

**Certification of County Agricultural Land Preservation Programs**  
**Re-Certification Request – Charles County**  
**(Summary of Certification Letter dated April 12, 2007)**

The Maryland Department of Planning and the Maryland Agricultural Land Preservation Foundation would like to thank you for submitting Charles County's annual report for the Agricultural Certification Program, covering the FY 2001-2005 period. The County's report also served as its application for recertification. The report was comprehensive and well organized, and we appreciate the effort you made to comply with the regulations of the Certification program.

We are pleased to recertify the Charles County program for the period July 1, 2006 – June 30, 2008, in recognition of its impressive accomplishments in easement acquisition and the strong program evaluation/program development strategy described in the certification report. We believe, however, that there are a few program deficiencies it will be important for the County to address to remain certifiable after July 1, 2008, when the new requirements established by the Agricultural Stewardship Act of 2006 for Priority Preservation Areas for certified counties go into effect. We hope to work with you to see that the County has the opportunity to meet the new requirements in a timely manner. Please review them with appropriate staff and County officials, and contact us as soon as possible for any questions or clarification. We would be happy to meet with you, and with anyone else you wish, on the subject.

**Existing Issues**

*A number of indicators show the ways in which the County's land preservation program is functioning well:*

- The acres of land preserved, through a variety of sources, outdistanced land converted to development during the reporting period.
- The TDR program has shown renewed vigor, and the County is studying ways to make it even more effective.
- A number of entities are involved in evaluating the program and making recommendations: the consultants' assessment of the TDR program, the agricultural revitalization focus group (report prepared by The Community Partnership), and the Rural Commission.
- The County is pursuing new farm enterprises and markets for local farmers, often in cooperation with other Counties in Southern Maryland.

*These positive performance measures notwithstanding, there are several aspects of the program, some of which were identified previously, that we feel must be improved if the program is to remain effective:*

- The LPPRP says that it will take nearly 70 years to achieve the agricultural protection goal of 64,000 acres.
- In the meantime, the amount of farmland converted to development in the County is much higher than the State average, and the trend is upward. The development pressure will be worse once the effects of BRAC take effect.
- Although its agricultural zoning is among the least protective in the State, the County did not approve a recommended down-zoning to 1:20, preferring mandatory clustering instead. The problem is that clustering does not succeed as a preservation tool unless the density – and therefore the number of units allowed – is low. High development densities in the agricultural zone also discourage the transfer of development rights.
- The TDR program allows transfers to rural areas.

The pace of subdivision and development is great, and the County's zoning and land-use management tools do not seem to be adequately limiting impacts of subdivision and development to satisfy a keep provision of law: provide enough time for easement acquisition to achieve State and local goals before resource land is irreparably undermined by development.

## New Requirement

As you know, the Agricultural Stewardship Act of 2006 (HB 2), passed by the Maryland Legislature, requires certified counties to establish Priority Preservation Areas (PPAs) in their comprehensive plans and manage them according to certain criteria. The PPA must:

- Contain productive agricultural or forest soils, or be capable of supporting profitable agricultural and forestry enterprises where productive soils are lacking;
- Be governed by local policies that stabilize the agricultural and forest land base and provide time for easement acquisition before goals are undermined by development;
- Be large enough to support the kind of agricultural operations that the County seeks to preserve, as represented in the comprehensive plan; and
- Be accompanied by the County's acreage goal for land to be preserved through easements and zoning in the PPA equal to at least 80% of the remaining undeveloped areas of land in the area.

The comprehensive plan must do the following:

- Establish appropriate goals for the amount and types of agricultural resource land to be preserved in a PPA.
- Include maps showing the County PPA.
- Describe the kinds of agricultural production the County intends to support and the amount of development the County intends to allow.
- Describe the way in which preservation goals will be accomplished in the PPA, including:
  - n The County's strategy to protect land from development through zoning;
  - n Preserve the desired amount of land with permanent easements; and
  - n Maintain a rural environment capable of supporting the kind of production intended.
- Include an evaluation of the ability of the County's zoning and other land use management practices to do the following:
  - n Limit the impact of subdivision and development;
  - n Allow time for easement purchase; and
  - n Achieve the goals of the Maryland Agricultural Land Preservation Foundation (MALPF) program before they are irreparably undermined or impaired by development.

To meet the new requirements, these shortcomings in program effectiveness must be corrected by July 1, 2008, or we must be able to conclude that they will be corrected by the County's next recertification date of July 1, 2009. We suggest that the best way to accomplish this is through a joint State/County effort, in which we are prepared to assist.