

*Worcester County – June 2004*

**Certification of County Agricultural Land Preservation Programs**  
**Certification Request – Worcester County**  
**(Report Summary dated June 22, 2004)**

Worcester County has submitted an application for Certification of a local Agricultural Land Preservation Program and is requesting Foundation approval. Listed below are excerpts from the report:

- Nearly 70% of Worcester County's approximately 304,000 acres is managed privately as farms or active forestry.
- Approximately 85% of the County is zoned A-1 (Agricultural) – 21,754 acres or C-1 (Conservation) 54,890 acres.
- Worcester County has among the most protective agricultural zoning in the State – only 5 lots may be subdivided from what was an entire parcel of land in 1967 in the A-1 zone. In the C-1 zone this is permitted only by special exception.
- The County supplements the MALPF program by augmenting the current funding available to the County. Worcester County intends to use the additional 42 percent additional agricultural transfer tax retained for the 60/40 portion of the MALPF Matching Funds Program.
- The County's general funds provide the source of funding that Worcester County is committing to spend as qualifying expenditures. Those funds will provide a source for the County's 9% Match of the Certified Agricultural Preservation Program.

Foundation staff recommends that Worcester County be certified. It is the County's intent to protect and promote private farming and forestry by accommodating inevitable population growth through appropriate planning and zoning, and by taking advantage of every program available to protect open space. The County's local program appears likely to be successful in supporting viable agricultural operations and preserving agriculture land in perpetuity.

**MARYLAND AGRICULTURAL CERTIFICATION PROGRAM**  
**Newly Created Program**

**PART I: Local Authorization (.05.c(1). Approval by the County agricultural land preservation advisory board, the County planning office or planning commission, and the governing body of the County.**

Included in the Maryland Agricultural Certification Program Application are letters of support and approval by the Worcester County Commissioners, the Worcester County Planning Commission and the Worcester County Agricultural Land Preservation Advisory Board.

**PART II: Planning Context and Implementation Program for Agricultural Land Preservation (.05.D).**

**A. The County has in effect a comprehensive plan, plan addendum, or supporting documents to the plan that:**

**1. Describe county goals for the preservation of agricultural land and the agricultural industry, and the rationale used to establish these goals (.05D(1)(a)).**

The 1989 Comprehensive Plan (updated in 1997 by a supplement that principally contained the Sensitive Areas Element and scheduled for a complete update in 2003) addresses agricultural land preservation. The Plan specifically calls for restrictive agricultural zoning to limit residential development in the agricultural portion of the County (identified on the 1989 Land Use Plan map as approximately 85% of the County). The Plan also generally acknowledges the importance of protecting agricultural land, particularly prime agricultural soils.

**2. Describe and show on a map the designated agricultural land preservation areas in the County (.05D(1)(b)).**

The lands in Worcester County eligible to participate in the Agricultural Preservation Program and meet the minimum criteria as established by MALPF, are generally zoned either A-1 or, in some

cases, C-1 or E-1.

The County intends to focus on land preservation within this eligible area to be the southern portion of the County. This is the greatest contiguous area of farmland in the County and also where the vast majority of landowner interest in protection exists. The county will focus outreach efforts in the southern portion (property owners in the northern portion will be given a lower priority) and fully expects that in excess of 90% of all applications for land protection will continue to come from this area. This area encompasses approximately 125,000 acres of unprotected agricultural land.

**B. The implementation program for agricultural land preservation shall include the following elements (.05.D(4)):**

**1. The land use management tools, zoning ordinances, and related guidelines and procedures to protect agricultural land from subdivision and conversion to nonagricultural uses (04.D. (4) (a) (i)).**

Worcester County has among the most protective agricultural zoning in the State of Maryland; only five lots may be subdivided from what was an entire parcel as of 1967. Properties zoned "Conservation" in Worcester County may subdivide under the same rules as above, but only by special exception.

Changes relevant to agricultural preservation include: development of a forest management strategy that will include recommendations for changes to the zoning and subdivision code; maintenance of strict agricultural zoning; and development of a comprehensive strategy for farmland preservation. The County is also working with the Program and the Trust for Public Land to acquire federal funds to protect open space (primarily forested lands) in the northern sub-watersheds of the Coastal Bays.

**2. The programs the county uses to purchase and transfer development rights from agricultural land to provide other development rights (.05D.(4)(a)(ii)).**

Worcester County has an active, successful Rural Legacy Program, to which the County has contributed \$400,000 to the combined State grant funds of \$6.5 million. The Coastal Bays Rural Legacy Area is located in the southeastern portion of the County and encompasses 15,000 acres. To date approximately 4,600 acres of agricultural and forested land has been protected in the Area with Rural Legacy Easements (about 1,600 acres are pending, in various stages of the acquisition process.). The County, in partnership with the Conservation Fund and the Lower Shore Land Trust, plans to protect at least an additional 4,500 acres in the Area within the next several years of the Program. The County has 27 district properties (2,790 Acres) enrolled in MALPF and 18 easement properties totaling 2,000 acres.

**3. Activities which support productive agriculture and the agricultural industry (.05D.(4)(a)(iii)).**

Worcester County's Economic Development is active in supporting and promoting the agricultural industry primarily by active participation in regional efforts. The County is a participant in the Agriculture Committee of the Delmarva Advisory Council which is currently working on an advertising campaign to educate citizens about agricultural stewardship. Worcester County is cooperating with the University of Maryland system in promotion of alternative agriculture. Last year the Worcester County Tourism Department developed a full-color brochure to promote agricultural tourism in the County.

**Part III: Qualifying Expenditures (.05.C(3)).**

**A. The County has committed to make qualifying expenditures of County funds that equal or exceed the estimated certification funds that will be available as a result of certification.**

The County Commissioners have committed to dedicate, at a minimum, the 9% required match per year from general funds. The County can use the 33% it retained before certification to match the extra 42% of transfer tax that it retains after certification.

**B. The county intends to use 75% of agricultural land transfer tax funds retained through certification (.07.A) to purchase development rights, supplement MALPF or TDR payments, cover 10% or \$30,000 of administrative costs, and/or for other uses in accordance with Regulations .08.A.**

The County will use the extra funds to augment MALPF matching and may also draw on the retained

funds to cover administrative costs (salary and other administrative expenses through a part time position dedicated to land protection efforts).

- C. The County intends to use its share of MALPF funds remaining at the end of each fiscal year (.07.B) to purchase development rights and or bond annuity funds and guaranteeing loans collateralized by development rights (.08.B.).**

The funds will be used for purchase of development rights through the existing MALPF program.

**Part IV: Evaluation of County's Program and Program Development Strategy (.05.E).**

- A. Statistics on the performance of implementation tools in protecting agricultural land in designated preservation areas from development (.05.E.1)):**

- 1. The number of acres of agricultural land subdivided or converted for non agricultural uses in designated preservation areas (.05.F(1)).**

The county provided a table summarizing the performance indicators tracked to assess non-agricultural building activity in the zones that are targeted for land preservation.

- 2. An assessment of the degree to which County land-use management tools are succeeding in protecting agricultural land in those areas (.05.F(2)).**

The report states that a comparison of the rate of residential subdivision and issuance of residential building permits within the A-1 zone to the rest of the County (over a period from 1999 to 2001) demonstrates that strict A-1 zoning has prevented significant inroads of residential development in the A-1 zone, despite heavy development pressure in the County. Negligible subdivision and residential building activity has occurred in the C-1 zone over this period of time.

- B. Statistics on the performance of easement purchases, TDRs, and related financial incentives toward achieving county goals for agricultural preservation and the goals of the certification program (.05.E.2)):**

- 1. An estimate of the amount of land being preserved over time in designated areas, through PDRs and TDRs (.05.G(1)):**

The County does not have a TDR program, but is a participant in the MALPF and the Maryland Rural Legacy Program. Worcester County is a partner with the Maryland Coastal Bays Program in the implementation of the Maryland Coastal Bays Comprehensive Conservation and Management Plan. It is estimated that the County will protect at least 1,500 acres per year over the next several years with Rural Legacy and Coastal Bays Rural Legacy program and protection of 1,000 acres per year with MALPF.

- 2. A description of the types of farmland being preserved through PDRs and TDRs in the county, supported by statistics (.05.G(2)).**

A description was included in the application.

- 3. An inventory of the properties from which development rights have been purchased or transferred (.05.G(3)). If in tabular form, it should include for each property: a) number(s) of the tax map(s) on which the parcel(s) comprising the easement occur; (b) Grid Cell numbers of the tax map(s) on which the Parcel number(s) comprising the easement; (c) Parcel number(s) through which the property can be identified on the tax map(s); and (d) Total number of acres of the easement property (A digital inventory must be approved by the Office of Planning).**

An inventory was included in the application.

- C. A comparison of the amounts of agricultural land preserved and lost in designated agricultural preservation areas over time, and an assessment of the implications of these trends for achieving preservation goals in those areas (.05.E.3)):**

A table was provided for the period 1999-2001. The report states: "Even with a MALPF program of limited activity during the period reflected ... somewhat more acreage was protected than was

subdivided for non-agricultural uses. The Rural Legacy Program has further augmented land protection during this period and will continue to into 2003 and possibly beyond...."

**D. A summary of the strengths and weaknesses in the ability of the overall implementation program to protect agriculture from development and to reach preservation goals (.05.E.(4)):**

The County states the primary weakness is the intense pressure for residential and commercial development, particularly along the coast and in the northern portion of the County. According to the County, the strength is Strict A-1 and C-1 zoning, low cost per acre of easements, and the dedication of one county staff person to pursuing protection in Worcester County.

**E. Recommendations for program improvements to address issues raised by the evaluation above (.05.E.(5)(a)):**

The County recognizes the need to dedicate staff to the pursuit of MALPF easements as well as other permanent land protection opportunities.

**F. A schedule of steps to be taken during the certification period to achieve the improvements identified above (.05.E.(5)(b)):**

The County outlined actions which will improve the protection of agricultural land including, but not limited to updating the Comprehensive Plan, which will have a strategy for assuring the long-term integrity of the A-1 and C-1 zones of the County.