

Talbot County – February 2006

Certification of County Agricultural Land Preservation Programs
Re-Certification Request – Talbot County
(Report Summary dated February 28, 2006)

COUNTY AGRICULTURAL PRESERVATION GOALS

- Talbot County set a goal of preserving 40,000 acres of land by 2020. To meet the goal, the County would need to preserve 1,000 acres per year. More than 2,100 acres of farmland were placed under easement during the reporting period.
- According to the certification report, the County has preserved a total of 26,200 acres through conservation easements. However, in addition to prime farmland, the preservation number provided includes "valuable natural resource land." Of the total acreage preserved, 9,237 acres are under MALPF easement.

ATTRIBUTES OF THE LOCAL PROGRAM

- The County currently does not have a PDR program.
- The County has strengthened its zoning in large areas of the County.
- The Comprehensive Plan focuses on limiting development in rural areas by encouraging growth in incorporated towns and encourages infill and redevelopment in its Village Centers.
- The County has created a system of urban growth boundaries creating greenbelts around the towns.
- Clustering development standards have been incorporated in the Zoning Code.

QUALIFYING EXPENDITURES AND USE OF CERTIFICATION FUNDS

- The County meets the certification requirements for qualifying expenditures and use of certification funds and has provided a record of revenues and expenditures.
- The County participates in MALPF's Matching Funds Program.
- The County consistently supplements the MALPF program by augmenting funding available to the County.
- Agricultural transfer tax revenues over the reporting period have been used for the purchase of easements.

PROGRAM ACCOMPLISHMENTS DURING THE REPORTING PERIOD

- 2002: 662 acres preserved through MALPF easements; 495 acres reserved through Rural Legacy.
2003: 342 acres preserved through MALPF easements; 542 acres preserved through Rural Legacy.
2004: 100 acres preserved through MALPF easements.
2005: 803 acres anticipated to be preserved through MALPF easements (most of these are pending easements).

Other highlights

- The County adopted a Comprehensive Plan in April, 2005 that strengthens the focus of directing growth to designated growth areas. Among the improvements in the Plan are: a master planning process for each of its Village Centers emphasizing infill and redevelopment; stronger zoning in the Countryside Preservation Areas and the Western Rural Conservation Area by eliminating the previous provision that allowed three up front lots; encouraging clustering to preserve open space; designation of TDR sending and receiving areas; elimination of bonus density in the Western Conservation Area.
- The County has indicated intent to develop a local PDR program.
- The County has strengthened its right-to-farm ordinance: New residential lots are required to have "right to farm" deed covenants.
- The County's draft "Green Print Plan" suggests an emphasis on agricultural easements in the eastern half of the County, where better farmland is concentrated.

EVALUATION OF COUNTY'S ANNUAL REPORT

- During the reporting period, FY 2003-2005, the County permanently preserved 1,245 acres of

agricultural land and woodlands through MALPF (includes FY 2005 easements that are expected to go to settlement).

- In the past, preservation activities have more than kept pace with conversion of land to non-agricultural purposes. While 1,260 acres were converted out of agriculture, more than 2,000 acres were preserved.
- The County reports an increasing trend toward concentration of development in designated growth areas.

PROGRAM DEVELOPMENT STRATEGY

A. Evaluation

Strengths:

- Ongoing strong financial commitment to easement purchases.
- Encouragement of infill and redevelopment.
- Strengthened zoning, elimination of the previously allowed 3 up front lots in the Western Rural Conservation Area and the Countryside Preservation Areas.
- Elimination of bonus density in Western Rural Conservation Area.
- Comprehensive Plan includes clearer delineation of sending and receiving areas in its TDR program that encourage development in designated growth areas.
- Strong delineation of growth boundaries through the designation of the Countryside Preservation Areas that create greenbelts around the towns.
- The County's growth areas have been coordinated with the incorporated towns.
- The County's approved MALPF ranking system places more emphasis on farms with better soils and farms located adjacent to or close to large blocks of preserved farmland.
- 87% of the County's zoning density is 1:20.
- The County has included in its 2005-2006 budget funding for a study for development of a PDR program.
- Encouragement of clustering to reduce large lot subdivisions.

Weaknesses:

- Recent staff turnover in planning and zoning resulted in a slowdown of preservation of farmland.
- The County's report seems to indicate that the planned designation of sending and receiving areas for the TDR program has not been fully implemented; additionally, the report seems to indicate that the old restriction of allowing transfer only within the same election district remains in place in the eastern half of the County, which contains the best farmland.
- Too much reliance on State programs for land preservation, with their fluctuating budgets, results in low confidence among the community in land preservation funding.
- While zoning in the Countryside Preservation Areas (greenbelts) and the Western Rural Conservation Area (emphasis on environmental resources) has changed, zoning in the eastern half of the County, which include the largest blocks of better farmland, appears not to have changed.
- The County lacks a PDR program.

B. Description of Updated Program Development Strategy

Achieving objectives depends on the following:

- Continuation of landowner participation in MALPF program.
- Implementing the goals articulated in the Green Print Plan which recommends that the County prioritize agricultural land preservation easements in the eastern half of the County which contains the greatest concentration of productive farmland.
- Implementing the designation of the sending and receiving areas of the TDR program.
- Continuing the containment of the spread of development beyond designated growth areas.
- Reducing reliance on State funding for farmland preservation.
- Developing a local PDR program.
- Maintaining the County's strong right-to-farm law.

COUNTY'S FOCUS ON PRESERVING AGRICULTURAL LAND

- During the reporting period (2003-2005), the County has permanently preserved more than

- 2,000 acres.
- The County continues to participate in MALPF's matching funds program.
- The County has indicated a commitment to the development of a PDR program by including funding a study of PDR programs in its budget.

FOUNDATION STAFF RECOMMENDATION

- The County program continues to appear likely to succeed in supporting viable agricultural operations and preserving agricultural land in perpetuity. Foundation staff recommends approval of recertification for another two-year period.
- One concern is that, while the recent zoning changes reflect a strong commitment to reduce sprawl by creating greenbelts around towns and a commitment to protect the environmental resources in the western part of the County, the zoning in the agricultural areas of the County is relatively weak, indicating a lower emphasis on the protection of agricultural resources. However, it is clear that the creation of mechanisms to reduce sprawl has the effect of benefiting farmland preservation, even if it is a secondary goal. Additionally, while the intention to protect land in the western half of the county is clearly focused on protection of environmental rather than agricultural resources, a significant portion of the western half of the county includes farmland.
- The County's continued financial commitment to easement purchases and strong right-to-farm laws and the intent to develop a local PDR program indicate that the County is placing a relatively strong emphasis on agricultural preservation.