

Certification of County Agricultural Land Preservation Programs
Re-Certification Request – Washington 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 Washington County's recertification report for the Agricultural Certification Program, covering the fiscal years 2002 through 2006. We are pleased to advise you that the County's agricultural preservation program has been recertified for the period from July 1, 2006 through June 30, 2008.

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 for Priority Preservation Areas for certified counties go into effect. These were established by the Agricultural Stewardship Act of 2006. 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, or with anyone else you wish, on the subject.

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

- 5,431 acres preserved through MALPF, Rural Legacy, and the local PDR program.
- Approximately \$1.9 million raised through the County's real estate transfer tax for the new installment purchase program.
- New, more protective zoning in rural areas, including 1:30 in the Rural Legacy area (plus bonus lots).
- Hiring of a consultant to create a TDR program in 2007.
- Continued downward trend in number and percentage of lots built outside Priority Funding Areas (PFAs).

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.

Our review of Washington County's program suggests that County zoning and land use management tools have not effectively stabilizing land use in the County's agriculture zone, commensurate with development pressure, to achieve State and County goals. During the reporting period, the amount of acreage preserved did not quite reach the level of acreage subject to agricultural land transfer tax. While the County's data show an important downward trend on three measures between 1980 and 2002 – the number of lots on agriculturally zoned land, agriculturally zoned land as percentage of total acreage developed annually, and acres of agriculturally zoned land developed annually – our graph of acres subject to agricultural land transfer tax shows a general upward trend, even during the past decade. In future reports, and in applying for recertification under the revised law and regulations, it will be important to show that the new zoning and other program improvements really are slowing the conversion of agricultural land.

New Requirements

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 land-use 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:
 - The County's strategy to protect land from development through zoning;
 - The County's strategy to preserve the desired amount of land with permanent easements; and
 - The County's strategy to maintain a rural environment capable of supporting the kind of production intended; and,
- Include an evaluation of the ability of the County's zoning and other land-use management practices to do the following:
 - Limit the impact of subdivision and development;
 - Allow time for easement purchase; and
 - 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.