

Certification of County Agricultural Land Preservation Programs
Re-Certification Request – St. Mary's County
(Report Summary dated January 29, 2007)

The Maryland Department of Planning and the Maryland Agricultural Land Preservation Foundation would like to thank you for submitting St. Mary's County's recertification report for the Agricultural Certification Program, covering the fiscal years 1999 through 2006. We are pleased to advise you that the County's agricultural preservation program has been recertified for the period from July 1, 2007 through June 30, 2009.

Highlights of the County's farmland preservation efforts during the recertification period were:

- Over 1,000 acres per year preserved through MALPF, Rural Legacy, and MET.
- Strong financial commitment to land preservation.
- A new *Land Preservation, Parks, and Recreation Plan* (adopted in 2005) that thoroughly analyzes the County's farmland preservation program and provides a number of good recommendations, including a County PDR program, improvements to the TDR program, and possible down-zoning.

In short, the County's program is making incremental progress and is heading in the right direction. The main problem, as we see it, is that the preservation program is not adequate to deal with the development pressure the County is experiencing, and is not, in our current estimation, in a position to remain certifiable after recent changes in the certification program take effect in 2008 (we say more on this matter at the end of the letter):

- From 1999 through 2006, more acres of farmland were converted than preserved: 10,556 to 9,713.
- The 10,556 acres converted (i.e., subject to agricultural land transfer tax) from 1999 through 2006 exceeded the state average of 6,133 per County. The rates of conversion in St. Mary's meet or exceed the rates found in many of the metropolitan Counties.
- In the 15 years between 1990 and 2004, there were eight years in which more than 50% of the total lots in the County were being created in the Rural Preservation District.

In short, the program improvement strategies that the County is proposing will be too little, too late unless the County makes essentially *all* of them in the near future. These include reduction in by-right density to 1:15 or lower; restricting development only to minor subdivisions; and restructuring the TDR program to eliminate the ability to transfer density to this preservation area and to create real incentives for use with large differential between the development and sending densities.

The County's own recertification report makes this point as well as we can. The following quotes are taken from the recertification report:

- *"A severely underfunded and slow-moving ... PDR ... program has no chance of meeting its intended target acres given the rate of land conversion out of agricultural use. The land will long be gone if funding levels remain the same."*
- *"... a look at the actual numbers and location of residential lots in the last 14 years suggests that zoned density and ... TDRs ... have done little to direct growth away from areas intended for preservation...." "[TDR transfer within the RPD] greatly undercuts the potential of TDRs to completely remove density from an area to avoid incompatible land uses and to protect public investments in the land base for agriculture."*
- *"[T]he differential between the densities allowed by the base zoning compared ... with TDRs is too small...."*
- *The downzoning from 1:3 to 1:5 "had virtually no effect on the pattern of substantial percentages of new lots being created in the rural zone."*
- *"[A]t current rates of development and easement purchase, the County will, by 2013, have lost even a pool of farmland sufficient to meet its 60,000-acre goal." (The "pool of farmland" is the "land in farms" reported by the USDA Census of Agriculture.)*

As you know the new certification law (House Bill 2 of the 2006 legislative session) and resulting regulations (a draft is enclosed) require that many aspects of an effective program be in place by July 1, 2008. These include, among other things, zoning and other land-use management tools that limit subdivision and development in accordance with established goals, stabilize the land base, and provide time for easement acquisition to achieve State and local goals before they are compromised by development.

Given current conditions and projections, it is hard to see how the County can meet these requirements without implementing, at a minimum, all of the improvements proposed in its *Land Preservation, Parks, and Recreation Plan*. For example, the County will not be able to preserve 80% of a viable Priority Preservation Area, as will be required under the revised program, unless the rate of conversion is slowed by more protective zoning and significantly more is accomplished by MALPF, Rural Legacy, a local PDR program, and an improved TDR program.