

*Report of the
Charles County
Rural Commission*



September 2002

Report of the Charles County Rural Commission

Submitted to
The County Commissioners of Charles County

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I. INTRODUCTION

In September of 2000, the Charles County Commissioners appointed a fourteen member Rural Commission to develop recommendations regarding growth management issues in the rural areas of Charles County, Maryland. Commission members, who reflect a wide variety of interests, began meeting in early December of 2000 and continued to meet bi-monthly for approximately two years. Pending serious deliberations, the Commission comprehensively examined County property data, relevant studies and numerous land preservation tools before developing their final recommendations. The Commission was assisted in their endeavor with help from The Maryland Department of Planning, The University of Maryland Cooperative Extension, Calvert County Planning Staff and Charles County Department of Planning and Growth Management.

The Charles County Commissioners established the following charge for the committee:

The rate of residential development outside the County's Development District poses several challenging growth management issues for the county. Land consumption and residential densities in the Rural Areas are two of the major issues facing the County as we strive to preserve agricultural land, preserve the Zekiah Swamp Rural Legacy Area, protect sensitive environmental resources, reduce infrastructure costs, and reduce the cost of providing services.

Recent efforts by the State of Maryland place a new emphasis on "Smart Growth" programs and targeting state funding where it will be the most effective in accomplishing the goals of these programs. For example, the County's Agricultural Preservation program will need to be re-certified by the state. One major issue raised by the state is whether the current zoning densities in the rural areas effectively contribute to the preservation of viable agricultural operations and the containment of suburban sprawl.

The 1997 Charles County Comprehensive Plan and most recently the 1998 Zekiah Watershed Management Program recommended the creation of a *Rural Commission* to analyze and provide recommendations on the land consumption and rural density issues facing the County. An "Overall Vision" for the rural areas was established in the 1997 Comprehensive Plan, which states:

"The overall vision for community character in the Rural Areas is to preserve rural character in an economically sustainable manner. This means preserving agricultural, forested, marsh, and waterfront landscape, protecting important views, scenic vistas and references to County history and culture, maintaining and enhancing rural villages.

New economic activity is necessary to keep the rural areas vibrant, but it respects and fits into the older, existing landscape rather than taking over and dominating it."

The *Rural Commission* was charged with providing recommendations to the Charles County Planning Commission and the Charles County Commissioners which will ensure that development in rural areas is consistent with the Overall Vision established in the Comprehensive Plan. The Rural Commission asked to examine the following issues:

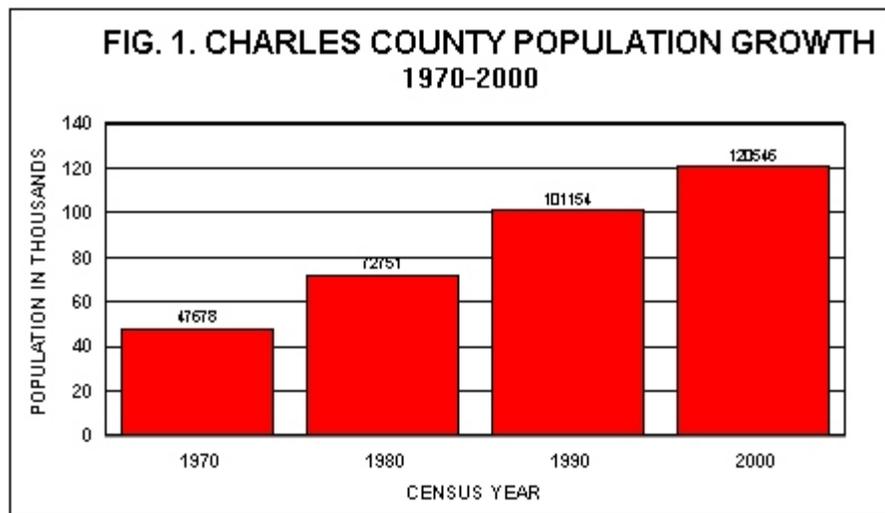
1. Evaluate the effectiveness of the Agricultural Conservation and Rural Conservation zone's permitted density of one unit per three acres for conventional subdivisions. Examine "build-out" scenarios for the rural areas of the County based on existing development regulations. Contrast this with rural acreage that could be protected through more restrictive zoning and subdivision regulations. Provide recommendations for permitted densities and desired lot sizes in these rural areas.
2. Evaluate the existing clustering provisions in the Zoning Ordinance and determine if amendments to these regulations should provide for more compact, less consumptive land development in rural areas. Evaluate the concept of mandatory clustering for rural residential developments and determine if changes to existing open space requirements are necessary.
3. Analyze the numerous studies that have been prepared regarding the economic effects of residential growth patterns on agricultural land values and the cost of providing government services. Research the relationship between allowable density and property values and evaluate the economic effects of changes to permitted densities. Review the literature and identify tools that may be appropriate to maintain or enhance land values while supporting the vision for the rural areas of Charles County.
4. Provide recommendations to increase the utilization of the Transfer of Development Rights (TDR) program. Consider the designation of new types of sending and receiving areas and possible changes to the transfer rates (allocation formula). Provide additional incentives for utilizing Development Rights in the Development District and consider targeting Rural Legacy Properties as sending areas.
5. Present a status report to the County Commissioners in March 2001 and prepare a draft report of committee findings by September 30, 2001.

II. CURRENT CONDITIONS

This section of this report provides information on demographic trends, various programs and policies, patterns of development, status and viability regarding agricultural lands in Charles County.

A. Characteristics of Growth and Recent Trends

Census 2000 recorded a population of 120,546 persons in Charles County. The County was the ninth fastest growing County in the State between the 1990 census and Census 2000, reflecting an average annual rate of growth of 1.77 percent. This is a significant change from the previous decade's average annual growth rate of 3.4%, and one that is more in line with the goals and objectives of the County's Comprehensive Plan. During the previous decade, 1980 to 1990, Charles County ranked as the third fastest growing county in the State of Maryland.



Source: United States Census Bureau

The Sixth Election District (Waldorf) showed the highest absolute growth in Census 2000, increasing by a total of 15,115 persons (See Map G). The highest rates of growth occurred in the Ninth (Hughesville) and Fourth (Allens Fresh) Election Districts, which experienced 62.2% and 32.9% increases, respectively. Both of these Elections Districts are zoned Agricultural Conservation (AC) (See base zone descriptions in Section D). Five of the county's remaining seven election districts absorbed the remaining growth, while the Third (Nanjemoy) and Tenth (Marbury) Election Districts experienced declines in growth during the last decade.

Of particular significance is the fact that the Sixth (Waldorf) and Seventh (Pomomkey)

Election Districts, representing the County's Development District, absorbed roughly 80 percent of the total population increase countywide between the 1990 Census and Census 2000. This is just slightly less than the 88 percent of the growth absorbed by these two election districts during the previous decade.

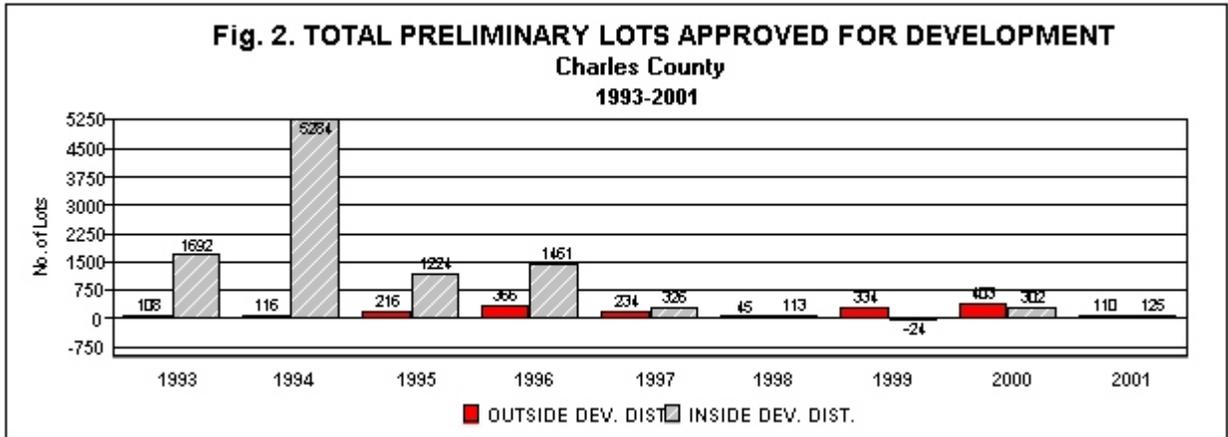
Historically, the County's population began experiencing significant growth beginning in 1950. At that time, the population of the County was only 23,415 persons, due largely to the County's relative isolation and agrarian economy. Between 1950 and 1960, the population grew 39.1 percent, and between 1960 and 1970, an additional 46.5 percent increase in population was documented by census figures. The following two decades witnessed even greater increases, with a 52.6 percent increase between the 1970 population count of 47,678 persons and the 1980 count of 72,751 persons, and a 64.3 percent increase when the 1990 count was listed as 101,154 persons.

Two of the most significant growth management objectives established in the County's Comprehensive Plan, originally adopted in 1990, were to establish a target average annual growth rate of 2.0 percent per year, and direct 75% of that growth to the County's Development District.

Development activity inside and outside of the County's Development District

The Land Use concept map designates a primary Development District of approximately 53,000 acres that generally coincides with the Mattawoman sewer service area (See Map A). The Development District is the principal center of population, services, and employment for the County. The Development District is the most suitable area for new population growth. Growth in this area will reduce the outward sprawl of residential development into rural areas, and keep the new population close to the existing centers where it can be economically provided with services and existing infrastructure.

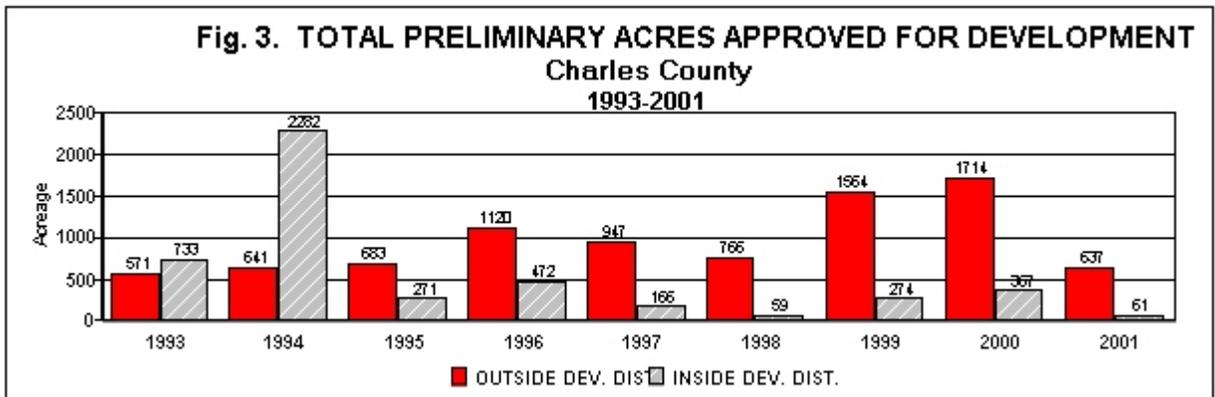
The following charts on the next page identify development activity inside and outside the Development District by showing the total preliminary lots approved for development and total preliminary acres approved for development from the years 1993-2001. Rural Commission members reviewed aforementioned data up to the year 2000. Committee members requested to include the 2001 data in Figures 2-4.



Note: 1999 Actual total of new lots approved inside the Development District was 479; however, due to new townhouse regulations 503 existing townhouse lots were converted to lots of other types

Source: Charles County Department of Planning and Growth Management

For approved preliminary plans (a preliminary subdivision plan must be approved prior to the creation of a final plat), note that in 1994 Charles County approved 5,284 lots inside the Development District, the highest number of lots ever recorded in a single year.



Source: Charles County Department of Planning and Growth Management

Between the years of 1997 and 2000, Charles County experienced significant growth in the rural areas outside the Development District. In these areas, the total number of preliminary lots approved for development between the years of 1997 and 2000 was 1,016. Additionally, the total number of preliminary acres approved for development was 4,991. These figures demonstrate a rapid rate of development outside the Development District at an average lot size of five acres.

Charles County tracks building permits by election district, but does not track permits (i.e. Use and Occupancy) by whether or not they are issued for the location of the Development District. The Development District includes the majority of the 6th and 7th and part of the 8th district (See Fig. 4). The County does track major subdivision activity by whether it is inside or outside the Development District, which is shown in Figures 2 and 3.

Fig. 4. ISSUED USE AND OCCUPANCY PERMITS, BY ELECTION DISTRICT											
Charles County											
1994-2001											
	<i>1ST</i>	<i>2ND</i>	<i>3RD</i>	<i>4TH</i>	<i>5TH</i>	<i>6TH</i>	<i>7TH</i>	<i>8TH</i>	<i>9TH</i>	<i>10TH</i>	<i>TOTAL</i>
1994	16	13	4	30	11	303	25	18	33	7	460
1995	32	17	15	42	17	563	55	51	83	11	886
1996	25	7	24	50	14	608	64	78	92	14	976
1997	28	21	16	43	30	672	56	97	125	8	1096
1998	43	12	15	58	54	685	115	98	101	4	1185
1999	50	9	27	40	57	626	207	85	127	11	1239
2000	56	3	25	41	40	611	83	81	98	9	1047
2001	47	22	19	47	47	759	83	85	74	13	1196
TOTAL	297	104	145	351	270	4827	688	593	733	77	8085

Source: Charles County Permits Division, 2001

Maryland Department of Planning (MDP)

The Maryland Department of Planning played a significant role by offering its assistance to the Rural Commission, providing a technical analysis of the County's Agricultural and Rural zones. The Department used its Growth Management Simulation Model to show development trends and projections in the agricultural zones, drawing conclusions and discussing the various implications.

They also provided information on other counties' rural protection programs to give a broader view of preservation efforts in the State.

The following outlines MDP's growth model in general. The Department used several components of this model to analyze Charles County's agricultural zone (AC) and possible growth management scenarios.

The growth model projects the existing landscape into a series of possible "future landscapes", each a function of different land use management scenarios. Land use change is estimated using population, household, and employment projections along with other inputs that are part of the growth scenarios. New development is calculated as a function of household demand, existing or hypothetical management choices (e.g., clustering, transfer of development rights, growth areas, and agricultural land preservation), and other factors that simulate local concerns and policies that may influence the type and locations of future development. All of this is customized with local data and knowledge.

The model uses data from geographic information system (GIS) overlays. The GIS database includes information on land use, streams, watershed and county boundaries, zoning, sewer service, and protected lands (e.g., agricultural easements, parks, etc.). This database also includes Department of Assessments and Taxation parcel information in the form of point data.

Small-Area forecasts are used for population, household, and employment projections for counties with Transportation Analysis Zones (TAZs) including Charles County. For non-TAZ counties, recent (10 years) growth patterns using parcel data were analyzed for trends. Future growth was assumed to follow a similar pattern (with in constraints) unless otherwise altered by a scenario.

In this project, 2000 is the base year and the year 2020 is the planning horizon. Household and employment projections for each watershed are allocated to categories of developable land (parcels) within each subwatershed. Allocation of household and employment demand is based on the projections and relative capacity of developable land in each category of developable land, unless otherwise altered by a scenario. In addition, parcel "attractiveness factors" are also used in the allocation process. The capacity of each parcel of developable land in each watershed is based on its size (number of acres), current land use/cover type, zoning, and sewer service category. The types of land use controls simulated were unique to each scenario.

Development Capacity - Land supply (i.e., capacity) is calculated by linking the allowable zoning density of a parcel to its size and improvements and other characteristics of the parcel. Development capacity for each parcel is not a straight division of the parcel's acreage by the permitted or yielded density of its zoning, plus any reductions due to existing development that may be on the parcel. In attempt to be realistic in estimating infill capacity, the model basically does the calculation mentioned above and then reduces that number by half. For example: if a ten acre parcel is zoned for one dwelling unit per acre and it has one house on it, a simple capacity analysis would give a capacity for nine new houses. In this situation, the model would give a potential capacity of four new houses on this parcel.

In addition to the capacity methodology outlined above, some types of parcels are automatically given no development capacity. These include: wetlands, exempt properties (e.g., institutional and non-profit properties), cemeteries, parks, easements, and other protected lands. As with most of the model, this component was customized with input from local planners and others.

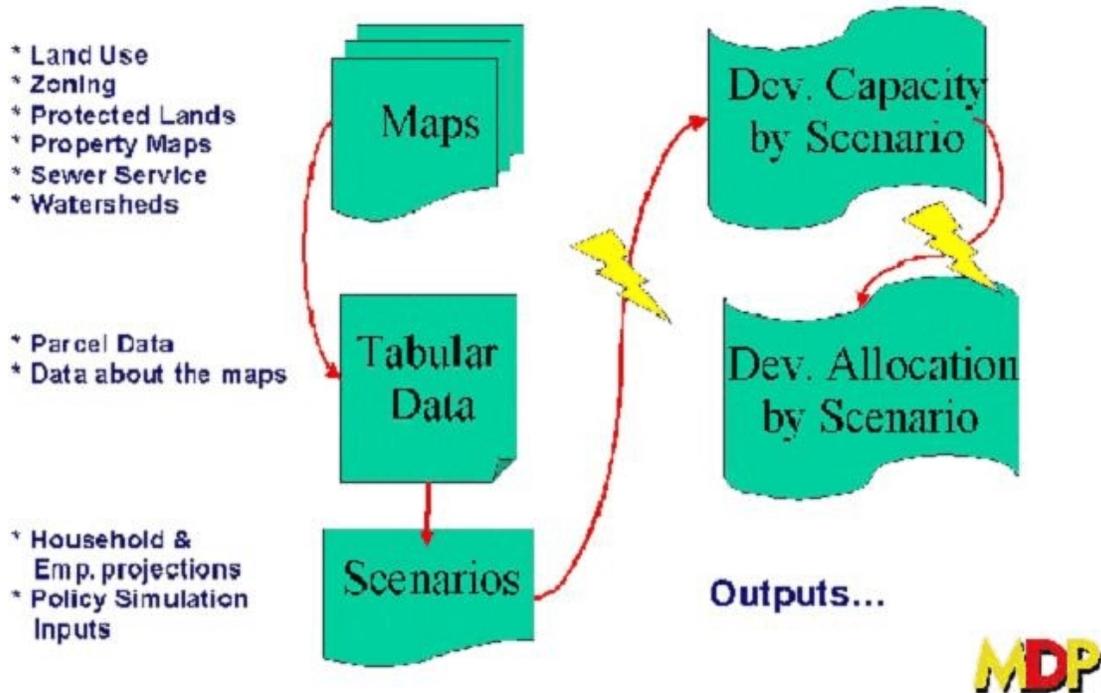
Development Allocation - Projected development (i.e., number of new households or employment) is allocated to developable land (i.e., land with capacity) in each watershed. This leads to an estimate of the amount of land converted to different land use types for each scenario. There are many factors that affect the simulation of allocating projected growth. Household and employment projections establish how much development needs to be allocated, the capacity step outlined above establishes where new development can go, and the make-up of the scenarios and locational decision rules guide where the projected growth is actually allocated.

Scenarios - Current Trends and Down Zoning AC zone to 1:10, 1:20 and 1:50

Description - Land supply (i.e., capacity) is calculated by linking the allowable zoning density of a parcel to its size and improvements and other characteristics of the parcel. The difference in each scenario is that the allowable density of the Agricultural zone is changed from the current allowable density (1 unit per 3 acres) to 1 unit per 10 acres, 1 unit per 20 acres, and 1 unit per 50 acres for each.

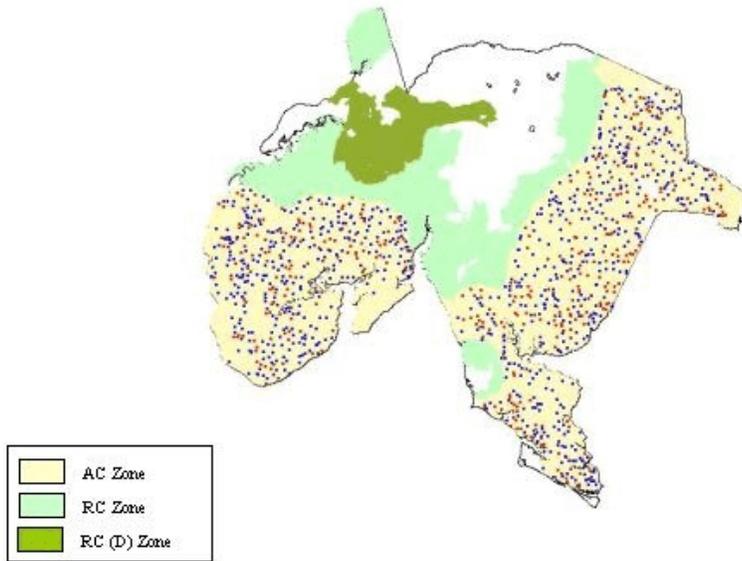
The Countywide households projection of 26,685 (base on TAZ's) was used across the scenarios, but the distribution was changed based on the allowable density in the Agricultural zone. As the allowable density in the Agricultural zone decreases from 1 unit per 3 acres to 1 unit per 50 acres, the allocation of new development becomes less.

Growth Model



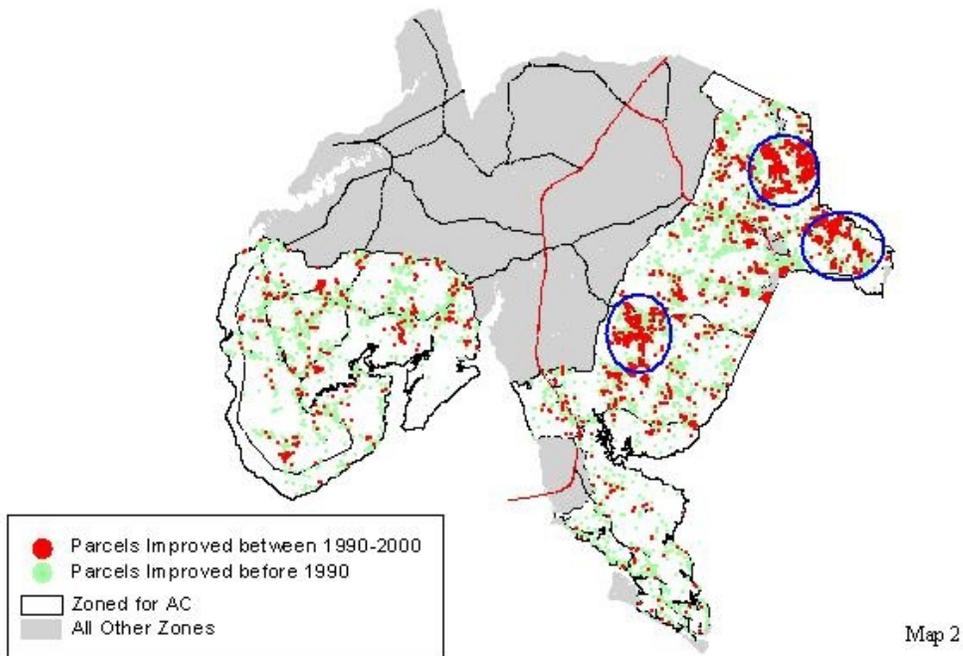
Results -The Maryland Department of Planning's Growth Simulation Model shows that more protective zoning will lead to less development in the Agricultural zone over time. Under current trends of 1 unit per 3 acre, allowable density in the Agricultural zone would allow an additional 23,430 housing units at build out. In the next 20 years this would equate to an additional 2,665 projected housing units. The more restrictive zoning of 1 unit per 20 acres and 1 unit per 50 acres would decrease the total potential (i.e. build out) amount of new units by 16,935 and 19,664 units and the 2020 projected housing units by 676 and 1,039 respectively. Due to the fragmented nature of the development that has occurred in the Agricultural zone areas and the land in the development pipeline, there is not a significant decrease in the projected allowable development. Therefore, further down zoning would not significantly decrease development in the next 20 years in the fragmented part of the Agricultural zone, but would protect larger parcels from further fragmentation. Map 1 shows parcels that have development potential in the Agricultural zone (blue dots) and the additional parcels that have development potential under the current allowable density (red dots).

The Department of Planning's analysis also shows that more fragmentation seems to be occurring in the eastern portion of the county, while the western (Nanjemoy) portion of the Agricultural zone has a lot of undeveloped and larger lot parcels.

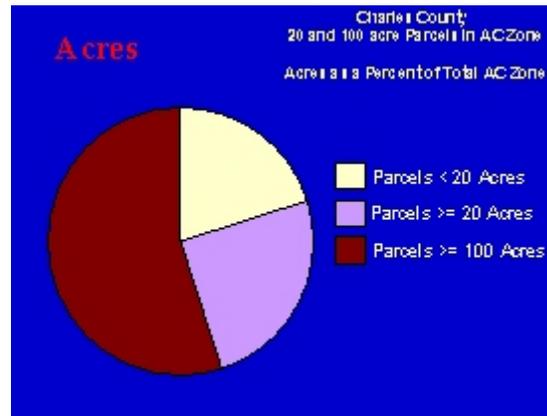
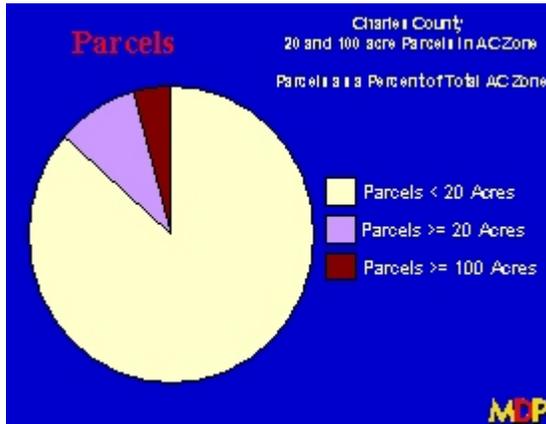


Map 1

Map 2 shows improved parcels in the Agricultural Zone, with recently developed parcels in red. The areas circled on the map are heavily fragmented and could be zoned less restrictively than the rest of the Agricultural Zone.



The charts below indicate that the majority of parcels are less than 20 acres in size; however, the vast majority of the acreage in the Agricultural zone is on lots 20 acres and greater. In trying to preserve land in the Agricultural zone, focus should be on the larger parcels to stop further fragmentation of the Agricultural zone.



The Department of Planning also emphasized that down zoning the Agricultural zone would also further the efforts made by the County to preserve land through various County and State preservation programs, such as Maryland Agricultural Land Preservation Foundation and Rural Legacy Programs.

B. Charles County Comprehensive Plan

The Charles County Comprehensive Plan was updated in 1997 through careful review of the 1990 Plan policies and objectives. The updated plan was the result of a joint effort of elected and appointed officials, professional land use planners, and a 30 member Citizens' Advisory Committee. The plan presents policies and guidelines to serve the County for the duration of the 20-year planning horizon.

The Charles County Comprehensive Plan consists of a land use map (see map), goals, objectives, policies, and recommendations that will guide future land development. Other elements of the Charles County overall comprehensive planning program include: documents prepared to complete the Comprehensive Plan (i.e., *Charles County Critical Area Program* and *Charles County Land Preservation and Recreation Plan*); documents that will serve to implement the comprehensive plan (i.e. *Zoning Ordinance*, *Subdivision Regulations of Charles County, Maryland*); and the documents that influence the comprehensive plan (i.e. *Comprehensive Sewer and Water Plan*, *Capital Programming*, *Comprehensive Plan for Schools*, *Solid Waste Management Plan*, *Public Safety Plan*, *Emergency Operations Plan*, and *Fire and Rescue Plan*).

Topics discussed in the Charles County Comprehensive Plan include Growth Management, Community Development, Economic Development, Transportation, Community Facilities , Mineral Extraction, Housing, Natural Resource Protection, Agricultural/Forestry Preservation, Recreation and Open Space, Historic/Cultural Preservation and Plan Implementation.

In relation to Rural Areas of the County, the Comprehensive Plan presents goals, policies, and implementation strategies for Agricultural/Forestry Preservation. **The following text is taken from the 1997 Charles County Comprehensive Plan** (with the exception of updated statistics noted in bold):

Agricultural Goals & Objectives

Protect the land resources necessary to support the County's agricultural industry and enhance its rural character.

To achieve this goal while balancing the resource and commodity values of the land, the following objectives are established:

- Support agricultural preservation through a combination of development controls and incentives.
- Substantially limit residential development in agricultural areas of the County

using density limitations and clustering techniques.

- Encourage farm support services to be located in agricultural areas.
- Minimize conflicts between agricultural and non-agricultural (e.g. residential) uses.
- Support the farmer's right-to-farm through ordinances and regulations that implement the Comprehensive Plan.
- Encourage greater use of and funding for the purchase of development rights through the Maryland Agricultural Land Preservation Program.
- Encourage the implementation of Soil Conservation and Water Quality management plans on all farms in the County.
- Use non-zoning programs and techniques to maintain agricultural lands in agricultural use.
- Discourage the displacement of productive farmland for public facilities (e.g. schools, roads, or landfills).
- Develop economic development programs to diversify the agricultural economy and product offerings, enhance farm product marketing or, in other ways, assist farmers to maintain an economically viable industry.
- Reduce the conversion of forest lands to other uses and increase forest resources in targeted areas.

Development in the Rural Area

Of the County's total 295,600 acres, approximately 239,600 acres, or 81 percent, are in the "rural area", that is the area outside the Development District. **In 2000 the rural area of the County contained around 16,413 housing units, or 37 percent of the County's housing stock.** (Source: US Census Bureau)

The 1997 Comprehensive Plan update projected that between 1995 and 2020 around 31,500 additional units will be built in the County. If the County continues to be successful in attracting 75 percent of new growth to the Development District, around 7,900 units, or 25 percent of the total, would be in the rural area increasing the total number of units in 2020 to 22,000. Assuming an average lot size of five

acres per unit the projected level of development means a potential conversion of 39,500 acres (7,900 units x 5 acres/unit) of rural land to residential use by 2020. This potential conversion of rural land is of great concern to the County for its implications for the loss of agricultural and forest land, open space and rural character.

Policy Considerations

The Comprehensive Plan update's Citizens' Advisory Committee (CAC) was concerned about the potential for existing strategies to preserve farmland and open space and requested an Issue Paper (Issue Paper #7 Farmland Preservation February 13, 1996) on the subject. The paper concluded that as Charles County's Development District grows, and to the extent the County is successful in attracting jobs, the rural area will become an increasingly attractive location outside Charles County's urbanized area, and that there will be increased pressure to develop the rural area, resulting in continued loss of farmland. As a result, the issue paper concluded that new strategies were needed to preserve farmland and rural character.

The CAC spent several work sessions discussing different approaches to the preservation of rural areas including an overall vision for the rural area, decreasing permitted residential densities, targeting prime agricultural lands for protection, and requiring mandatory clustering. The CAC was unable to reach a clear consensus on a plan for the rural area and felt that additional study involving key parties was needed before new implementation strategies could be recommended. Therefore, the CAC recommended that a Rural Commission be appointed by the County Commissioners to study the issue.

Existing strategies

The 1997 Charles County Comprehensive Plan strategies for preserving rural land are the following:

- Directing development to the Development District.
- Zoning in the rural areas that has resulted in typical densities of one unit per five acres. Clustering is permitted as an option on parcels over 50 acres with the maximum density set at one unit per five acres.
- Agricultural Land Preservation program.
- Transfer of Development Rights program.

C. Maryland's Smart Growth Program

In 1997 the Maryland General Assembly enacted several programs to create the Smart Growth initiative. Smart Growth has three straightforward goals:

1. To save our most valuable remaining natural resources before they are forever lost;
2. To support existing communities and neighborhoods by targeting state resources to support development in areas where the infrastructure is already in place or planned to support it;
3. To save taxpayers millions of dollars in the unnecessary cost of building the infrastructure required to support sprawl.

The Priority Funding legislation established certain areas as Priority Funding Areas, and allows Counties to designate additional areas as Priority Funding Areas if they meet specified requirements for use, water and sewer service, and residential density. Most expenditures of state monies for infrastructure funding, economic development, and housing will be limited to these areas. Counties must provide maps and other information which show the precise location of their Priority Funding Areas based on criteria in the legislation. The Maryland Department of Planning is responsible for providing State agencies with maps that illustrate the Priority Funding Areas along with any comments by the Department of Planning on locally designated areas.

The Priority Funding Areas within Charles County are located primarily with the county designated Development District. . The Smart Growth Act allows counties to designate all rural villages, areas zoned industrial prior to January 1, 1997, employment areas, and existing communities as a PFA if these areas are identified by name in the Comprehensive Plan or if they meet certain criteria.

D. Agricultural and Rural Zoning in Charles County

The Charles County Zoning Ordinance was the first major legislative initiative intended to make the goals of the Comprehensive Plan become a reality. The most recent Zoning Ordinance was adopted by the County Commissioners in August 1992 and became effective October 1, 1992. Subsequent revisions to the Zoning Ordinance have been made, including the creation of a new zoning district, RC(D).

The Charles County Zoning Ordinance currently provides for one agricultural conservation zone, three rural zones, two village zones, four residential zones, four commercial zones, two industrial zones, one planned unit development zone, one waterfront planned community, five planned development zones, and three overlay

zones. A description of the Rural Zones are provided below.

Established by Chapter 297 of the Charles County Code, the following are the base zone regulations for the agricultural and rural areas of Charles County.

AC - Agricultural Conservation Zone, Charles County Zoning Code

The Agricultural Conservation Zone provides a full range of agricultural and farming activities, protects these established uses from encroaching development which might adversely affect the agricultural economy of the County, and encourages the right to farm in the County without undue burden on the landowner. The zone is to prevent premature urbanization in areas where public utilities, roads, and other public facilities are planned to meet exclusively rural needs and where present public programs do not propose public facility improvements suitable for development at higher densities. This zone provides for certain agriculture related commercial and industrial uses with special conditions. Such uses are to accommodate flexibility in the use of lands by those persons or organizations that pursue agriculture activities and/or earn their income from agriculture when these uses are not in conflict with the protection of farmland and support protection of the farm economy. The zone protects existing natural resources and scenic values and provides limitations on residential development and encroachment in these areas dominated by agricultural uses. In addition, the zone assists in the implementation of the County's Transferrable Development Rights (TDR) Program by providing an appropriate zone to be designated as a sending area. Permitted residential density in the Agricultural Conservation Zone is currently one dwelling unit per three acres.

RC - Rural Conservation Zone, Charles County Zoning Code

This zone maintains low-density residential development, preserves the rural environment and natural features, and established character of the area. It also maintains existing agricultural and aquacultural activities and the land base necessary to support these activities. Permitted residential density in the Rural Conservation Zone is currently one dwelling unit per three acres.

RR - Rural Residential Zone, Charles County Zoning Code

This zone provides for low to moderate residential densities in areas closer to portions of the Development District and Incorporated Towns. These areas contain or are within the sphere of influences of community facilities and services including schools and are in proximity to major transportation network components.

E. Protected Lands of Charles County, Maryland

The map of Protected Lands of Charles County, Maryland is a depiction of federal, state, local and private lands that have been protected from development. Forms of protection include fee simple ownership, easements, district agreements, and the transfer of development rights (See Map B). Also included are the boundaries of the approved Charles County Rural Legacy Area, the Town of La Plata and the Town of Indian Head.

As of May 2002, there are 50,602 acres of protected land in Charles County, which is 17.15% of the total land area (See Map B). However, 13,000 acres are only temporarily protected through the Agricultural Land Preservation program. Unless permanent easements are purchased, these properties are only protected for five years. The Protected lands map shows the pattern of preservation in the rural areas.

F. Agriculture Viability

According to the *1997 Census of Agriculture*, Charles County had 410 farms for a total of 55,928 acres. This Census defines a farm as any place from which \$1,000 or more of agricultural products were produced and sold, or normally would have been sold during the census year. Of the 410 farms, the average size was 136 acres.

Until recently, tobacco has been the primary crop in Southern Maryland. In 1999, the State of Maryland offered a buy-out program for tobacco farmers. Because of uncertain markets, the age of tobacco farmers, and the difficulty in finding labor, many farmers have participated in the buy-out program. As of the date of this report, 83% of the total tobacco eligible pounds have taken the buy-out. As a result, tobacco farming in Southern Maryland has become almost non-existent. The farmers participating in the buy-out program will receive payments for 10 years. Once the 10 year period has been reached, farmers will have to transition into a profitable alternative. Otherwise, they may have to sell their land to make a living. Unless a strong easement purchase program is in place, or some other means of preserving land, the year 2010 could bring major losses to agricultural land in Charles County.

When you compare the top-ranked agriculture enterprises in Maryland, broiler chickens are number one. Most of this enterprise is associated with the eastern shore counties, however, much of the grain produced in Southern Maryland goes to producing chicken feed. The agriculture enterprise that seems to be growing the most, and has good potential for Charles County is the green house/nursery business. Several Southern Maryland farmers, including former tobacco growers, are converting to green house operations. As time goes on, some farmers will continue to transition and their operations will evolve to meet the needs of a more urban environment. However, maintaining a critical mass of farmland will be key to its success.

Fig. 6. Maryland top-ranked agriculture enterprises (% of cash sales).

<u>1979-81 (3 year average)</u>		<u>1998-2000 (3 year average)</u>	
1 - Broilers	31%	1 - Broilers	34%
2 - Dairy	22%	2 - Green House/Nursery	18%
3 - Grains/Oil	20%	3 - Dairy	13%
4 - Meat	9%	4 - Grain/Oil	11%
5 - Vegetable/Fruit	5%	5 - Vegetable/Fruit	7%

1998 - 2000 other: Meat - 5%; miscellaneous livestock - 5%; chicken eggs - 3%
hay - 1%, tobacco - 1%

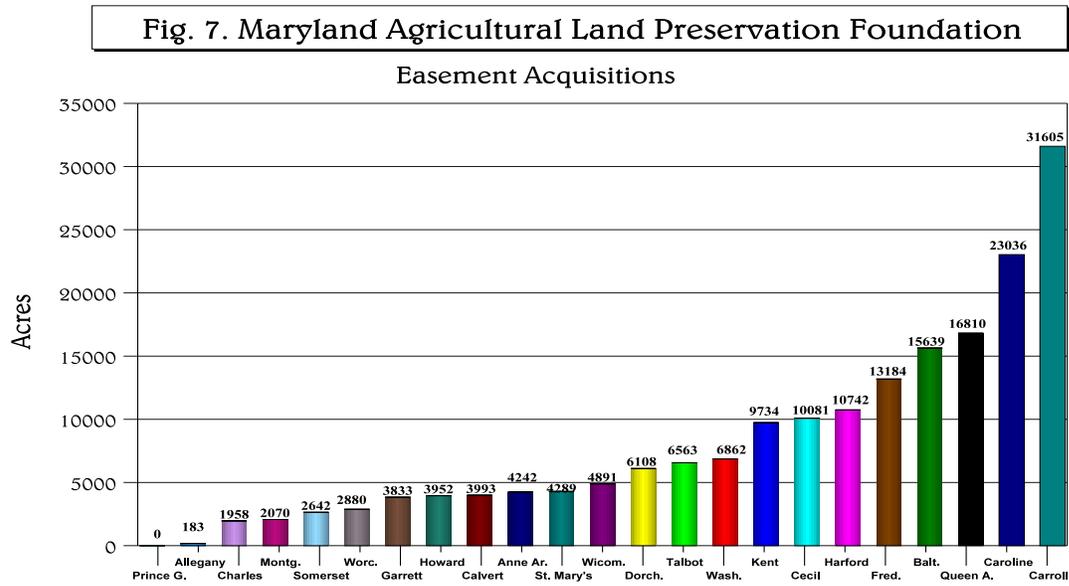
Source: Maryland Agricultural Statistics Service, 2001

G. Agricultural Land Preservation in Charles County

Charles County's Agricultural Land Preservation Program was certified in October, 1996, allowing Charles County to retain 75 percent of the agricultural transfer tax for easement purchases within the County. Since the inception of the Program, many landowners have enrolled property as preservation districts (13,000 acres) but few went on to sell permanent easements on that land. When compared to the State of Maryland, Charles County has nearly the least agricultural land protected under the Maryland Agricultural Land Preservation Program (Figure 7). Only Prince George's and Allegany Counties have fewer acres. Prince George's County has no program and Allegany County has little land that qualifies due to soils. Since Charles County still contains a significant agricultural base, this is a troubling statistic. However, interest in the sale of agricultural land preservation easements has greatly increased in the past three years. In fiscal year 2003, the County received a record number of applications, ten in one cycle totaling 2,000 acres. As in the past, there is limited funding available, and only a few easements will be purchased. If funding was available, the County could preserve as much as 2,000 acres in fiscal year 2003. Approximately \$4,000,000 would be needed to achieve easement purchases on the ten properties.

Charles County's Transfer of Development Rights Program and the Rural Legacy Program have protected additional acres. Rural Legacy has been responsible for the protection of approximately 1,100 acres since 1998, but funding is always unpredictable

and eligible properties are limited to the Zekiah Watershed Rural Legacy Area. The Transfer of Development Rights Program has been responsible for the protection of 1,554 acres, but interest is very limited due to the current lack of demand for TDR's.



Source: MALPH Report, 2001

III. TOOLS/OPTIONS CONSIDERED

The following programs were reviewed by the Commission for their applicability to Charles County:

A. Transferable Development Rights (TDR)

Transferable Development Rights allow landowners to transfer the right to develop one parcel of land to a different parcel of land. When trying to preserve farmland, TDR is used to shift development from agricultural areas to designated growth areas close to municipal services. The parcel of land where rights originate is called the “sending” parcel and is restricted with a permanent conservation easement once the rights are transferred. The land to which the rights are transferred is called the “receiving” parcel. The developer of the receiving parcel can build at a higher density if they buy the extra density from a receiving parcel. In essence it allows the sending landowner to realize development value without actually developing the property. It shifts some of the costs of preservation to the private sector.

Charles County currently has a TDR program in place.

B. Clustering for Resource Protection

Clustering is a form of development where the buildings in a project are grouped together into compact arrangements, or clusters, while portions of the site are preserved as open space. Because development is compact, clustering makes resource protection more likely. Instead of subdividing an entire site (or most of it) into large, uniformly sized residential lots, the lots are permitted to be much smaller under clustering. Uniformity of size and regularity are not required. This flexibility enables increased open space and resource protection, while permitting development. The open space land is often held in common ownership by residents, acting as homeowners’ association pursuant to covenants in each deed. Additional options are available, such as requiring conservation easements that are held by local government, non-profit land trusts, or other qualified and approved organizations.

Charles County Zoning ordinance currently permits cluster subdivisions through Planning Commission approval.

C. Large Lot Zoning

Large lot zoning restricts the amount of residential development by the establishment of large minimum lot sizes in the rural zoning districts. Although large lot zoning does

reduce the number of homes that can be built, it also spreads out homes in such a way that often none of the remaining land may be used for farming, forestry, or even recreation.

Charles County currently does not provide for large lot zoning in the rural areas.

D. Purchase of Development Rights (PDR)

Under a Purchase of Development Rights program, a landowner voluntarily sells his or her rights to develop a parcel of land to a public agency or a charitable organization interested in natural resource conservation. The landowner retains all other ownership rights attached to the land, and a conservation easement is placed on the land and recorded on the title. The buyer (often a local unit of government) essentially purchases the right to develop the land and retires that right permanently, thereby assuring that development will not occur on that particular property. The landowner is generally compensated for the value of the right to develop the land.

Charles County does not have a purchase of development rights program.

E. Land Trusts

Land Trusts are local, regional, or statewide nonprofit conservation organizations directly involved in helping protect natural scenic, recreational, agricultural, historic, or cultural property. Land trusts work to preserve open land that is important to the communities and regions where they operate. Land trusts respond rapidly to conservation needs and operate in cities, rural, and suburban areas. Land trusts now operate in every state in the nation protecting land of local, regional, and national importance. Land trusts work by purchasing land or acquiring land through donations. They secure conservation easements on land and monitor the terms of these easements and usually work in partnership with private or governmental conservation agencies.

Charles County does not provide a County sponsored land trust program. However, there are special interest groups that do secure conservation easements within Charles County.

F. Protection of Rural Roads

Rural Roads are often protected in order to sustain historical, cultural, natural, archaeological, and/or recreational qualities. The protection of rural roads is seen to promote an area's heritage. Protection can be obtained by several programs such as scenic easements, corridor management planning and promoting byways-- all of which

require a collaboration of local government, organizations and citizens.

Charles County's provides a Highway Corridor Overlay Zone which is intended to protect the aesthetic and visual character of land adjacent to US 301, MD 210, MD 228 from MD 210 to Bealle Hill Rd to US 301, MD 5 and MD 205.

G. Land Preservation Goals

Land preservation goals are usually established to preserve a sufficient amount of prime farmland to insure support for the agricultural industry, provide extensive open space, control growth, protect critical habitat and natural resources, and support a growth management agenda. Land preservation goals help local jurisdictions plan effectively for the maintenance of land and other resources to support agriculture and related industries on a permanent basis.

Charles County Agricultural Board established a long term agricultural land preservation goal of 64,000 acres. That acreage was identified as half of the acreage of "working farms". In addition, Charles County Land Preservation and Recreation Plan establishes a goal of approximately 3600 acres total of recreation land.

**Charles County Rural Commission
Committee Recommendations**

IV. RURAL COMMISSION COMMITTEE RECOMMENDATIONS

After reviewing building statistics, preservation programs of other jurisdictions and the effectiveness of the existing County programs, the Rural Commission has formulated their recommendations to the Committee Charge. Listed below in bold is the charge followed by Commission's response.

- 1. Evaluate the effectiveness of the Agricultural Conservation and Rural Conservation zone's permitted density of one unit per three acres for conventional subdivisions. Examine "build-out" scenarios for the rural areas of the County based on existing development regulations. Contrast this with rural acreage that could be protected through more restrictive zoning and subdivision regulations. Provide recommendations for permitted densities and desired lot sizes in these rural areas.**

Response:

The Commission doesn't see that there is any significant difference in the development currently taking place in the areas currently zoned Agricultural Conservation (AC) and Rural Conservation (RC). While we note the differing descriptions of the areas in the comprehensive plan, we believe that the two zoning categories could be combined into one.

New subdivisions of three acre to six acre lots are being created in all areas of the County that can pass the percolation tests. Significantly the East County between Waldorf and St. Mary's County appear to have tipped from rural to suburban. The County is growing at a current rate of approximately one thousand dwelling unit per year. Most 63% of those units are in the Development District. While a smaller number of units are being developed in the Agricultural Conservation (AC) and Rural Conservation (RC) zones, those units occupy a disproportionate amount of land because of the acreage requirement. If both the AC and RC zones were to be fully developed under the current permitted density of one dwelling unit per three acres the result would likely be viewed as unacceptable to the majority of County residents.

Many parts of the County deserve to be protected from this development pattern for a number of reasons. The environmentally sensitive Zekiah Swamp is the County's rural legacy area and land purchases for the preservation of that watershed are currently underway. The southeastern portions of the County, including Cobb Neck, contain the County's most active agricultural areas. The southwestern area of the County, including Nanjemoy, which we are calling the "Western Peninsula", contains many unique environmental resources, including large forested areas. A significant amount of the land (over 7,000 acres) in the Western Peninsula has been permanently protected from development by public purchase.

While the Commission recognizes the unique character of these areas, it prefers to recommend incentives rather than restrictions where possible to preserve the character of the County and recommends to require the use of Transferable Development Rights (TDR's) and cluster development in the current AC and RC zones for all new housing development. We hope that the creation of an active TDR market will enable the County to preserve critical open space by TDR sales rather than by restrictive zoning and subdivision regulations.

While not accepted unanimously by the Commission, it is the opinion of a majority of the Commission that, in order to protect its rural character, the Western Peninsula should be rezoned to one dwelling unit per twenty acres. This zoning category could be identified as a Conservation Zone. In order to avoid severe financial impacts on the property owners affected, we recommend that TDR's on rezoned land be maintained at one dwelling unit per three acres. In this "new" zone, there should be provision for the development of homes for family members on existing family owned tracts. We also recommend provisions for development at a higher density in the "villages". Such changes could sustain limited local commercial services/conveniences for those residences.

The Commission generally believes that there are three "zones" in the area currently zoned AC and RC in the County. The north-eastern area (east of Waldorf) which is developing into a rural residential area, the south-eastern area (including Cobb Neck) which is truly the agricultural area and the western peninsula which should be preserved as a forest conservation zone. We recommend that the County consider evaluating these recommended zoning categories and revising the comprehensive plan accordingly.

- 2. Evaluate the existing clustering provisions in the Zoning Ordinance and determine if amendments to these regulations should provide for more compact, less consumptive land development in rural areas. Evaluate the concept of mandatory clustering for rural residential developments and determine if changes to existing open space requirements are necessary.**

Response:

The Commission recommends that developers be required to cluster development in the AC and RC areas, where it is currently voluntary. In the existing AC and RC areas not rezoned we recommend that development densities for cluster development should be one dwelling unit per three acres, in fact a bonus for developers that cluster and maintain the open space character of the properties they develop would be appropriate. Outside of the Development District, open space requirements of 60% are recommended. Developers should be encouraged (possibly with a density bonus) to create contiguous open spaces between developments and to maintain agricultural lands (including wood lots) as part of the open space as opposed to just the undevelopable stream valleys).

- 3. Analyze the numerous studies that have been prepared regarding the economic effects of residential growth patterns on agricultural land values and the cost of providing government services. Research the relationship between allowable density and property values and evaluate the economic effects of changes to permitted densities. Review the literature and identify tools that may be appropriate to maintain or enhance land values while supporting the vision for the rural areas of Charles County.**

Response:

The Rural Commission has found that development is not necessarily the cause for the continued decrease in agricultural activities in the County. Farming in most cases has ceased long before development occurs. Currently the easiest way for a farmer to realize cash from his land is to sell it. Land with development potential is often overpriced for anyone intending to farm it. If the right to develop (i.e. TDR's) could successfully be separated from the land and marketed, the current farmer could receive necessary income and keep the land or sell it to new farm families thus preserving a basic element of the County's rural character.

The viability of farming is presently playing a bigger role in the loss of farmland than pressure from residential growth. The Commission concludes from its review of a number of state and regional studies on farming that more needs to be done to support agricultural activities in the County if we are to maintain our farming heritage.

Tobacco, formerly the main agricultural crop, is largely gone due to the state buy-out program. Tobacco and other farmers need additional assistance in identifying profitable and marketable alternatives. The County should encourage continued farming by establishing farmers markets, creating a new County agricultural marketing position to expand existing and create new markets, and by being more pro-active and supportive of the farming community during its transition from reliance on tobacco. The County should consider petitioning the state along with other agricultural counties to provide an additional economic incentive for farmers through a reduction of their state income tax.

Zoning regulations should be reviewed to ensure they don't impede the development of alternative crops to replace the loss of tobacco or other traditional farming operations. Many up and coming alternative crops in the Baltimore-Washington region (e.g. nurseries, cut flower farms, specialty vegetable farms, aquaculture, etc.) represent a more dense use of the land and are more labor-intensive. They often encounter difficulty in obtaining required building, seasonal labor/housing, and operating approvals. These obstacles should be removed wherever possible.

From an economic perspective, farms generate more in local government revenue than they cost in public services provided in contrast with residential subdivisions. A 1995 study by The American Farmland Trust in Frederick County found that for every dollar in revenue generated from farmland the County spent \$0.53 in services. In contrast, for every tax dollar collected from residential users the County spent \$1.14 in services. Similarly, a 1999 Cecil County Agriculture Task Force study found that the County spent \$0.37 for farmland services versus \$1.12 for residential services for every dollar in tax revenue generated/collected.

Allocating significant government funds for agricultural land preservation budgets will ultimately save dollars otherwise spent for police, road and school services required for rural development. Numerous "Smart Growth" studies have further shown that unrestricted residential sprawl wastes resources (land) and costs taxpayers more to provide strung-out, inefficient government services (schools, roads, etc.). The County can save substantial cost by limiting growth in the more rural areas and by encouraging growth closer to existing services in the development areas. The Commission believes that Charles County should set a well planned acreage goal for agricultural land and allocate adequate funds to meet this goal. In the past three years, applications have been made by landowners to sell easements on nearly 3000 acres, however, funding was only available to purchase easements on 1000 acres. The Commission believes the County should allocate funds in amounts more comparable with other local jurisdictions to purchase easements. For example, St. Mary's County has allocated \$650,000 in each of the past three years for the Maryland Agricultural Land Preservation Program.

The Commission believes that reducing the allowable density of agricultural land does not necessarily mean its value will be greatly reduced due to several factors. Allowing owners to retain and sell TDR's calculated at the former permitted density one dwelling unit per three acres could largely offset decreasing allowable density to one dwelling unit per twenty acres. In addition, regional demand for larger lot sizes in the near future may be sufficient of and by itself to maintain or even increase land value in the Western Peninsula area without other compensation.

Requiring development to use the maximum number of TDR's to build new houses will mean that the burden of preserving undeveloped land for future generations will largely be born by new residents moving into the County and not by those who already own the land. Land whose TDR's are sold will also potentially be more affordable for someone who desires to maintain it as a farm and the County will have less expense for necessary services.

- 4. Provide recommendations to increase the utilization of the Transfer of Development Rights (TDR) program. Consider the designation of new types of sending and receiving areas and possible changes to the transfer rates (allocation formula). Provide additional incentives for utilizing Development Rights in the Development District and consider targeting Rural Legacy Properties as sending areas.**

Response:

The Commission has determined that since 1992 only one hundred and five TDR's have been utilized to increase density, an aggressive program must be adopted to maximize their use. By combining a mandatory TDR program for the majority of lots created inside and outside the Development District, and rezoning part of the land in the Rural Areas, this TDR program can be implemented and may be our greatest resource to preserve rural land while allowing development to continue at its current rate.

Our review of current zoning trends has determined that the zoning districts within the Development District have the greatest potential for utilizing TDR's. While not accepted unanimously by the Commission, it is our recommendation that zoning districts within the Development District be modified to reduce the "by-right" density to every lot requires a TDR, with the ability to increase densities at one TDR per unit. The graph below depicts the minimum number of acres within the various zones and the minimum number of potential TDR's. It should be noted that "unimproved" represents parcel with a less than \$10,000 improvement value according to State Tax Assessors Data. In addition, the Commission recommends allowing townhouses and apartments "by-right" in the RH zone with the use of TDR's.

<u>Zone</u>	<u>Approx. # Of Acres Unimproved</u>	<u>Potential # Of TDR's To Be Used Under Current Base Zoning</u>	<u>Estimated TDR's To Be Used If Rezoned</u>
RL	5394 Acres	0	13100
RM	3540 Acres	0	10,620
RH	909 Acres	0	<u>4,545</u>
			20,559

TDR's should be based on: one TDR equals three acres. Thus, based on the above data, a minimum of 61,677 acres will be retained by rezoning the entire Development District alone (should it be built out completely). This number of acres has the potential to significantly increase if development occurs utilizing Cluster, TOD, PRD or MX, etc. zoning.

In order to properly implement this program, a healthy TDR program will require both a strong demand and adequate supply. We believe this demand will be generated by the rezoning of the Development District. The supply must be generated by a reevaluation of the "sending area" designations. Current Agricultural Preservation Criteria will not generate nearly enough acreage and is a much too complicated and time - consuming process for the average land owner.

The Commission recommends that large portions of Rural Area of the County be comprehensively designated as "sending areas." These areas would include the Zekiah Watershed Rural Legacy Area (31,000 acres), Cobb Neck (26,000 acres) and the Western Peninsula (58,000 acres). All land in these three areas will potentially be eligible to sell their TDR's. To allow the market to adjust to the need for this TDR demand, priority areas should be established within each area in an effort to protect the most valuable natural resources. The Commission also believes the TDR Program needs to be as simplified as possible and initiate a public education effort to "sell" the program. In addition, the Commission recommends that any property transferring TDR's should be preserved in perpetuity once at least 50% of the development rights have been transferred.

The Commission also believes that programs and policies should be implemented to encourage any subdivision of land in the rural areas to be lots twenty acres or larger in size. Methods of encouraging this type of larger lot subdivision could include excluding these subdivisions from A.P.F. requirements (i.e., no traffic studies or school allocation waiting lists). Landowners subdividing these larger lots could still sell any remaining TDR's based on the overall parent parcel size, minus the number of lots.

Recommendations Summary

1. Combine the current Agriculture Conservation (AC) and Rural Conservation (RC) Zones.
2. Rezone the development district to reduce the “by-right density” to every lot requires a TDR , with the ability to increase density at one TDR per unit. In addition, require the use of TDR’s in the current AC and RC zones for every new housing unit.
3. The Western Peninsula of Nanjemoy should be rezoned to one dwelling unit per 20 acres.
4. Development Rights on land rezoned to one dwelling unit per 20 acres should maintain TDR’s at 1 development right per 3 acres for the purpose of transferring them.
5. Revise the Comprehensive Plan to reflect current land use (rural residential in the Northeast part of the county), (agriculture in the southeast part of the county), and (preservation area in the western peninsula of Nanjemoy).
6. Mandatory cluster development in the current AC and RC zones with a density of 1 dwelling unit per 3 acres and 60% open space requirement. Provide a density bonus for development that saves productive agricultural land as part of the open space.
7. Support local agriculture by establishing additional farmers markets and a County agricultural marketing position.
8. Allow townhouses and apartments by right in the RH zone by with the use of TDR, at a rate of one TDR per unit.
9. Designate more land as potential sending areas for TDR, such as Rural Legacy Area, Cobb Neck, and Western Peninsula.
10. Establish a County TDR bank to facilitate transfers.
11. A sending parcel for TDR’s becomes undevelopable in perpetuity once at least 50% of the TDR’s have been transferred.
12. Encourage any subdivision of land occurring in the Rural Legacy Area or Cobb Neck to be lots of 20 acres or more by waiving A.P.F. requirements.
13. Adopt the long term agricultural land preservation goal of 64,000 acres, as established by the Charles County Agricultural Board.

Appendix A: Rural Commission Timeline

DATE	Meeting Topic and Speakers
12-5-00	Welcome and Introduction
1-16-01	1997 Charles County Comprehensive Plan: Steve Magoon, PGM
2-20-01	Land Preservation in Charles County: Charles Rice, PGM
3-20-01	Transferable Development Rights in Calvert and Charles Counties: Greg Bowen, Calvert County, Charles Rice, PGM and Zakary Krebek, PGM
4-17-01	Transferable Development Rights: Zakary Krebek, PGM
5-15-01	Charles County Agricultural Analysis: Rich Hall, Maryland Dept. of Planning
6-6-01	Committee Discussion: Rural Commission
6-19-01	Conservancy for Charles County: Vivian Mills and Maryland Environmental Trust: Dianne Chasse
7-17-01	Viability of Agriculture in Maryland: Dr. Robert Chase, Univ. of Maryland
7-31-01 - 8-21-01	Identify Preliminary Recommendations: Rural Commission
9-5-01	Viability of Agriculture in Maryland: Jim Hanson Maryland Cooperative Extension and Univ. of Maryland
9-18-01 - 10-2-01	Identify Final Recommendations: Rural Commission
10-16-01	Transferable Development Rights: Greg Bowen, Calvert County
10-31-01 - 9-24-02	Identify Final Recommendations: Rural Commission

Appendix B: Maryland County Agricultural Zoning

ALLEGANY COUNTY

Five dwelling units per parcel, plus one dwelling unit per fifty acres above one hundred acres.

ANNE ARUNDEL COUNTY

Downzoning in 1981 changed the RA zone from one dwelling unit per two acres to one dwelling unit per twenty acres. The RA zone, however, also allows one lot for any remainder of ten acres or more, plus one additional lot, plus family conveyances at one dwelling unit per two acres for first ten acres and one dwelling unit per five acres for remaining acreage (on minimum one-acre lots). Subsequent owners are allowed these family lot allowances, too. The County is trying to change this policy.

A density of one dwelling unit per two acres is allowed in the RA zone if at least fifty percent of a property's boundary is contiguous to a property already developed or subject to a recorded subdivision plat at a density equal to or greater than one dwelling unit per twenty acres and the property is contiguous to a major highway.

BALTIMORE COUNTY

RC-2 zoning in the Agricultural Preservation Areas allows one subdivision per lot of record between two and one hundred acres, plus one subdivision per fifty acres additional. RC-4 allows one unit per five acres, with clustering provisions. The RC-2 zoning is among the strictest in the nation. Recently the County created a one dwelling unit per twenty five R-7 zone and has rezoned land, such as all the RC-4 land in the Gunpowder Falls Rural Legacy Area, from one dwelling unit per five to one dwelling unit per twenty five acres.

CALVERT COUNTY

Subdivision of parcels in the Agricultural Preservation Districts (formed voluntarily) is restricted to one lot for twenty five to fifty acres, two lots for fifty to seventy five acres, and three lots for seventy five or more acres. Once in an APD, however, the landowner can sell development rights at a rate of one dwelling unit per acres (less five for every residential lot used) on the TDR market and through the County's Purchase And Retire program. The one dwelling unit per five acre density in the Resource Preservation District and Farm Community District was reduced to one dwelling unit per ten acres in 1999. To recover the previous density, developers have to use transferable development rights

CAROLINE COUNTY

Four lots from the original parcel of December 1, 1972 (minor subdivision), plus one dwelling unit per twenty acres (rural major subdivision).

CARROLL COUNTY

Zoning is one dwelling unit per twenty acres, plus two off-conveyances. The actual yield is about one dwelling unit per fifteen acres. Lots are required to be as close to one acre as possible, and clustered.

CECIL COUNTY

Comprehensive rezoning took place in 1993. The Rural Conservation District was zoned Northern Agricultural Residential (NAR), one dwelling unit per five acres, or one dwelling unit per with clustering. The Resource Protection District was zoned Southern Agricultural Residential (SAR), one dwelling unit per eight acres, or one dwelling unit per five acres with clustering. With clustering, development has to occupy no more than forty percent of the site. Under the old zoning, both zones were one dwelling unit per acre.

CHARLES COUNTY

Zoning in the Rural Conservation and Agricultural Conservation zones is one dwelling unit per three acres. Voluntary clustering is allowed at one dwelling unit per five acres in the Agricultural Conservation zone if development occupies a maximum of forty percent of the site.

DORCHESTER COUNTY

Agricultural land in Dorchester County was rezoned in 1996 from one dwelling unit per acre to one dwelling unit per fifteen acres plus three lots, or one dwelling unit per ten acres if clustered.

FREDERICK COUNTY

The County's agricultural zoning is among the most protective in the State. Three lots can be subdivided from a twenty five acre parcel, plus one more lot for each additional fifty acres. Lots may be no bigger than two acres, and must be clustered if more than three lots will be used.

GARRETT COUNTY

No zoning. Subdivision regulations for areas designated in the land use plan, however, specifies a density of one dwelling unit per three acres, with a voluntary cluster density of one dwelling unit per two acres on three-quarter acres lots

(without water and sewer service) and forty percent to sixty percent open space.

HARFORD COUNTY

One unit per ten acres is permitted in agricultural zones. Clustering onto two acre lots is allowed through Residential Conservation Development Standards. In rural growth areas, clustering is allowed on lots smaller than two acres.

HOWARD COUNTY

In 1992 the County rezoned its rural western sector, creating two zones. The Rural Residential zone allows a three-acre minimum lot size and an optional cluster at a rate of one dwelling unit per four and one-quarter acres. Parcels in this zone can receive development rights under the Density Exchange Option at a rate of one dwelling unit per two acres. In the Rural Conservation zones, which contain most of the easements, houses must be clustered on one-acre lots at the rate of one dwelling unit per four and one-quarter acres for parcels over twenty acres. The preservation parcels that remain after clustering, if over twenty five acres, are eligible for a house. Development rights can be transferred at the rate of one development right per three acres.

KENT COUNTY

The County's zoning is one dwelling unit per thirty acres for scattered development suitable for agriculture (no maximum lot size), one dwelling unit per twenty acres for suburban development, and one dwelling unit per ten acres for enclave development (maximum one acre lot size, which would save ninety percent of the site). Agricultural and resource conservation districts cover eighty five percent of the County.

MONTGOMERY COUNTY

The Agricultural Reserve is zoned Rural Density Transfer (RDT). Land can be developed at one lot per twenty five acres, while TDRs can be sold at one development right per five acres for use in the down-County receiving areas.

PRINCE GEORGE'S COUNTY

The County does not have a zone whose primary purpose is agricultural preservation. The County has a one dwelling unit per two acres Residential Agricultural zone and a one dwelling unit per five acre Open Space zone.

QUEEN ANNE'S COUNTY

Subdivision options on agricultural land include:

- (A) Large lot subdivision (twenty acre minimum lot size, mandatory thirty five -foot frontage on a public or private road).**
- (B) A sliding scale subdivision (two lots for the first one hundred acres, then one dwelling unit per one hundred acres (or part), on minimum one-half acre lots). This technique is simpler and less expensive than the cluster technique and is used primarily for lots for family members.**
- ©) Cluster subdivision with a density of one dwelling unit per eight acres on a maximum fifteen percent of the site. The rest is restricted to open space in the deed. Lots are a minimum one-half acre, and the fifteen percent net buildable includes all lots, road, etc.**

By allowing non-contiguous parcels to file a development plan as if they were one parcel, the open space requirement is reduced to fifty percent on the piece being developed while the eighty five percent open space is maintained overall.

ST. MARY'S COUNTY

The County's agricultural zoning is one dwelling unit per five acres.

SOMERSET COUNTY

The County's agricultural zoning is one dwelling unit per acre, with voluntary clustering.

TALBOT COUNTY

The Rural Agricultural Conservation zone (RAC), located outside the Critical Area, allows one dwelling unit per twenty acres, plus three units. Clustering permits one dwelling unit per ten acres, plus three units. Cluster plus TDR allows one dwelling unit per five acres plus three units. The Rural Conservation District (RCD), located within the Critical Area, is zoned one dwelling unit per twenty acres.

WASHINGTON COUNTY

Washington County's agricultural zoning is one dwelling unit per acre.

WICOMICO COUNTY

The County used to have the least protective agricultural zoning in the State: two units per acre. Following the adoption of the latest comprehensive plan, the zoning was changed to one dwelling unit per fifteen acres, or one dwelling unit

per three acres if development is clustered on fifty percent of the parcel. Minor lot rights per parcel were reduced from three to two.

WORCESTER COUNTY

In rural areas, the County allows a maximum of five lots per each parcel created prior to 1967._____