

Priority Preservation Areas Element

Worcester County, Maryland

Worcester County Government

January 5, 2010

This new comprehensive plan element complies with Agriculture Article 2-518 and State Finance and Procurement Article 5-408, modified by House Bill 2 in 2006.

RESOLUTION NO. 10 - 1

**RESOLUTION AMENDING THE COMPREHENSIVE PLAN FOR WORCESTER COUNTY,
MARYLAND TO INCLUDE A PRIORITY PRESERVATION AREAS ELEMENT**

WHEREAS, the County Commissioners of Worcester County, Maryland adopted a Comprehensive Plan for the County on March 7, 2006; and

WHEREAS, recent changes to State law require counties that wish to have a certified agricultural land preservation program to include a Priority Preservation Areas Element in their comprehensive plan; and

WHEREAS, the County does not currently have a Priority Preservation Areas Element but desires to have a certified agricultural land preservation program; and

WHEREAS, the County's staff has prepared and the Worcester County Agricultural Land Preservation Advisory Board and Worcester County Planning Commission have favorably reviewed the draft Priority Preservation Areas Element; and

WHEREAS, the Planning Commission, after holding a duly advertised public hearing on November 5, 2009 in accordance with all of the requirements of Article 66B of the Annotated Code of Maryland, unanimously passed a resolution recommending adoption of the draft Priority Preservation Areas Element; and

WHEREAS, the County Commissioners considered the recommendations of the Agricultural Land Preservation Advisory Board and the Planning Commission and have found that the adoption of the Priority Preservation Areas Element and inclusion in the County's Comprehensive Plan is desirable and practical for furthering agricultural land preservation objectives to ensure the long-term viability of agricultural and forestry resources in the County.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the Priority Preservation Areas Element attached hereto is hereby adopted as an amendment to the 2006 Comprehensive Plan for Worcester County, Maryland.

PASSED AND ADOPTED this 5th day of January 2010.

ATTEST:


Gerald T. Mason
Chief Administrative Officer

WORCESTER COUNTY COMMISSIONERS


James C. Church, President


Linda C. Busick, Vice President


Judith O. Boggs


Robert L. Cowger, Jr.

Louise L. Gulyas


James L. Purnell, Jr.


Virgil L. Shockley

December 3, 2009

Worcester County Planning Commission Resolution No. 09-01

Resolution Approving and Recommending the County Commissioners' Adoption of the:

***Priority Preservation Areas Element as an Amendment to the Comprehensive Plan
Worcester County, Maryland
December 3, 2009***

Whereas, The *Priority Preservation Areas Element* is an amendment to the comprehensive plan required by Agriculture Article 2-518 and State Finance and Procurement Article 5-408, modified by House Bill 2 in 2006, for Maryland counties to retain agricultural land preservation program certification;

Whereas, The *Priority Preservation Areas Element* designates two Priority Preservation Areas containing productive agricultural and forestry resource land that would support agricultural production and timber production for the present and future;

Whereas, the *Priority Preservation Areas Element* contains a statement of objectives, principles, policies, and standards; and it contains a map showing the county's Priority Preservation Areas, as required by House Bill 2;

Whereas, one public hearing was held to receive formal public input, after a 60-day public agency review and comment period was satisfied;

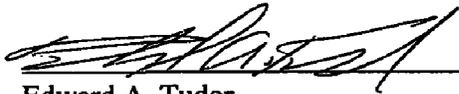
Whereas, the requirements of Article 66 B, Section 3.07 of *The Annotated Code of Maryland* have been complied with;

Whereas, the Worcester County Planning Commission approves by this resolution adoption of the *Priority Preservation Areas Element* to serve as a guide to public and private actions and decisions to ensure the long-term viability of agricultural and forestry resources in the county;

Now, Therefore, Be It Resolved by the Worcester County Planning Commission that the *Priority Preservation Areas Element* dated November 5, 2009 is approved pursuant to Article 66 B, Section 3.05 of the *Annotated Code of Maryland* and is recommended to the County Commissioners of Worcester County, Maryland for adoption and implementation.

Passed and enacted this 3 day of DEC. 2009.

Attest:



Edward A. Tudor
Director, Department of Development Review
and Permitting

**Worcester County Planning
Commission:**


Madison J. Bunting, Chairman
Brooks Clayville
Carolyn Cummins
Coston H. Gladding
Jeannie Lynch
Betty Smith
Marlene Ott

Farmland Conservation

[Replaces “Farmland Conservation” section of Chapter Three: Natural Resources, *The Comprehensive Development Plan, Worcester County, Maryland*, 2006. Pages 49-50.]

Introduction

The 2007 Census of Agriculture noted that the county’s 384 farms covered 110,847 acres or 36 percent of Worcester County.¹ Average farm size was 289 acres, and median size was 67 acres.² Worcester County ranks second in the state in broiler inventory and in corn production, and fifth in soybean production.³ 57,937,906 broilers were sold in 2007 from 145 farms⁴.

The chicken industry continues to be a staple element of the economy on the Delmarva Peninsula including in Worcester County. Not only chicken production itself, but also locally produced corn and soybean meal are essential for the chicken industry; the large base of local farmers is an important part of the “three legged stool” (poultry growers, poultry companies, and grain farmers) needed to sustain the industry.

Across Delmarva, growers’ capital improvements in 2006 totaled \$80 million and the region’s four poultry companies invested \$66 million⁵. These reflect the continued strength of the industry in our region.

Many factors will influence continued agricultural productivity in Worcester County. Some of these factors, such as the global economy, are out of local control. Local land use policy, which has a significant effect on agriculture, is within local control. In order for agriculture to continue to flourish in Worcester County, it is indisputable that the county must maintain a large critical mass of farmland.

“Prime” farmland is a limited resource and is of major importance in meeting short- and long-term needs for food and fiber. The U.S. Department of Agriculture defines prime farmland as “land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops and is available for these uses.”⁶

About 107,000 or 35 percent of the county’s total acreage meets the prime farmland criteria. These areas are somewhat scattered throughout the county. Prime farmland is not only valuable for farming, but is often ideal for development. Because sprawl development is not compatible with protection of agricultural industries, residential development in the A-1 zone, particularly the areas containing prime farmland, should continue to be minimized using all tools available.

The forest products industry is important in Worcester County. Like farmland, all forestland is not equally productive. Riparian areas, critical area buffers, wetlands and certain hydric soils are important to protect for habitat and water quality, but not critical to the forestry industry. The shortage of forestland available for forest products has contributed to a large reduction in the capacity of the forest products industry on the lower shore.⁷ Due to the current economic

¹ Census of Agriculture, USDA. 2007.

² *Ibid.*

³ Maryland Agricultural Statistics Service, 2007.

⁴ *Ibid.*

⁵ Bill Satterfield. Delmarva Poultry Institute. Personal Communication. 2008.

⁶ Soil Survey, Worcester County, MD. 2004.

⁷ Larry Walton, Vision Forestry, personal communication. February 18, 2009.

downturn, supply is meeting demand, however demand is expected to grow in the long run especially for wood for fuel (cellulosic ethanol or wood fired power plants).⁸ The more acres of forestland available, the more likely Worcester's forests can be managed sustainably.⁹

Finally, it is crucial to note that according to numerous studies conducted over the last 20 years, farms, forest and other open lands use only \$0.37 in local services for every dollar of taxes paid, while residential development requires \$1.19 for every dollar paid¹⁰. Fiscal stability of local government is highly dependent upon maintenance of a rural landscape.

Objective

The county's farmland conservation objective is to avoid the encroachment of non-agricultural development into large contiguous farming areas and to ensure that prime farmland is given the highest protection priority. A Priority Preservation Area (PPA) is established to help guide these land protection efforts. Within the PPA, the county's long-term goal is to protect at least 100,000 acres through agricultural and conservation easements and zoning. In the next ten years, the county's goal is to protect at least 800 acres annually in the PPA through purchase, transfer or donation of development rights or fee simple purchase, where appropriate.

Policies

To help keep a critical mass of land in farming use, the county established a state certified agricultural preservation program effective July 2004. Certified counties keep 75 percent of the agricultural transfer tax, and are eligible for additional state matching funds which are used to fund the program.

To remain eligible for this program, the county must establish a Priority Preservation Area (PPA) that includes a strategy for assuring the long-term integrity of the agricultural resources in this area (Agriculture Article 2-518 and State Finance and Procurement Article 5-408, modified by House Bill 2 in 2006).

Figure 3-6A depicts the boundaries of the PPA. The PPA is 195,332 acres, 64% of the county's total area. 75,880 acres of the PPA (39%) are "prime farmland".

Table 3.2 provides data on land use in the PPA. Approximately 98% of the PPA is undeveloped. Table 3.3 provides a breakdown of protected land in the PPA. Approximately 28% of the PPA is already protected through state-ownership, conservation easements or other mechanisms. The state requires that the acreage goal for land protection within the PPA be equal to at least 80% of the remaining undeveloped land in the area. To meet this goal, at least 153,000 total acres should be protected. Since 53,000 acres are already protected, 100,000 acres must still be protected in the PPA.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ American Farmland Trust. Farmland Information Center Fact Sheet, Cost of Community Services Studies. August 2006.

Table 3.2 Land Use in the Priority Preservation Area (2002 Land Cover data).

Land Use Category	Acres
Low-Density Residential	3,300
Medium to High-Density Residential	75
Commercial	128
Industrial, Bare Ground	44
Institutional	333
Open Urban Land	449
Wetland	5,590
Bare Ground	250
Open water	2,220
Forest	113,600
Cropland/agricultural use	69,700

Table 3.3 Protected Land in the Priority Preservation Area, as of February 2009

Land Protection Program/Owner	Acres
The Nature Conservancy	5,426
Rural Legacy Program Easement	6,900
Deed Restricted Private Land	308
MALPF Easement	5,202
DNR-held Conservation Easement	4,186
Forest Legacy	95
State-owned Lands	29,763
Other Lower Shore Land Trust Easement	1,344
County-owned Lands	500
<i>Total</i>	<i>53,724</i>

Protection of this acreage will allow for continued function of the poultry industry, which is increasingly challenged by residential development in rural areas across Delmarva, as well as ensure adequate prime and farmable soils available to meet future market demands for food and other crop products. Along with maximizing protection of the PPA, its fragmentation must be minimized. As noted in Chapter 2, dust, odor, chemical applications, noise and other activities associated with farming create conflicts with residential development, which can ultimately harm the industry.

A large base of forestland will be important to meet future needs sustainably. Fortunately, a base of good forestland is already protected in the PPA. The Forestland Group (lands under DNR easement) total over 4,000 acres. DNR-held lands, including a 4,000-acre property that is slated for state purchase, have been important to the industry for some time. As noted above, 113,000 acres of the PPA are forested. Figure 3-6B depicts the PPA boundary and generalized land cover.

The county's land use plan map (Figure 2-3) is consistent with the PPA. All growth areas are outside the boundary of the PPA (see Figure 3-6A). All areas within the PPA are identified as "Agriculture" or "Green Infrastructure".

Programs

Zoning. The County Commissioners of Worcester County adopted a new zoning code and map on November 3, 2009, consistent with the 2006 comprehensive plan and land use plan map. New growth is limited to the areas identified in the land use plan as growth areas (see Figure 3-6A). On the new map, 66% of the PPA is zoned "A-1"; 32% is zoned "RP"¹¹. The remaining 2% of lands in the PPA are primarily zoned "A-2" (1,374 acres), "E-1" (268 acres), "R-1", "R-2" and "R-4" (700 acres). The residential zones reflect existing uses that pre-date the county's adoption of more restrictive agricultural zoning.

The 2006 comprehensive plan calls for continued effective agricultural zoning (see Chapter 4) and the continued practice of not rezoning agricultural land for other uses (Chapter 2). Worcester County's agricultural zoning and rezoning policy will continue to protect rural areas from irreversible, sprawl development. Only five (5) lots may be created from what was an entire parcel of land in 1967, in the "A-1" (agricultural) zone; six (6) lots only where rural clustering is accomplished. The estimated build-out density in the "A-1" zone is 1:20¹². Between 2000 and 2008, 3,606 acres of land zoned for farming uses county-wide was subdivided for residential purposes.¹³ 807 residential building permits were issued for new homes in the A-1 zone during this time period.¹⁴ This represents about 1.5% of the 211,800-acre A-1 zone during a time of intense development pressure on Maryland's rural land.

Lands zoned RP are particularly in proximity to the coast, rivers and streams and generally constrain development due to their environmental sensitivity or the fact that they are already protected by state ownership or permanent conservation easement. Land zoned RP may contain soils that support farming or forestry. Approximately 87,463 acres are zoned RP (29% of the county). The allowed uses in the RP zone are similar to allowed uses in the A-1 zone; a significant difference is that any subdivision in the RP zone must be approved by the Board of Zoning Appeals.

Land zoned A-2 retains some of the uses by right that were permitted under the previous A-1 zone, that have been removed from the new A-1 zone. In addition, consolidation of development rights onto one parcel, are permitted in very limited circumstances in the A-2 zone.

¹¹ RP, "Resource Protection", was "C-1", or "Conservation", under the previous code.

¹² Maryland Agricultural Land Preservation Certification Program Application, Worcester County, Maryland; July 1, 2008 to June 30, 2010.

¹³ Worcester County Department of Comprehensive Planning. Note: this analysis was conducted using the previous zoning map. Not all of this land was converted to non-agricultural use, subdivided parcels ranged in size from 2 acres to 96 acres.

¹⁴ *Ibid.*

Right-to-Farm Law. The Worcester County Commissioners adopted a Right-to-Farm law, which became effective November 17, 1998. The law limits the circumstances under which agricultural and forestry operations may be deemed a nuisance and establishes an Agricultural Reconciliation Board and the requirements and procedures for the Board's operation. The law requires that a statement be provided to all purchasers of real estate considered to be "agricultural land" advising that the property is located in an area where agricultural and forestry activities are given priority over all other activities and is considered the first permitted use.

Rural Legacy Program. Worcester County has an active, successful Rural Legacy Program, to which the county has contributed \$800,000 to state grant funds of \$6.5 million. A part of the PPA, the Coastal Bays Rural Legacy Area is located in the southeastern portion of the county and is 15,000 acres. Over 7,000 acres of agricultural and forested land have been protected in the area with Rural Legacy easements. The county plans to protect at least an additional 3,000 acres in the area within the next several years. Dividing Creek Rural Legacy Area was created in 2008. It is located in the southern portion of the Dividing Creek watershed, 23,000 acres in size, and includes both Worcester and Somerset counties. Protection of the first Dividing Creek Rural Legacy Area easement in Worcester County is expected in 2009.

Agricultural Land Preservation. Voluntary participation in the Maryland Agricultural Land Preservation Foundation (MALPF) Program is having a growing impact on land conservation in the county. Currently there are 20 District properties preserving approximately 2,057 acres, and 39 easement properties totaling 5,664 acres. In the past several years there have been far more landowners interested in selling agricultural easements than there are funds available to purchase them. For FY2009 there were 8 easement sale applicants owning over 800 acres.

The Lower Shore Land Trust is active in seeking voluntary donated conservation easements on farmland in Worcester County. In addition, US Fish & Wildlife Service, Coastal and Estuarine Land Conservation Program (NOAA), Program Open Space and other programs have been used in Worcester County to protect land.

Recommendations

Subdivision and development in the PPA is minimal. As previously noted, approximately 400 acres of land zoned "A-1" was subdivided for non-agricultural use annually during the real estate boom period of 2000 to 2008. This pace of development (already relatively minimal) has slowed now, and this slower trend is anticipated to continue due to the housing downturn, in the coming years. Even at this pace it would take 97 years for 20% of the PPA to be converted to non-agricultural uses. With restrictive zoning remaining in place, this will allow ample time for easement acquisition, incentives and other means to protect 100,000 acres, identified as the long-term acreage protection goal.

The following actions are recommended to meet the objective of this section:

1. Zoning

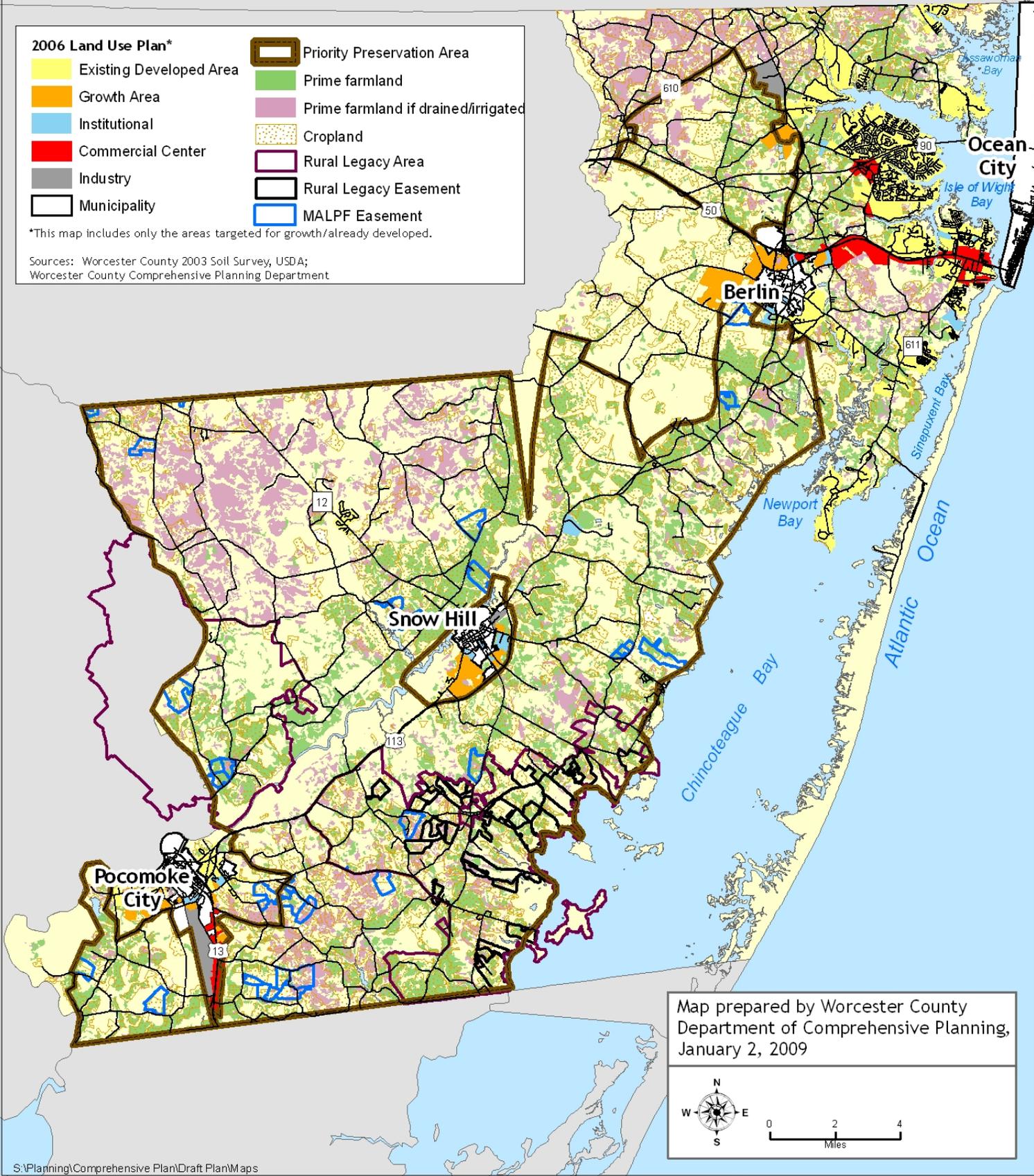
- a. Continue to permit only minor subdivisions (up to five (5) lots per parcel; up to six (6) lots if rural cluster) in the “A-1” (Agricultural) and “RP” (Resource Protection) zones.
 - b. Compatible uses providing additional farm income, e.g. tourism and development of “value added” products/processing facilities should be explored for inclusion in the “A-1” zone.
 - c. Continue the policy of focused growth near existing population centers with standards for minimum development density.
2. Outreach
 - a. Target the PPA for intensive landowner outreach regarding available land conservation options.
 - b. Work with the Lower Shore Land Trust to promote and facilitate donation of conservation easements within the PPA.
3. MALPF
 - a. Remain a certified county, eligible for retention of 75% of the agricultural transfer tax, and additional state matching funds
 - b. Offer 50% property tax credits to landowners agreeing to remain in MALPF District status for at least 10 years.
 - c. Offer 100% property tax credit on land on which easements have been purchased.
 - d. Provide additional county matching funds for purchase of MALPF easements.
 - e. Provide funding for supplemental payments on MALPF easement purchases when State funds and county matching funds already committed are insufficient to make an offer.
4. Rural Legacy Program
 - a. Continue to seek grants and provide matching funds for the Coastal Bays Rural Legacy Area. Protect 3,000 acres in this area in the next ten years.
 - b. Continue to seek grants and provide matching funds for the Dividing Rural Legacy Area. Protect 3,500 acres in the Worcester County portion of this area in the next ten years.
5. Support of the Agricultural Industry
 - a. Promote Community Supported Agriculture, Farmers Markets and other emerging local and regional markets and distribution systems
 - b. Continue to support the Worcester County Soil Conservation Service, the Forest Conservation Board and the Extension Service programs that support Worcester’s farmers and rural industries
 - c. Continue to promote agricultural and rural-based tourism
6. New Programs
 - a. Review and consider implementing a county-based Installment Purchase Agreement (IPA) program.
 - b. Continue to explore and use federal, state and private sources of funds to meet preservation objectives.
 - c. Encourage the state and federal governments to increase funding for land protection.

Figure 3-6A: Priority Preservation Area, Prime Agricultural Soils and Easements on Agricultural Land, Worcester County, Maryland

- | | |
|--|---|
| 2006 Land Use Plan* |  Priority Preservation Area |
|  Existing Developed Area |  Prime farmland |
|  Growth Area |  Prime farmland if drained/irrigated |
|  Institutional |  Cropland |
|  Commercial Center |  Rural Legacy Area |
|  Industry |  Rural Legacy Easement |
|  Municipality |  MALPF Easement |

*This map includes only the areas targeted for growth/already developed.

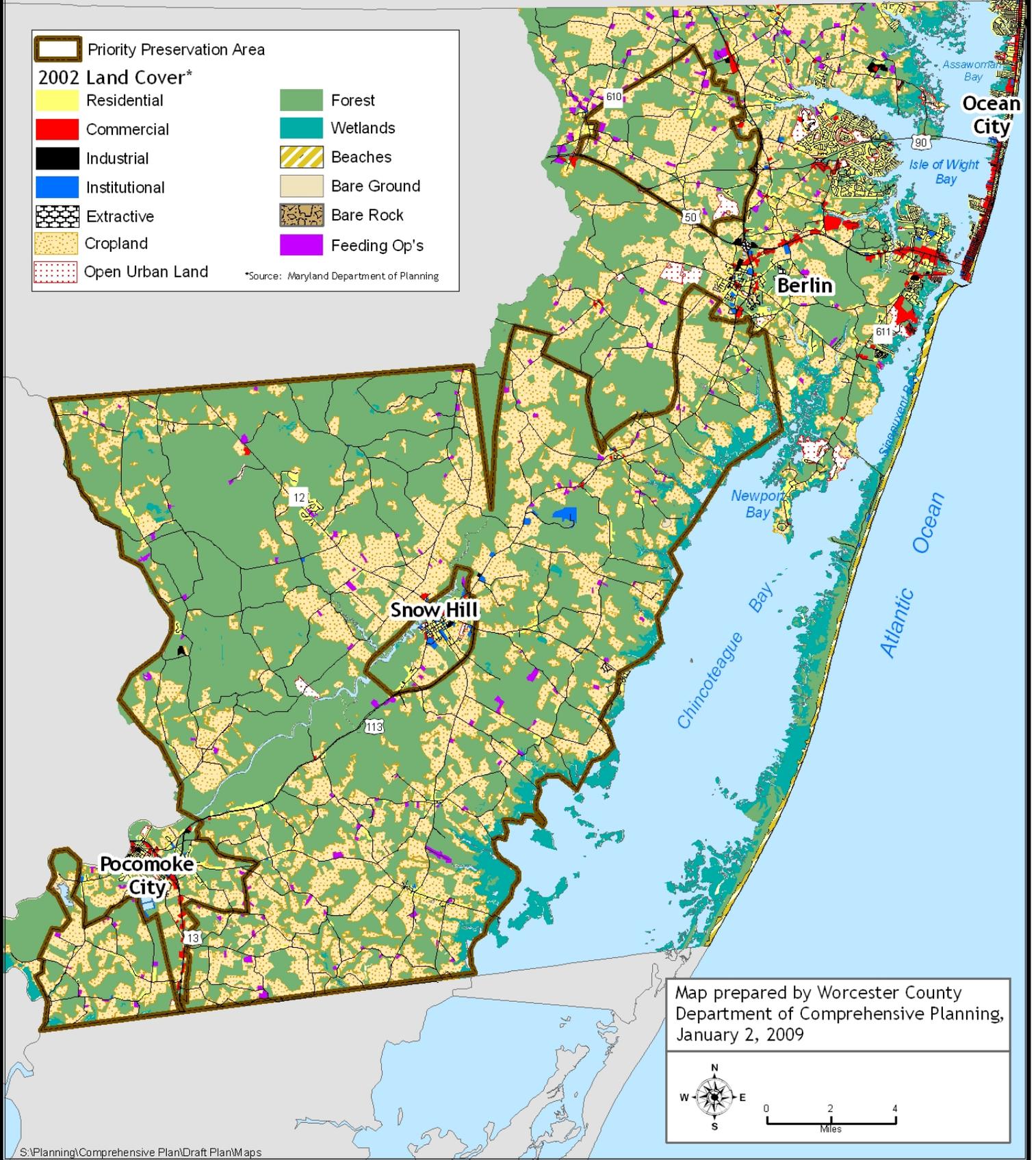
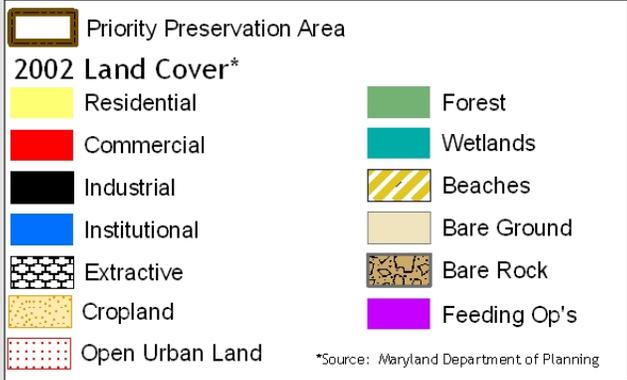
Sources: Worcester County 2003 Soil Survey, USDA;
Worcester County Comprehensive Planning Department



Map prepared by Worcester County
Department of Comprehensive Planning,
January 2, 2009



Figure 3-6B Priority Preservation Area and Land Cover, Worcester County, Maryland



Map prepared by Worcester County Department of Comprehensive Planning, January 2, 2009

