increased.
- Environmental Impacts
- Agricultural Best Management Practices (BMP), Performance of Preservation Tools, Techniques and Programs

### Section 3.4 Preservation Policies, Programs and Regulations (Strategies to Meet Preservation Goals)

The County has a long history of agricultural preservation policies. Prior to the 2002 Comprehensive Plan, there were regulations, programs and provisions in place to support implementation of preservation strategies. The following sections describe policies and programs to support the preservation, protection and conservation of agricultural and forested land and other priority areas.

#### Section 3.4.1 Federal and State Preservation Programs

The State promotes a variety of preservation programs. Several key programs are described as follows:

- **Program Open Space (POS) – Statewide** – This program was established in 1969 to use State funds for the acquisition of parklands, forests, wildlife habitat, natural, scenic and cultural resources for public use.
- **Maryland Agricultural Land Preservation Foundation (MALPF)** – This program was established in 1977 and is administered by the Maryland Department of Agriculture. As part of the program, a foundation was established to purchase agricultural preservation easements which restrict development on prime farmland and woodland.
- **Maryland Environmental Trust (MET)** – A Statewide land trust created in 1967 that is administered by the Maryland Department of Natural Resources and governed by a citizen Board of Trustees. The goal is the preservation of open land, such as farmland, forest land, and



significant natural resources. The primary tool for accomplishing this goal is the use of conservation easements or voluntary agreements between a landowner and MET.

- **Rural Legacy Program** – This program is designed to preserve large blocks of contiguous open space containing value because of its agricultural, natural and cultural resources. Rural Legacy Areas established through this program are for the purpose of achieving the following goals:
  - to establish greenbelts of forests and farms around rural communities in order to preserve their cultural heritage and sense of place;
  - to preserve critical habitat for native plant and wildlife species;
  - to support natural resource economics such as farming, forestry, tourism and outdoor recreation; and
  - to protect riparian forests, wetlands, and greenways to buffer the Chesapeake Bay and its tributaries from pollution run-off.

This program can also work in association with other public and private land protection efforts.

Other Federal and State conservation programs and tools include:

- **Conservation Reserve Enhancement Program Easements (CREP)** – This State program receives funding from the Department of Natural Resources to protect water quality by removing marginal agricultural land from production and replacing it with best management practices including riparian buffers, stabilization of highly erodible soils and restoration of wetlands. The lands are then conserved through a permanent conservation easement.
- **Conservation Reserve Program (CRP)** – This Federal program is administered by the Farm Service Agency. The program focuses on implementing conservation practices on highly erodible crop and pastureland by taking the land out of production for 10-15 years thereby improving water quality and wildlife habitat.
- **Forest Conservation Act** – Maryland law requires that all development projects must conserve a certain proportion of forest land in a permanent easement. In some cases, additional forest must be planted and added to the permanent easement.

### Section 3.4.2 County Preservation Policies and Regulations

The County recognizes the need to maintain the viability of its strong agricultural base and the importance of agriculture throughout the Eastern Shore. The County continues to be committed to preservation of agricultural land to maintain the maximum amount of productive soils for agricultural use. This is accomplished through continued protection of agricultural land and forest land by:

- Managing development using a variety of zoning tools and techniques that address land use, preservation of open space, lot size and density.
- Supporting voluntary Agricultural Preservation Districts.
- Directing growth to County designated Planning Areas, Towns and other future areas identified for receiving development.
- Supporting farmers through a variety of legislation and tax credit programs.
- Maintaining Maryland Agricultural Land Preservation Foundation (MALPF) certification.
- Continuing to partner with the State by allocating resources to support purchase of permanent easements through MALPF.



- Enhancing the County's Purchase of Development Rights (PDR) program targeting agricultural preservation.
- Continuing assistance to the farming community through programs such as the Critical Farms Program.

### Section 3.4.3 Sustainable Smart Growth Management Strategy

In summary, the approach of this Plan is to reduce development encroachment in the rural areas by directing growth to existing population centers located in towns, Planning Areas (Growth Areas) and/or Priority Funding Areas. The intent is to concentrate growth in existing and new future population centers with employment opportunities while providing cost effective public facilities and services to meet population needs, reducing impacts of traffic, and reducing impacts on the environment with an emphasis on water resources. Refer to Section 1.0: Land Use Element for a more detailed description of the County's *Sustainable Smart Growth Management Strategy*.

### Section 3.5 Goals, Objectives and Recommendations

This section identifies various goals, objectives and recommendations that will contribute to preservation of agricultural and forested lands.

**Goal:** *Support and sustain a strong, diversified agricultural community through implementation of preservation and development mechanisms such as economic incentives that are equitable to all stakeholders. Preserve at least 80% of the undeveloped land within the designated Priority Preservation Areas with the intent of preserving a total of 100,000 acres by 2030.*

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#### Goal 1: Agricultural Land Preservation

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**Objective 1:** Establish reliable resources for agricultural land preservation and gain significant local support in conjunction with State agricultural land preservation decisions.

#### Recommendations:

1. Support preservation of large contiguous blocks of land, such as 1,000 acres, with guidelines and agreements with participating landowners using a variety of preservation programs as incentives for permanent preservation.
  2. Promote the acceptance of farms that apply for Maryland Agricultural Land Preservation Foundation (MALPF) into the Program.
  3. Continue to utilize Federal, State and Local funding sources to support agricultural land preservation.
  4. Identify tools and techniques to purchase development rights, such as: private mortgage, bonds, leases, conservation easements, Purchase of Development Rights Program (PDR) and tax incentives.
  5. Enhance the Purchase of Development Rights (PDR) program through consideration of use of County bonding authority and/or other funding mechanisms.
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**Objective 2:** Establish *Priority Preservation Areas* (PPA) that target appropriate areas of the County's agricultural lands.

**Recommendation:**

1. Establish agricultural PPA land that meets the minimum State requirements to ensure that the County continues to be eligible for State preservation funding.
2. Create additional ranking criteria to be used with the Land Evaluation Site Assessment (LESA) process for the MALPF program ranking and create additional tools for priority ranking criteria for preservation of land in the PPA.
3. Establish an opt-out provision for properties located in the PPA area.

**Objective 3:** Protect and preserve agricultural land and deed-restricted open space.

**Recommendations:**

1. Protect agricultural land through zoning regulations.
2. Establish the undeveloped Agricultural and Countryside zoned lands that have potential for preservation as Priority Preservation Areas.
3. Seek to coordinate with municipalities to accept growth by encouraging adequate infrastructure and/or plans to expand infrastructure.
4. Identify and implement environmental management practices for all categories of land use.

**Goal 2: Resource Conservation/Preservation and Environmental Protection through Sustainable Smart Growth Management Policies**

**Objective 1:** Continue to achieve the preservation of 85% deed-restricted open space when using cluster development techniques on agricultural lands.

**Recommendations:**

1. Evaluate current zoning regulations or similar regulations that support preservation.
2. Evaluate current preservation tools and techniques, such as Non-Contiguous Development, Purchase of Development Rights (PDR), and Transfer of Development Rights (TDR) and other tools to achieve the preservation goals.
3. Identify potential tools and techniques for a Pilot Project using shared septic systems to achieve better rural design and concentrated development to reduce environmental impacts.



**Objective 2:** Encourage Sustainable Smart Growth Management approaches.

**Recommendations:**

1. Allow for sufficient growth and provide incentives for growth within Planning Areas, and Municipalities.
2. Consider the expansion of existing Planning Areas and/or establishing new Planning Areas as receiving areas for Transfer of Development Rights (TDRs).
  - a. Towns and Planning Areas should be considered as TDR Receiving Areas through mutual agreement.
  - b. The Council of Governments, Planning Commission and Public Works Advisory Board will review the range of incentives available for providing public infrastructure within municipalities and Planning Areas that is necessary to support the utilization of TDRs. All newly up-zoned properties in the municipalities and County shall meet maximum zoning district densities and shall be required to purchase TDRs in consideration of the public infrastructure benefits and incentives to be received from the County.
3. Consider appropriate locations for new Planning Areas with development incentives.
4. Also included is Land Use Goal 1, Objective 2, Recommendations 1 and 2 on page 1-27.

**Objective 3:** Promote the protection and preservation of forest lands.

**Recommendations:**

1. Seek to protect forest lands from fragmentation.
2. Seek to retain existing levels of forested lands.
3. Promote the conservation and expansion of forests located in areas such as stream and shoreline buffers, wetlands, and steep slopes.
4. Consider conducting a tree canopy assessment study and subsequently establishing a reasonable canopy cover threshold for new development.
5. Identify and promote the conservation of wildlife habitat corridors.

**Goal 3: Awareness, Education and Funding**

**Objective 1:** Continue to garner local support for agricultural land preservation.

**Recommendations:**

1. Explore opportunity for creation of voluntary County Agricultural Districts as a mechanism to provide an inventory of potential applicants for easement acquisition.
2. Continue to aggressively apply for preservation funding.