



**CHARLES COUNTY**

**AGRICULTURAL  
LAND  
PRESERVATION  
PROGRAM**

**RECERTIFICATION  
REPORT**



**July 1, 2006  
through  
June 30, 2008**

Prepared By

Charles R. Rice  
Manager, Environmental Programs

and

Mary Grant  
Senior Planner



**CHARLES COUNTY MARYLAND**  
Where Eagles Fly™



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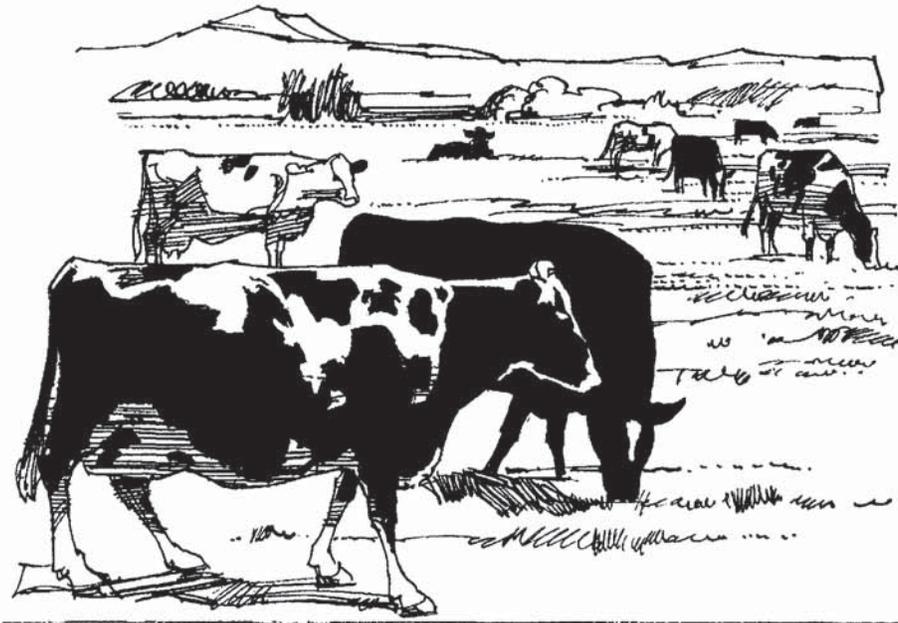
## INTRODUCTION

The purpose of this report is to provide information to the Maryland Department of Planning and the Maryland Agricultural Land Preservation Foundation demonstrating that Charles County is meeting the requirements to be classified as having a Certified Agricultural Land Preservation Program. Such a classification allows the County to retain 75% of the Agricultural Transfer Taxes collected, which can be used locally to purchase preservation easements. Without this certification, the County would only be allowed to retain 33% of those taxes collected.

This report outlines the activities of Charles County's participation in Maryland's Agricultural Land Preservation Program, including financial reporting and data on agricultural land preserved during the period July 1, 2006 through June 30, 2008. The report also provides information on overall Program accomplishments during the reporting period and outlines contributions from other preservation programs, including the County's Transfer of Development Rights (TDR) Program, Rural Legacy Program, Maryland Environmental Trust, The Nature Conservancy, the Conservancy for Charles County, and other miscellaneous State easement acquisitions.

Comparisons are made between land preserved and land lost using data from the agricultural transfer tax and subdivision data from the Department of Planning and Growth Management. The report also evaluates overall Program strengths and weaknesses and discusses implementation actions to be taken during the next certification period.

An independent auditor has verified the information in the Financial Reporting Forms and provides a synopsis of activities relating to the County's certification, matching funds, County fund contributions, and tax reallocation.



**I. FINANCIAL REPORTING FORMS FOR CERTIFIED COUNTIES; AGRICULTURAL  
LAND PRESERVATION REVENUES AND EXPENDITURES FY 2007 THROUGH 2008  
AND;  
AUDITOR'S REPORTS, FY 2007**

**CHARLES COUNTY GOVERNMENT**

**FINANCIAL REPORTING FORM FOR CERTIFIED COUNTIES  
AGRICULTURAL LAND PRESERVATION REVENUES & EXPENDITURES**

For the Fiscal Year July 1, 2006 through June 30, 2007

	<u>Agricultural Transfer Tax Funds</u>	<u>Other County Funds</u>	<u>Program Total</u>
<b>Revenues:</b>			
Agricultural Transfer Tax Collected	650,267.54		650,267.54
Less: Agricultural Transfer Tax Remitted to Controller	<u>162,566.77</u>		<u>162,566.77</u>
Agricultural Transfer Tax Retained By Subdivision	487,700.77		487,700.77
County-General Fund Appropriation (for admin only)		43,411.45	43,411.45
County-Other Revenues (non-admin)			0.00
<b>Total Revenues</b>	<b>487,700.77</b>	<b>43,411.45</b>	<b>531,112.22</b>
<b>Expenditures:</b>			
Administrative Expenses	-48,770.08	-43,411.45	-92,181.53
Administrative Expenses - Fund 02			
Matching MALPF Acquisitions		0.00	0.00
Purchase of Development Rights or Enhancements (See Note #1)	-719,880.76	-647,185.00	-1,367,065.76
Rural Legacy purchase allowable		-63,304.00	-63,304.00
Tax credits on easement properties		-32,306.00	-32,306.00
Three Year Monies Remitted to MALPF			0.00
<b>Total Expenditures</b>	<b>-768,650.84</b>	<b>-786,206.45</b>	<b>-1,554,857.29</b>
<b>Total Revenues</b>	<u>487,700.77</u>	<u>43,411.45</u>	<u>531,112.22</u>
Excess Revenue Over Expenditures	-280,950.07	0.00	-280,950.07
Beginning Fund Balance July, 2006	<u>1,841,957.00</u>		<u>1,841,957.00</u>
ack Rural Legacy & MALPF purchases to reflect below			
Ending Fund Balance June 30, 2006 (See Note #2)	<u>1,561,006.93</u>		<u>1,561,006.93</u>

**NOTE #1 - Purchase of Development Rights and Enhancements  
Detail for determining Qualifying Expenditures**

Appraisals for Easements			
Appraisals for Districts			
Local Easement Purchases (MALPF)	719,880.76		719,880.76
Local Easement Purchases (Rural Legacy related)			0.00
District Incentive Payments			
Easement Incentive Payments		710,489.00	710,489.00
Tax Credits on Easement Properties		32,306.00	32,306.00
Tax Credits on District Properties			
Administrative Expenses (Explain)	48,770.08	43,411.45	92,181.53
Other Financial Enhancements(Explain)			
<b>Total Expenditures on Development Rights and         Enhancements</b>	<b>768,650.84</b>	<b>786,206.45</b>	<b>1,554,857.29</b>

**NOTE #2 - Analysis of Fund Balance**

The unexpended/committed Agricultural Transfer Tax Fund balance \$ 1,561,006.89 must be spent within three years of receipt. The amount is now comprised of the County's portion of State Agricultural Transfer Tax from the following years:

June 30, 2005	448,188.00
June 30, 2006	625,118.12
June 30, 2007	<u>487,700.77</u>
	<u>1,561,006.89</u>

**CHARLES COUNTY GOVERNMENT**

**FINANCIAL REPORTING FORM FOR CERTIFIED COUNTIES  
AGRICULTURAL LAND PRESERVATION REVENUES & EXPENDITURES**

For the Fiscal Year July 1, 2007 through June 30, 2008

	Agricultural Transfer Tax Funds	Other County Funds	Program Total
<b>Revenues:</b>			
Agricultural Transfer Tax Collected	179,772.80		179,772.80
Less: Agricultural Transfer Tax Remitted to Controller	<u>44,943.17</u>		<u>44,943.17</u>
Agricultural Transfer Tax Retained By Subdivision	134,829.63		134,829.63
County-General Fund Appropriation (for admin only)		76,278.90	76,278.90
County-Other Revenues (non-admin)			0.00
<b>Total Revenues</b>	<b>134,829.63</b>	<b>76,278.90</b>	<b>211,108.53</b>
<b>Expenditures:</b>			
Administrative Expenses	-30,000.00	-76,278.90	-106,278.90
Administrative Expenses - Fund 02			
Matching MALPF Acquisitions	-385,760.87	-442,857.70	-828,618.57
Purchase of Development Rights or Enhancements (See Note #1)	0.00	-63,304.47	-63,304.47
Rural Legacy purchase allowable		0.00	0.00
Tax credits on easement properties		-38,279.02	-38,279.02
Three Year Monies Remitted to MALPF			0.00
<b>Total Expenditures</b>	<b>-415,760.87</b>	<b>-620,720.09</b>	<b>-1,036,480.96</b>
Total Revenues	<u>134,829.63</u>	<u>76,278.90</u>	<u>211,108.53</u>
Excess Revenue Over Expenditures	-280,931.24	0.00	-280,931.24
Beginning Fund Balance July, 2007	<u>1,561,006.89</u>		<u>1,561,006.89</u>
ack Rural Legacy & MALPF purchases to reflect below			
Ending Fund Balance June 30, 2008 (See Note #2)	<u>1,280,075.65</u>		<u>1,280,075.65</u>

**NOTE #1 - Purchase of Development Rights and Enhancements  
Detail for determining Qualifying Expenditures**

Appraisals for Easements			
Appraisals for Districts			
Local Easement Purchases (MALPF)	385,760.87	442,857.70	828,618.57
Local Easement Purchases (Rural Legacy related)			0.00
District Incentive Payments			
Easement Incentive Payments		63,304.47	63,304.47
Tax Credits on Easement Properties		38,279.02	38,279.02
Tax Credits on District Properties			
Administrative Expenses (Explain)	30,000.00	76,278.90	106,278.90
Other Financial Enhancements(Explain)			
Total Expenditures on Development Rights and Enhancements	415,760.87	620,720.09	1,036,480.96

**NOTE #2 - Analysis of Fund Balance**

The unexpended/committed Agricultural Transfer Tax Fund balance \$ 1,280,075.65 must be spent within three years of receipt. The amount is now comprised of the County's portion of State Agricultural Transfer Tax from the following years:

June 30, 2006	657,545.25
June 30, 2007	487,700.77
June 30, 2008	<u>134,829.63</u>
	<u>1,280,075.65</u>

THE COUNTY COMMISSIONERS OF CHARLES COUNTY  
La Plata, Maryland

AGRICULTURAL LAND PRESERVATION PROGRAM  
REVENUES, EXPENDITURES, AND  
CHANGES IN FUND BALANCE  
June 30, 2007



**Clifton  
Gunderson LLP**  
Certified Public Accountants & Consultants

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## Independent Auditor's Report

The County Commissioners of Charles County  
La Plata, Maryland

We have audited the accompanying schedule of revenues, expenditures, and changes in fund balance – statutory basis of the Charles County Agricultural Land Preservation Program for the year ended June 30, 2007. This schedule is the responsibility of The County Commissioners of Charles County's management. Our responsibility is to express an opinion on this schedule based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the schedule of revenues, expenditures, and changes in fund balance - statutory basis is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the schedule. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall schedule presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the schedule was prepared within the guidelines prescribed by the laws and regulations governed by the Annotated Code of Maryland, Tax-Property Article, Sections 1-301 through 1-308, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the schedule referred to above presents fairly, in all material respects, the revenues, expenditures and changes in fund balance - statutory basis of the Charles County Agricultural Land Preservation Program for the year ended June 30, 2007, on the basis of accounting described in Note 1.

Our audit was made for the purpose of forming an opinion on the schedule of revenues, expenditures, and changes in fund balance. The accompanying supplemental information is presented for purposes of additional analysis and is not a required part of the schedule of revenues, expenditures, and changes in fund balance – statutory basis. Such information has been subjected to the auditing procedures applied in the audit of the schedule of revenues, expenditures, and changes in fund balance – statutory basis and, in our opinion, is presented fairly, in all material respects, in relation to the schedule of revenues, expenditures, and changes in fund balance – statutory basis.

In accordance with *Government Auditing Standards*, we have also issued our report dated March 20, 2008 on our consideration of the Charles County Agricultural Land Preservation Program's internal control over financial reporting and on our tests of its compliance with certain

provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

This report is intended solely for the information and use of the management of the Board of Commissioners of Charles County for filing with the Maryland Department of Agriculture and Maryland Department of Planning and is not intended to be and should not be used by anyone other than these specified parties.

*Clifton Gundersen LLP*

Baltimore, Maryland  
March 20, 2008

**CHARLES COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM  
 SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE –  
 STATUTORY BASIS  
 Year Ended June 30, 2007**

	<u>Agricultural Land Transfer Tax Funds</u>
<b>REVENUES</b>	
Agricultural land transfer tax revenue, net	\$ <u>487,701</u>
<b>EXPENDITURES</b>	
Administrative expenses	48,770
Purchase of development rights or enhancements	<u>719,881</u>
Total expenditures	<u>768,651</u>
<b>EXCESS OF REVENUES OVER EXPENDITURES</b>	(280,950)
<b>FUND BALANCE, BEGINNING</b>	<u>1,841,957</u>
<b>FUND BALANCE, ENDING</b>	<u>\$ 1,561,007</u>

The accompanying notes are an integral part of this financial statement.

**CHARLES COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM**  
**NOTES TO SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND**  
**BALANCE – STATUTORY BASIS**  
**June 30, 2007**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**Reporting Entity**

The Maryland Office of Planning and the Maryland Agricultural Land Preservation Foundation certifies county agricultural land preservation programs in the State of Maryland. The Charles County Agricultural Land Preservation Program was first certified in October 1996 and is currently certified through June 30, 2008.

The State of Maryland imposes an agricultural land transfer tax on an instrument of writing that transfers title to agricultural land. As a county with a certified agricultural land preservation program, Charles County is allowed to retain 75% of the agricultural land transfer tax collected for farmland. The County remits 25% of the agricultural land transfer tax collected for farmland and 100% of the agricultural land transfer tax for woodland to the State of Maryland.

The funds retained by the County from the agricultural land transfer tax must be used as prescribed by the Annotated Code of Maryland, Tax-Property Article, Section 13-306. Funds that are not committed or expended within three years from the date of deposit must be remitted to the State of Maryland for deposit in the Maryland Agricultural Land Preservation Fund. Administrative expenses cannot exceed 10% of the net agricultural land transfer revenue or \$30,000, whichever is greater.

**Basis of Accounting**

The Schedule of Revenues, Expenditures, and Changes in Fund Balance - Statutory Basis is prepared on a comprehensive basis of accounting other than generally accepted accounting principles to comply with the Annotated Code of Maryland, Tax-Property Article, Sections 13-301 through 13-308. The schedule does not include funds paid directly from the Maryland Department of Agriculture to Charles County property owners.

Revenues are recorded upon receipt and expenditures are recorded when the liability is incurred.

**NOTE 2 – AGRICULTURAL LAND TRANSFER TAX REVENUE, NET**

Agricultural land transfer tax revenue:	
Farmland	\$ 650,268
Woodland	<u>588,642</u>
Total agricultural land transfer tax revenue collected	<u>1,238,910</u>
Agricultural land transfer tax revenue remitted:	
Farmland (25% of tax collected)	162,567
Woodland (100% of tax collected)	<u>588,642</u>
Total agricultural land transfer tax revenue remitted	<u>751,209</u>
<b>Agricultural land transfer tax revenue, net</b>	<b><u>\$ 487,701</u></b>

**CHARLES COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM  
NOTES TO SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND  
BALANCE – STATUTORY BASIS  
June 30, 2007**

**NOTE 3 – FUNDING FROM PRIVATE SOURCES**

The Tri-County Council provided \$647,185 to purchase easements and \$63,304 to provide an easement incentive payment. These payments were paid directly from the Tri-County Council to the Maryland Department of Agriculture or the property owner and are not recorded in the County's accounting records. The funding provided by private sources can be used to meet the 9% matching requirement.

**NOTE 4 – ADMINISTRATIVE**

Administrative expenses paid from the agricultural land transfer tax fund cannot exceed 10% of the net agricultural land transfer tax revenue for the fiscal year or \$30,000, whichever is greater. For fiscal year 2007, administrative expenses that were allowed to be paid from agricultural transfer tax funds were \$48,770. The remaining \$43,411 was paid from the County's General Fund.

**NOTE 5 – FUND BALANCE**

The unexpended/committed Agricultural Transfer Tax Fund balance of \$1,561,007 must be committed within three years of receipt. The amount is comprised of the County's portion of State Agricultural Transfer Tax from the following years:

Fiscal year 2005	\$ 431,595
Fiscal year 2006	641,711
Fiscal year 2007	<u>487,701</u>
<b>Total</b>	<b><u>\$ 1,561,007</u></b>

**NOTE 6 – MATCHING REQUIREMENT**

Each fiscal year the County must match 42% of the agricultural land transfer tax collected for farmland. The agricultural land transfer tax can provide 33% of the matching requirement, but the remaining 9% must be provided by other funds. Administrative expenditures can not be used toward the 9% matching requirement.

The matching requirement for fiscal year 2007 was \$58,524. The County exceeded the matching requirement by providing agricultural land preservation district tax credits in the amount of \$32,306, purchases of easements in the amount of \$647,185, and easement incentive payments in the amount of \$63,304.

**NOTE 7 – SUBSEQUENT EVENTS**

The Charles County Board of Commissioners has committed \$1,000,000 for the purchase of easements. The County anticipates \$500,000 of the \$1,000,000 will be funded by the agricultural land transfer tax fund.

This information is an integral part of the accompanying financial statements.

**CHARLES COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM  
 COMBINING SCHEDULE OF AGRICULTURAL LAND TRANSFER  
 TAX FUND AND OTHER FUNDS  
 Year Ended June 30, 2007**

	Agricultural Land Transfer Tax Funds	Agricultural Land Transfer Other Funds	Total Program Funds
<b>REVENUES</b>			
Agricultural transfer tax collected	\$ 487,701	\$ -	\$ 487,701
Funding from the County's general fund	-	75,717	75,717
Funding from private sources	-	710,489	710,489
	<u>487,701</u>	<u>786,206</u>	<u>1,273,907</u>
Total revenues	<u>487,701</u>	<u>786,206</u>	<u>1,273,907</u>
<b>EXPENDITURES</b>			
Administrative expenses	48,770	43,411	92,181
Purchase of development rights or enhancements	719,881	-	719,881
Easement purchases	-	647,185	647,185
Easement incentive payment	-	63,304	63,304
Agricultural land preservation district tax credits	-	32,306	32,306
	<u>768,651</u>	<u>786,206</u>	<u>1,554,857</u>
Total expenditures	<u>768,651</u>	<u>786,206</u>	<u>1,554,857</u>
<b>EXCESS OF REVENUES OVER EXPENDITURES</b>	(280,950)	-	(280,950)
<b>FUND BALANCE, BEGINNING</b>	<u>1,841,957</u>	<u>-</u>	<u>1,841,957</u>
<b>FUND BALANCE, ENDING</b>	<u>\$ 1,561,007</u>	<u>\$ -</u>	<u>\$ 1,561,007</u>



**Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards***

Charles County Board of Commissioners  
La Plata, Maryland

We have audited the schedule of revenues, expenditures, and changes in fund balance - statutory basis of the Charles County Agricultural Land Preservation Program (the Program) for the year ended June 30, 2007 and have issued our report thereon dated March 20, 2008. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

**Internal Control Over Financial Reporting**

In planning and performing our audit, we considered the Program's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Program's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Program's internal control over financial reporting.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the Program's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles, such that there is more than a remote likelihood that a misstatement of the Program's financial statements, that is more than inconsequential, will not be prevented or detected by the Program's internal control.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the Program's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

## Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Program's schedule of revenues, expenditures, and changes in fund balance – statutory basis is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grants agreements, and noncompliance with which could have a direct and material effect on the determination of schedule amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended solely for the information and use of the management of the Board of Commissioners of Charles County for filing with the Maryland Department of Agriculture and Maryland Department of Planning and is not intended to be and should not be used by anyone other than these specified parties.

*Clifton Gunderson LLP*

Baltimore, Maryland  
March 20, 2008

## II. PROGRAM ACCOMPLISHMENTS DURING THE REPORTING PERIOD

### EASEMENTS PURCHASED AND ACREAGE PRESERVED DURING THE REPORTING PERIOD

#### *Maryland Agricultural Land Preservation Program*

During the reporting period of July 1, 2006 through June 30, 2008, the Maryland Agricultural Land Preservation Foundation settled nine easements in Charles County with one pending that will settle in early 2009 (Table 1.) The eleven properties, totaling 1,576 acres, are located primarily in the southeast portion of the county.

#### Maryland Agricultural Land Preservation Easements Purchased July 1, 2001 - June 30, 2006

County ID#	Property Owner	Map	Grid	Parcel	Acres	Year in Program	State File	District Agreement	MALPF Easement
39	Parts, Inc.	83	18	60	130	1992	08-05-92-10c	7/20/92	1/26/07
123	Thomas Hall, et al	74	4	3	97	2003	08-04-04-03	9/29/03	3/16/07
104	Gordon O'Neill	82	5	12	240	2001	08-05-01-13	9/24/01	5/2/07
72	Thomas Welch	57	20	10	132	2000	08-04-00-08	6/13/00	6/20/07
147	Clarence Lloyd	83	24	117	50	2005	08-06-06	12/21/05	11/30/07
99	William A. St. Clair	74	10	9	200	2001	08-04-01-04	6/19/01	3/7/08
117	Samuel F. Swann III	65	18	8	77	2002	08-04-02-08	7/24/02	5/19/08
n/a	Joseph W. Jameson	25	16	18	135	2007	08-08-03	none	10/30/08
8	John W. Jarrett	70	17	67	148	1985	08-03-85-01	9/24/84	11/1/08
120	Robert & Patrick Langley	35	21	96	185	2002	08-08-02-06	7/24/02	11/30/08
34	Berkleigh LLC	57	19	16	182	1992	08-04-92-05	4/17/92	pending
<b>TOTAL</b>					<b>1,576</b>				

*Table 1. Maryland Agricultural Land Preservation easements purchased in Charles County during the period July 1, 2006 through June 30, 2008.*

#### *Charles County's Transfer of Development Rights Program*

In 1992 the County adopted a Transfer of Development Rights (TDR) option as part of a comprehensive rezoning. Development rights can be transferred from properties enrolled as Maryland Agricultural Land Preservation Districts to receiving areas located in the Development District. The rate of transfer is one development right per three acres.

During the period between July 2006 and June 2008, TDR activity reached a peak, with the highest average TDR sales equaling \$15,313 during 2007 (Figure 1). However, the declining housing market in 2008 forced TDR values down to an average value of \$7,125. During this reporting period, 406 TDR's

were transferred, protecting 1,788 acres within MALPF Districts. This brings the total number of acres preserved through the use of TDR's to 4,800 acres.

In an effort to further increase the use of TDR's as a preservation tool, Charles County obtained a Coastal Communities Initiatives Grant and hired a consultant to construct a commercial TDR program. The consultant, Environmental Resources Management (ERM), has nearly completed their analysis and plans to make a presentation to the County Commissioners in January 2009.

In addition, the County is currently working with ERM to formulate zoning for the Waldorf Sub-Area which will require TDR's for higher density development. The draft zoning will allow twelve dwelling units per acre by right, and will require TDR's for additional units. Incentives will be provided for mixed use development that is most consistent with the Waldorf Sub-Area Plan, with greater TDR requirements for less desirable options, such as apartments and townhouses.

<b>Transfer of Development Rights (TDR) July 1, 2001 - June 30, 2006</b>									
County ID#	Property Owner	Map	Grid	Parcel	Acres	State File	District Agreement	Number of TDR's Certified	Number of TDR's Transferred
142	Poplar Branch LLC	56	7	5, A	102	08-06-09	3/29/06	30	30
38	Charles F. Herbert	42	16	249,75	262	08-02-92-01	11/4/91	84	49
143	Brookwood II, LLC	56	13	9	182	08-06-15	5/26/06	60	60
54	Charles F. Herbert	42	20	73	225	08-02-96-02	2/5/96	67	40
102	Clements, et al	73	5	181 b,c	140	08-04-01-11	9/24/01	33	16
158	Marshall Corner LLC	43	11	46	56	08-07-02	10/31/06	17	17
159	Liverpool Pointe LLC	74	21	33	205	08-07-06	5/11/07	67	67
156	Robert Boarman	86	3	196	68	08-06-18	8/1/06	21	1
189	David H. Posey	29	-	183	71	08-07-08	1/4/07	22	22
166	Constrander LLC	31	3	159	212	08-07-19	2/28/07	70	20
170	Constrander LLC	51	19	245	74	08-07-20	2/26/07	24	24
148	John W. Bunting	26	24	-	70	08-06-16	5/26/06	23	22
132	Chapel Springs LLC	13	24	202 B	61	08-06-04-08	7/26/04	18	18
190	David H. Posey	25	20	262	60	08-07-21	11/26/07	20	20
<b>TOTAL</b>					<b>1,788</b>			<b>556</b>	<b>406</b>

*Table 2. Agricultural Land Preservation District properties preserved from July 1, 2006 through June 30, 2008 utilizing Charles County's Transfer of Development Rights Program.*

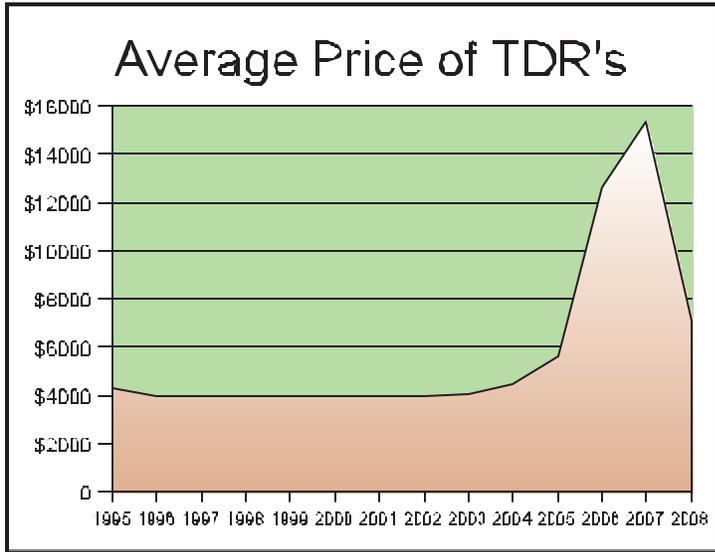
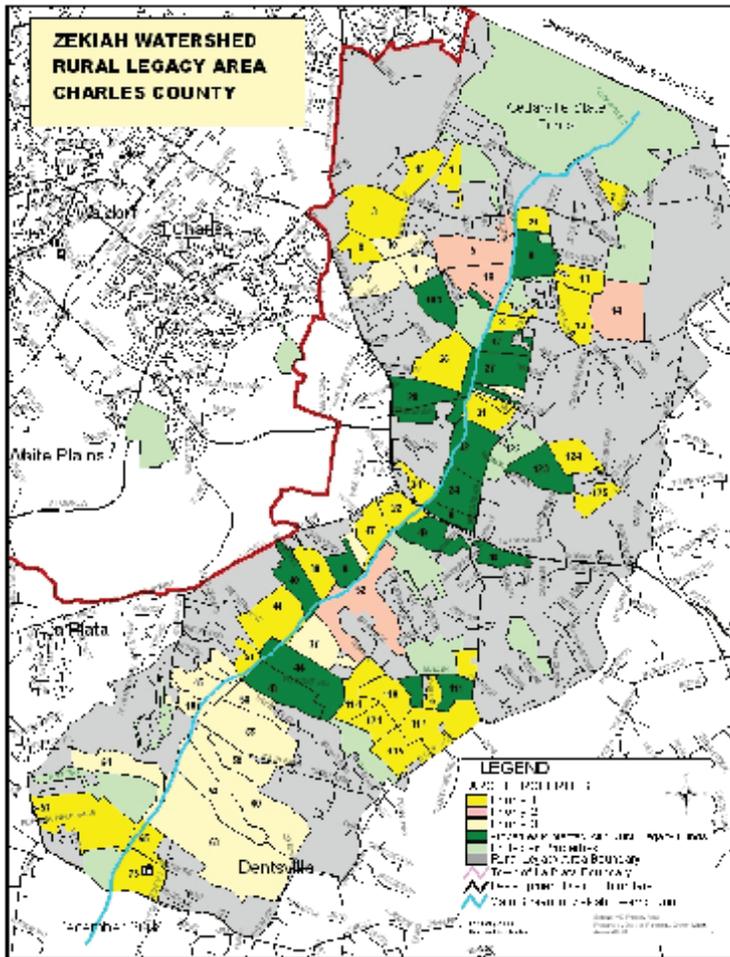


Figure 1. The average price of a TDR from 1995 through 2008 showing the average price rising to \$15,313 in 2007 and falling off sharply during 2008.

**Rural Legacy Program, Zekiah Watershed Rural Legacy Area**



Charles County continues to participate in the State's Rural Legacy Program, designating approximately 65,000 acres of the Zekiah Swamp watershed as its Rural Legacy Area. The Zekiah Swamp is significant to Charles County in that it consists of a large portion of unfragmented forest, provides needed habitat for a diverse list of species, is rich in historical value, and is home to some of the most productive agriculture land in the county.

During this reporting period, the County protected 496 acres using Rural Legacy funding. Additionally, the first two MALPF easements were recorded within the Rural Legacy Area, protecting 320 acres. To date, Charles County has been awarded nine grants, totaling \$10,952,218. The most recent grant award of \$1,000,000 was announced in December 2008.

Figure 2. Zekiah Watershed Rural Legacy Area.

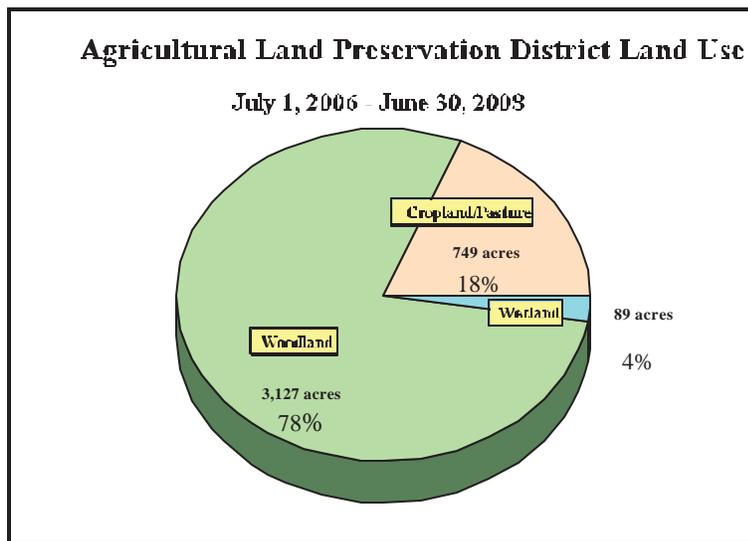
As of June 2008, Charles County has protected 2,328 acres with these grant funds. The total protected land within the Rural Legacy Area, utilizing all existing preservation tools, totals 6,011 acres.

Rural Legacy Program Properties Protected July 1, 2001 - June 30, 2006						
Current Property Owner	Map	Parcel	Acres	Account	Fee or Easement	Date Acquired
Edelen, Trustees	35	107	174.6	08-013853	Easement	12/28/06
James D. Keiser	16	256	19.0	08-053715	Easement	9/19/07
Dennis and Catherine Anderson	34	96	113.1	08-041164	Easement	1/18/08
Bernard Hemming	25	79	190.0	08-016259	Easement	2/20/08
<b>TOTAL</b>			<b>496.7</b>			

*Table 3. Rural Legacy easement acquisitions made in Charles County's Zekiah Watershed Rural Legacy Area during the period July 1, 2006 through June 30, 2008.*

### INFORMATION ON PROPERTIES ENTERING THE STATE AGRICULTURAL EASEMENT PROGRAM

During the period July 1, 2006 through June 30, 2008, fifty new Agricultural Land Preservation Districts were established, totaling 3,965 acres. Consistent with the overall rural land use in Charles County, the Districts enrolled during the recertification period are predominantly wooded, 78% of the total acreage. Crop land and pasture covered 18% while 4% consisted of wetlands. Agricultural operations on these properties include managed forest and small grain production.



*Figure 3. Agricultural Land Preservation District land use on properties enrolled from July 1, 2006 through June 30, 2008 showing 3,127 acres in woodland, 749 acres in productive crop land/pasture and 89 acres in wetlands.*

## OTHER PRESERVATION PROGRAMS

### *Maryland Environmental Trust and the Conservancy for Charles County*

Conservation activity with the Maryland Environmental Trust (MET) continues to be active in Charles County. During the reporting period, 61 acres were preserved through this program. Many of these acres are co-held with the Conservancy for Charles County, a local not for profit conservation organization. Agricultural land comprises much of the total acreage preserved. To date, a total of 6,470 acres are protected through MET and the Conservancy for Charles County (See Protected Lands Map).

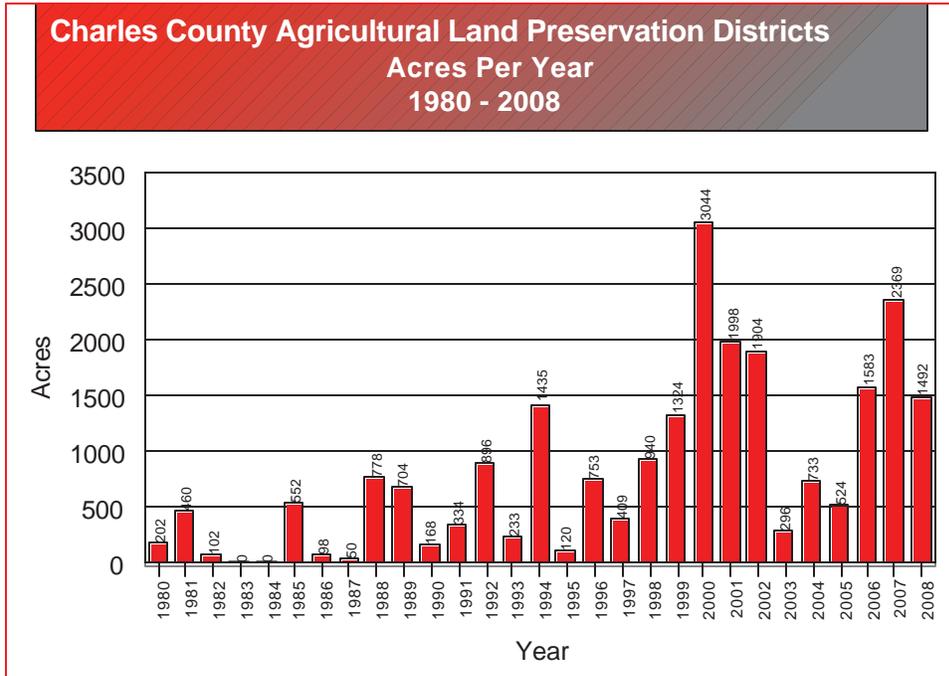
### *The Nature Conservancy*

Charles County is fortunate to have a preservation area targeted by The Nature Conservancy. This target area is located on the western side of the County and encompasses several thousand acres in and around the Nanjemoy area. This target area works much like a Rural Legacy Area in that a target area for preservation has been identified and work is being done to acquire conservation easements, or fee simple interest to preserve properties. The Nature Conservancy's goal is to protect large contiguous blocks of forestland and associated rare and threatened species, such as the dwarf wedge mussel and a large colony of nesting Great Blue Herons.

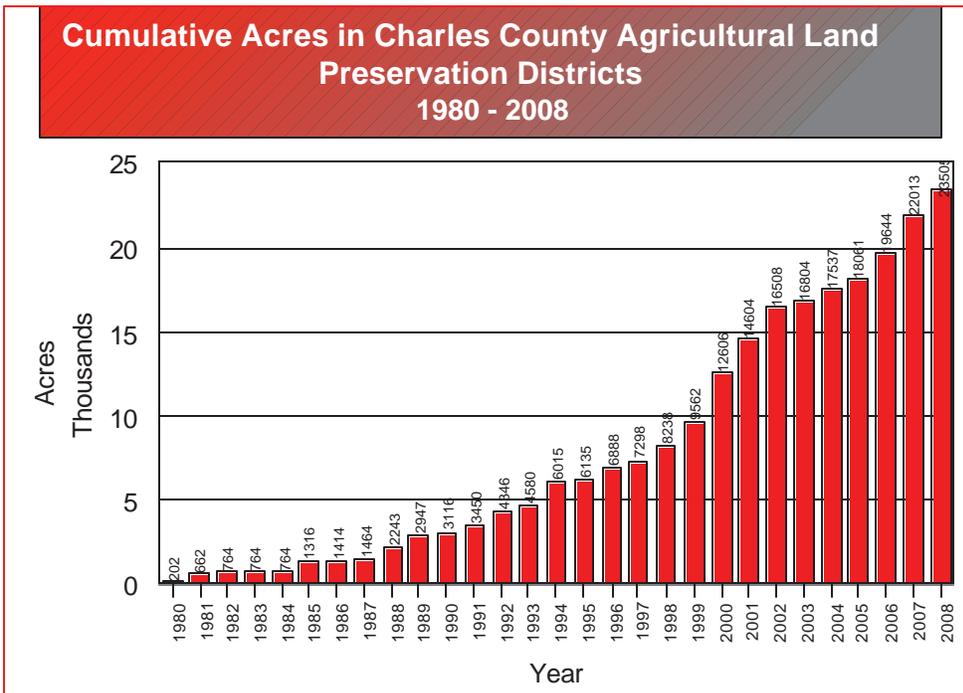
During the reporting period, 276 acres were protected by The Nature Conservancy, bringing their total protected acreage in Charles County to 2,802 acres (see Protected Lands Map).

### III. PROGRAM EVALUATION AND DEVELOPMENT STRATEGY

#### CUMULATIVE SUMMARY STATISTICS ON ALL PROPERTIES PRESERVED TO DATE



**Figure 4.** Acres enrolled as Agricultural Land Preservation Districts per year from 1980 through 2008.



**Figure 5.** Cumulative Agricultural Land Preservation Districts from 1980 through 2008.

## PROGRESS MADE TO IMPLEMENT PROGRAM DEVELOPMENT STRATEGY

### *Charles County's Comprehensive Plan*

Charles County's Comprehensive Plan, updated in 2006, sets specific goals aimed at protecting 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 were established:

- Support agricultural preservation through a combination of development controls and incentives.
- Limit residential development in agricultural areas of the County using density limitations and clustering techniques.
- Minimize conflicts between agricultural and non-agricultural use (especially residential) uses.
- Support the farmer's right-to-farm.
- Strengthen participation in 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.
- Create economic development programs to diversify the agricultural economy and product offerings, enhance farm product marketing, or, in other ways, assist farmers to maintain a economically viable industry.
- Support marketing programs for the County's diverse agricultural offerings.
- Support a productive forestland base and forest resource industry.

Implementation strategies for these goals include the following:

1. Land preservation coordination. Coordinate agricultural and forestry preservation policies with overall land preservation and recreation policy.
2. Transition from tobacco. Support the Agricultural Development Commission of the Tri-County Council for Southern Maryland in its efforts to promote new market-driven agricultural enterprises.
3. Transfer of Development Rights. The transfer of development rights (TDR) zoning option continues to have good potential for both preserving rural land and meeting development objectives in the Development District. The County amended the TDR option in 1996, to make it more attractive, and further adjustments are being explored with the use of commercial TDR's.

4. Agricultural Preservation Land Acquisition Program. Continue to pledge County dollars to purchase agricultural easements to supplement the Maryland Agricultural Land Preservation Program. Since 1999 the County has committed approximately \$100,000 a year to this program. Funds can be used to supplement easement offers made by the State to purchase development rights. With this type of program, more landowners will be able to participate and, in turn, more agricultural lands can be preserved in Charles County.
5. Agricultural marketing program. Currently, as discussed in this Chapter, marketing efforts are being coordinated at the regional level by the Southern Maryland Agricultural Development Commission. Should regional efforts cease, consideration should be given to reactivating the County's marketing program, which was discontinued in 1992.
6. Agricultural training programs. Support re-establishing agricultural training programs in high schools and the College of Southern Maryland if demand warrants, and encourage agricultural organizations such as the 4-H Club.
7. Regulatory review. Review zoning regulations for agricultural product processing, roadside stands, and agri-tourism. Agriculture is changing. Farmers need to supplement traditional income through other sources such as pick-your-own, corn mazes, bed and breakfasts, roadside stands and the like. Regulations should be reviewed to ensure they are not a barrier to such activities, while retaining (for adjacent and nearby property owners) the normal protections afforded by zoning with respect to noise, traffic, and nuisances.
8. Zoning Text Amendment for Agricultural Shared Access Easements. In response to problems several farming families were experiencing when creating lots for family members wishing to return to the farm, the County Commissioners revised the Subdivision Regulations to allow Agricultural Shared Access Easements. This Amendment, adopted July 9, 2008, allows a family member to create a lot on the farm without having direct access to a public road or without having to upgrade a private road to County road standards if they meet the following criteria: (1) the property must be enrolled in a preservation program, (2) the lots are permitted at a density of one per 50 acres, (3) the lots are for intrafamily transfers to immediate family members engaged in the farming operation, (4) new lots must be at the minimum size permitted by the base zone. This change in the subdivision regulations allows family members engaged in the farming operation to more easily return to the farm as the land passes to future generations.

## **ACTIVITIES AND INCENTIVES SUPPORTING AGRICULTURE**

### **Right to Farm**

Charles County continues to have a Right To Farm Ordinance, which was enacted in August 2000. This Ordinance protects agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance, trespass, or interference with the reasonable use of farm land. To date, this Ordinance has not been challenged.

## County Tax Credits

Charles County continues to offer a 100% tax credit on all land and agricultural structures on properties designated as Maryland Agricultural Land Preservation Districts or Easements. This tax credit program continues to be a major incentive for landowners to enter the District Program, therefore allowing them

to become comfortable with the Program and making them eligible to participate in the County's TDR Program or apply for easement sale to the Maryland Agricultural Land Preservation Foundation. In 2008, the total property tax credits to Charles County MALPF District and Easement participants was worth \$128,778.

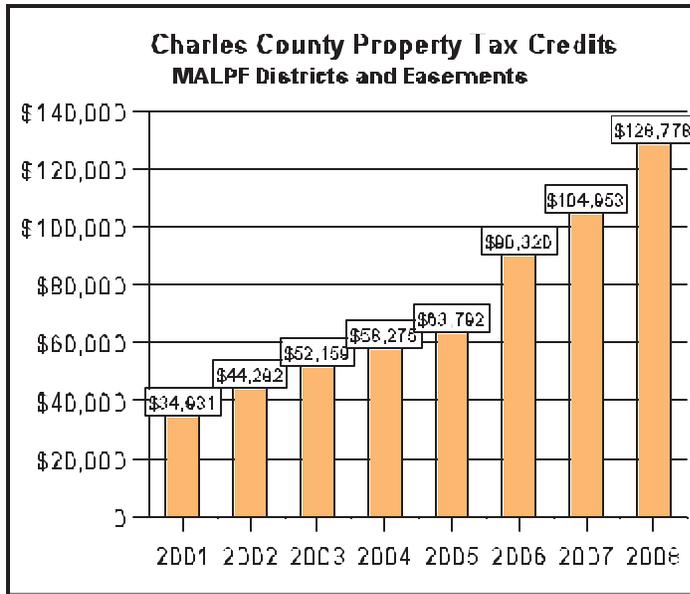


Figure 6. County property tax credits given to MALPF Program participants.

## Maryland Agricultural Land Preservation Matching Funds Program

Charles County continues to participate in the State's Matching Funds Program. The maximum amount ever committed by the County, \$1,334,000, occurred in 2007. While agricultural transfer tax revenue has declined sharply in the past year, the County continues to allocate funds within its Capital Improvement Program Budget for land preservation. During the FY 09 County budget session, \$300,000 was approved for agricultural land preservation.

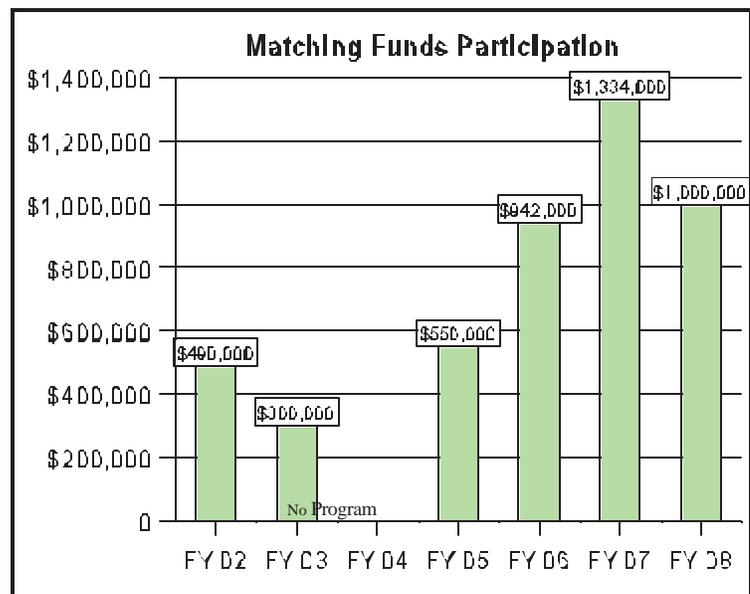


Figure 7. Matching funds committed by Charles County from Fiscal Years 2002 through 2008.

## **Southern Maryland Agricultural Development Commission**

As a result of the State's Tobacco Buy-Out Program, initiated in the late 1990's, the Southern Maryland Agricultural Development Commission was formed and is housed at the Tri-County Council For Southern Maryland. The goal of the Commission is to promote diverse, market-driven agricultural enterprises, which when coupled with agricultural land preservation, will preserve Southern Maryland's environmental resources and rural character while keeping the region's farmland productive and the agricultural economy vibrant. To this end, the Commission has a land preservation component whereby the Southern Maryland Counties receive grants for purchasing land preservation easements. Grants are given proportional to the amount of tobacco that was raised in each County. Priority is given to properties subject to the tobacco buy-out. To date, Charles County has received \$3,000,000 through the tobacco buy-out program to help preserve properties. These funds have been used to supplement MALPF and Rural Legacy easement acquisitions.



The Commission provides a host of services, including an agriculture viability grant program, giving grants to farmers who are in transition to new agricultural enterprises, a marketing program for Southern Maryland products "Southern Maryland So Good" and many other outreach and education programs. For more specific information on the Commission, their web site can be viewed at <http://www.somarylandsogood.com>. The Land Preservation Program Administrator for Charles County has served on this Commission since its inception and currently serves as Chairman.

### **Charles County Agricultural Land Preservation District Program**

With MALPF discontinuing its District Program in June of 2008, Counties were left to decide whether or not to have a local District Program. In September 2008, the Charles County Agricultural Land Preservation Advisory Board made a recommendation to the County Commissioners to develop a county district program. This would allow the County to continue giving tax credits to new properties entering the district program and to maintain a connection between land preservation districts and TDR eligibility. In early 2009, staff anticipates presenting a draft district program to the County Commissioners and obtaining their approval to move forward with adopting legislation.

### **Zoning Text Amendment for Direct Farm Marketing**

With the growing number of farming operations in transition to alternative agricultural uses, the County is planning to process a zoning text amendment to include and clarify such uses as value-added agricultural processing, direct farm marketing and agritourism, as well as expanded winery uses. Such a zoning text amendment will allow the County to accommodate these types of expanded uses as farm operations diversify. Staff anticipates processing this amendment in 2009.

## COMPARISON OF LAND PRESERVED AND LOST

An analysis of the total acres subject to subdivision and new lots approved from 2006 through 2008 reveals that Charles County continues to focus the majority of new lots created within the designated Development District. During this time period, 58% of the total lots approved were located within the Development District while 42% occurred within the rural areas.

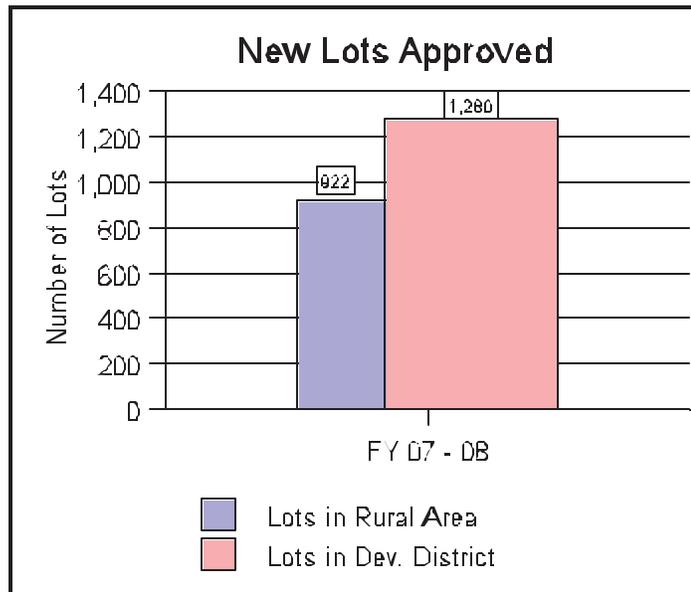


Figure 8. Number of new lots receiving preliminary subdivision plan approval both inside and outside of the designated growth area or development district.

When analyzing the total acres approved to be subdivided, 3,879 acres were subject to subdivision in the rural areas and 750 acres inside the development district. It is important to note that even though the number of acres subject to subdivision activity in the rural area is high, substantial portions of this land is preserved as dedicated open space and forest conservation, and additional portions remain in private open space, agricultural use lots or woodland use (Figure 10).

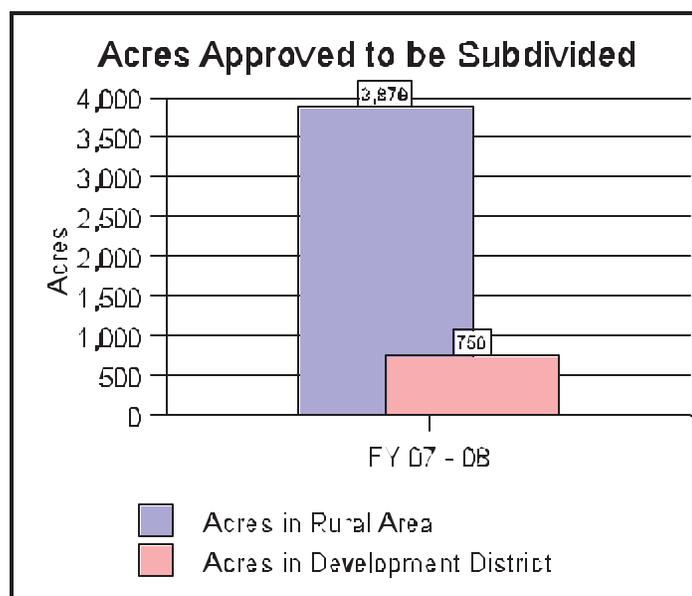
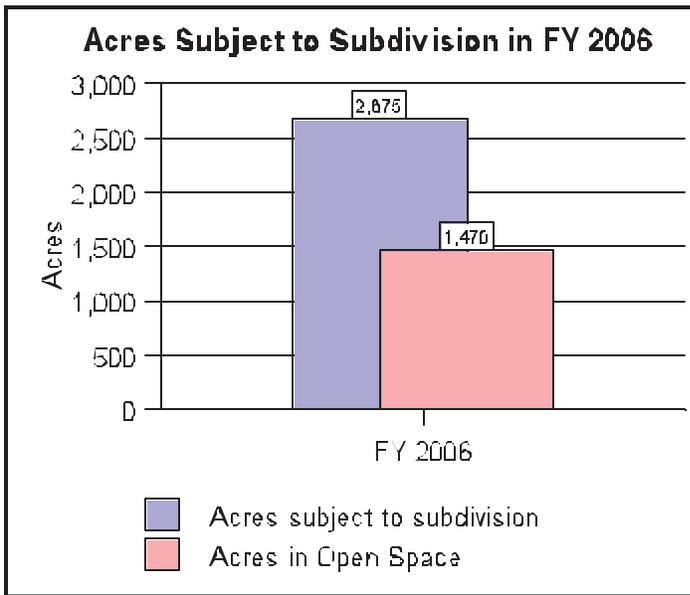


Figure 9. Total number of acres approved for preliminary plan of subdivision.



A comparison between the acres subject to subdivision and the portion remaining in open space was made for Fiscal Year 2006. This comparison showed that 55% of the total acres approved for preliminary plan of subdivision remained in some form of open space (Figure 10). While this comparison has not yet been done for FY 2007-2008, it is expected that 50% of the total acreage approved for preliminary plan of subdivision during this time period also remains in open space.

Figure 10. Comparison of total acres subject to preliminary subdivision plans in FY 2006 showing 55% of the total acres was included within open space.

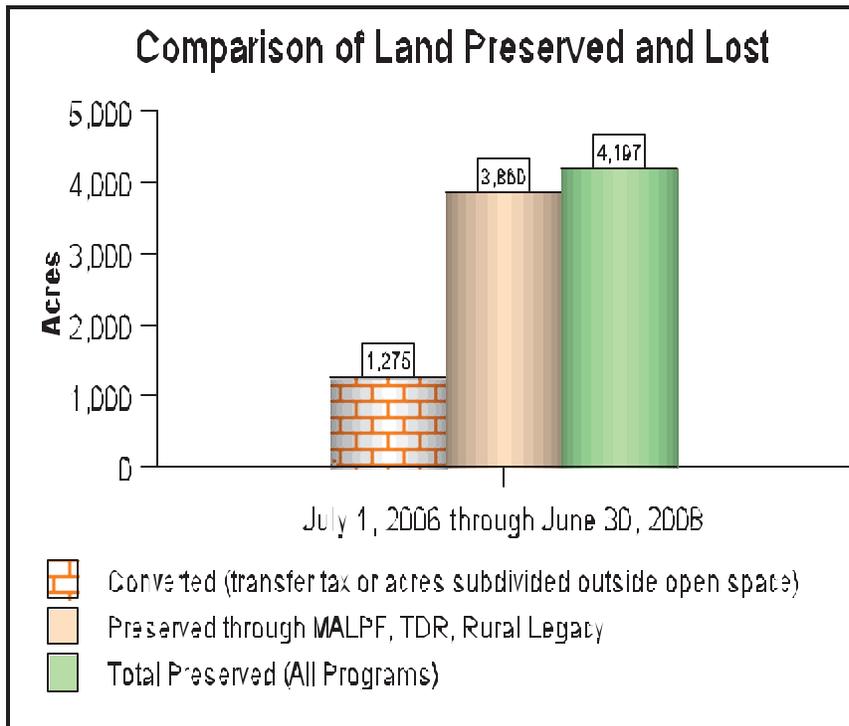


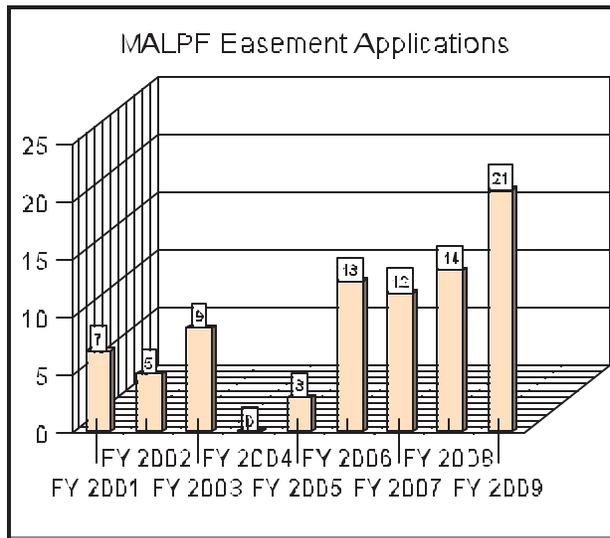
Figure 11. Comparison of acres preserved versus acres converted during the reporting period. Acres converted were calculated by comparing the acres subject to agricultural transfer tax against the acres approved for subdivision outside of open space. Total acres preserved include MALPF, TDR, Rural Legacy, MET, The Nature Conservancy and The Conservancy For Charles County.

When comparing the number of acres preserved and those lost during this recertification period of July 1, 2006 through June 30, 2008, the County had 2,922 more acres preserved than lost. The number of acres converted was derived by comparing the number of acres subject to agricultural transfer tax (1,214) against the number of acres approved for subdivision and not part of open space (1,337). The average of the two is 1,275 acres.

## SUMMARY OF PROGRAM STRENGTHS AND WEAKNESSES

Charles County is able to highlight several strengths when evaluating its preservation programs. They include:

- Continued strong participation in MALPF, enrolling 3,965 acres as District properties during the reporting period as well as a dramatic increase in easement applications
- Having a functional TDR Program that is being further refined with the potential for a commercial component and expanded uses within growth areas.
- The increase in Rural Legacy Program participation from landowners of target properties and the ability to continue receiving grant funding (\$10.9 million) since Program inception.
- Continued update of Zoning and Subdivision Regulations to include Agricultural Shared Access Easements and direct farm marketing/agritourism.



*Figure 12. Number of MALPF easement applications received in Charles County during Fiscal Years 2001 through 2009 showing a steady increase in the number of applicants. It is important to note there was no program in FY 2004 due to lack of State and County funding.*

Program weaknesses continue to be :

- Lack of protective rural zoning
- Need for increased program funding, especially a consistent dedicated local source of funds, although Capital Improvement Budget allocations have been steady in the past few years.

Because of the lack of community and political support for down-zoning in the rural area, the County will continue to look for incentive based approaches to encourage additional preservation. Mandatory clustering continues to be a tool discussed by the County Commissioners and a mandatory cluster bill is currently in draft form. The implementation of the Agricultural Stewardship Act of 2006 will be an opportunity for the County to further review rural zoning as it relates to land preservation and the overall land use strategy of the County.

## UPDATED PROGRAM DEVELOPMENT STRATEGY AND IMPLEMENTATION SCHEDULE

As outlined in the Agriculture Land Preservation Chapter of the County's Land Preservation, Parks and Recreation Plan, the following needed improvements in the implementation of the program were identified:

- Improve the agricultural land preservation tool kit;
- Increase Program funding and support at the County and State level;
- Develop supportive agricultural zoning to protect prime agricultural areas from encroachment;
- Improve the economics of the TDR program;
- Increase use of structured economic development tools to enhance agricultural transition;
- Increase landowner participation in programs.

In an effort to improve the agricultural land preservation tool kit and to improve the TDR program, the County Commissioners will soon hear a report from the consultants regarding commercial TDR's. If implemented in 2009, this new component will increase land preservation through this program. Additionally, new zoning in the sub-area of Waldorf will place a strong emphasis on the use of TDR's.

The County has gradually increased the appropriation of funds for land preservation through the Capital Improvement Budget. The appropriation for fiscal year 2009 was \$300,000. This is of particular importance during this time of decreased revenue through agricultural transfer tax.

The issue of protective agricultural zoning will be evaluated through the implementation of the Agricultural Stewardship Act of 2006 as outlined in the subsequent section.

Landowner participation in preservation programs is at the highest level in history for Charles County. Easement applications for MALPF and Rural Legacy continue to increase each year with demand far outreaching available funding.

## CHARLES COUNTY PRIORITY PRESERVATION AREA (PPA) DESIGNATION

### *Background*

Initial efforts to designate a Charles County PPA are reflected in the June 2006 LPPRP. The two conceptual areas, shown as possible focus areas for agricultural land preservation and natural resource conservation, represent the primary concentrations of agricultural and forest resources in the county. Along with the Zekiah Watershed Rural Legacy Area, they also represent the areas attracting the most significant amount of to-date investment in agricultural land preservation and natural resource conservation.

### *Current Efforts*

In order to further refine these conceptual areas, and to comply with the requirements of the Agricultural Stewardship Act of 2006 and other related legislation, the County retained the services of Environmental Resources Management (ERM) in February of 2008. Working collaboratively with the county, ERM will assist in refining the conceptual work done in the June 2006 LPPRP. Once drafted, the PPA area will be incorporated into an updated sensitive areas element for the County's Comprehensive Plan. In addition to other regulatory items, the sensitive areas element will contain:

- A description of the PPA in the context of the county's growth management plans;
- Goals for the amount and types of agricultural resource land to be preserved in the PPA, with a discussion of the rationale used to establish the goals;
- Discussion of the amount, and geographic distribution, of compatible development that will be allowed within the PPA;
- Discussion of the county's strategy to support normal agricultural and forest activities in conjunction with the amount of development to be permitted;
- Discussion of how preservation goals will be accomplished in the PPA, including strategies to protect land from development through zoning, preserve land with permanent easements and maintain a rural environment capable of supporting normal agricultural and forestry activities;
- An evaluation, including a discussion of current shortcomings, of the ability of the County's zoning and other land use management practices to limit the impact of subdivision and development; allow time for easement purchase, and achieve the Foundation's goals before development excessively compromises the agricultural and forest land resources; and,
- Methods the County will use to concentrate preservation funds and other supporting efforts in the PPA to achieve the goals of the Foundation and the County's acreage preservation goal.

The contractual services with ERM include a public information and adoption process, taking the newly drafted Plan element through the approval process by both the Charles County Planning Commission and the Charles County Commissioners.

Other partners in the current project effort include the local office of USDA's Natural Resource Conservation Service (NRCS), who has already provided technical assistance with the compilation and analysis of soils data. The Maryland Department of Planning will also provide technical assistance, analyzing land use data to document existing conditions and to assist in the development of goals and strategies for long-term protection of the designated areas.

### *Timeline*

The current work efforts began in June 2008 and are anticipated to culminate with the adoption of the revised sensitive areas element of the Comprehensive Plan in October of 2009. Accomplishments on the project to date include drafting of three proposed PPAs in the southern, rural sections of the County. Reflected on the attached map, the proposed PPAs are refinements of the two areas depicted in the 2006 LPPRP, plus the County's Zekiah Watershed Rural Legacy Area. Although the areas have not yet been presented publicly, Planning staff concur that the proposed areas both successfully satisfy the goals and objectives of the Agricultural Stewardship Act and are the most appropriate areas for targeting future funding for agricultural land preservation and the conservation of forestry resources.

In addition to completing the selection of the PPA areas, the soils analysis of the proposed areas is effectively complete, with accompanying data that supports the designation of the three areas. MDP is currently working on the land use data analysis, which when complete will provide us with the information needed to establish program goals and prepare materials for presenting the proposal to the public.

Remaining tasks, and tentative timeframes for completion, are listed below:

January - February 2009	Complete data analysis
March - April 2009	Draft Sensitive Areas Element
April 2009	County Commissioner Briefing
May 2009	Planning Commission Hearing and 60-day review
August 2009	County Commissioner Hearing/Work session
October 2009	Adoption

## **Appendix A**

### Preservation Mapping

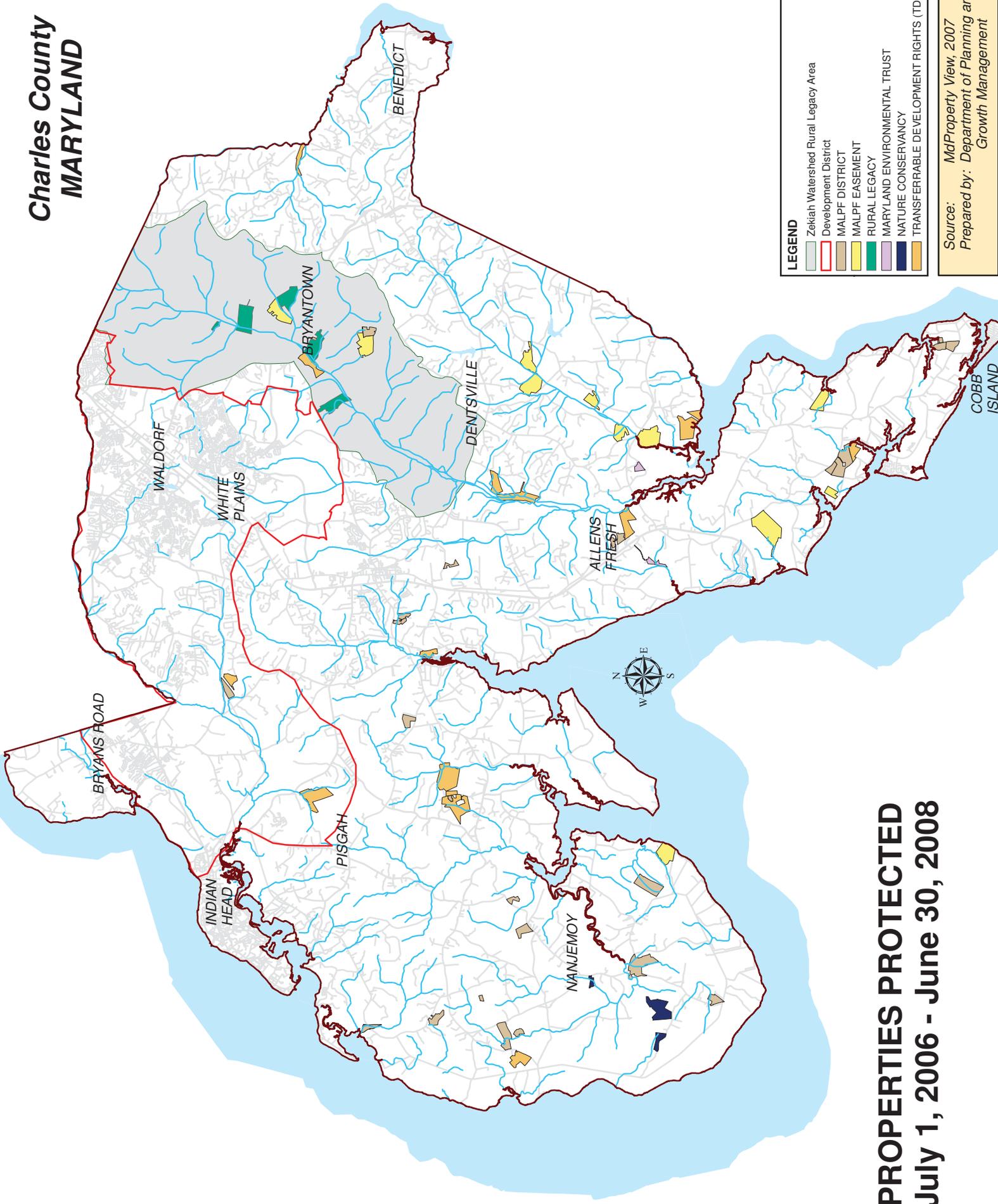
*-Protected Lands during FY 2007-2008*

*-Total Protected Lands*

*-Proposed Draft Priority Preservation Areas*

*-Proposed Draft Priority Preservation Areas with Protected Lands Overlay*

# Charles County MARYLAND



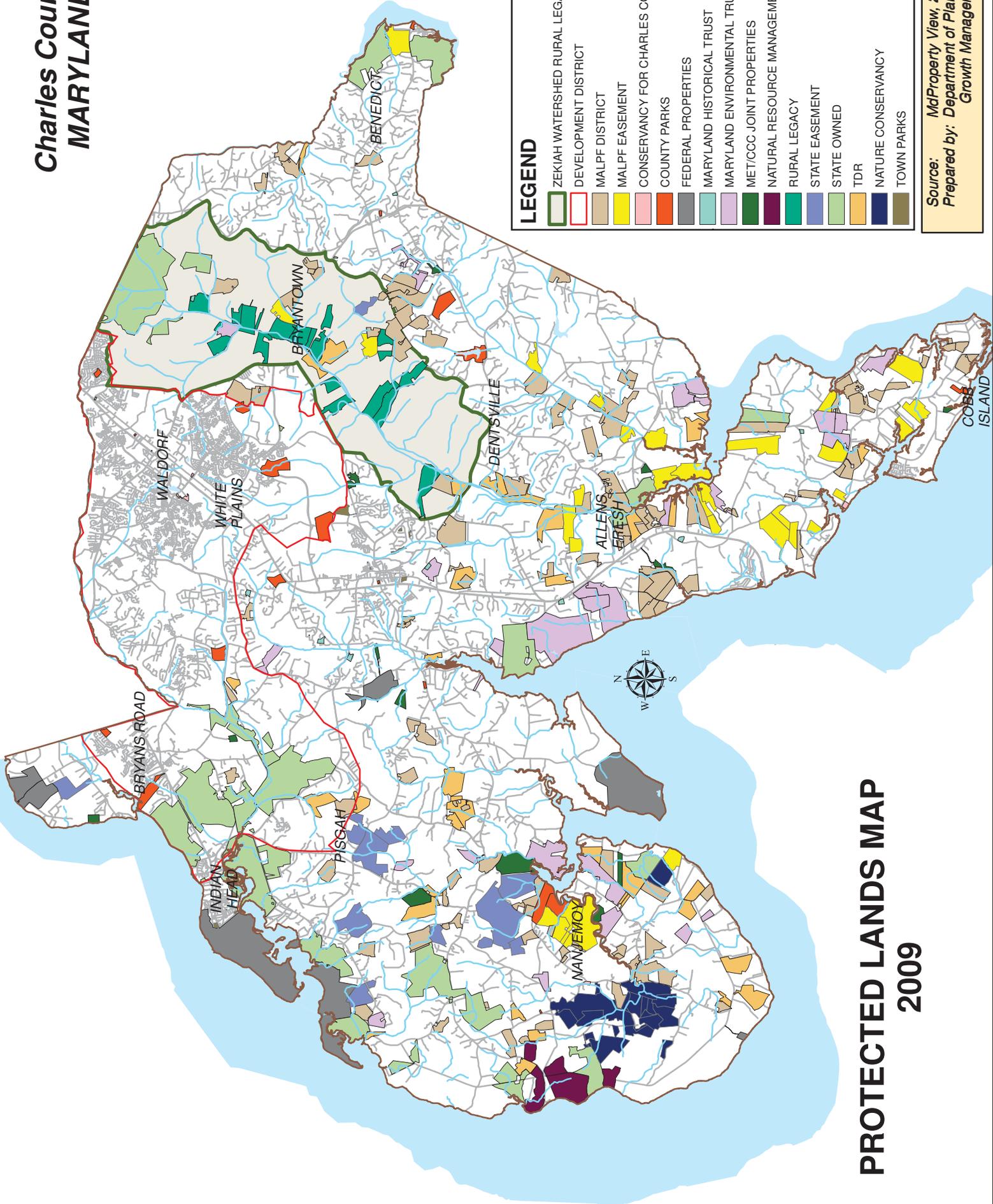
**LEGEND**

	Zekiah Watershed Rural Legacy Area
	Development District
	MALPF DISTRICT
	MALPF EASEMENT
	RURAL LEGACY
	MARYLAND ENVIRONMENTAL TRUST
	NATURE CONSERVANCY
	TRANSFERABLE DEVELOPMENT RIGHTS (TDR)

Source: MdProperty View, 2007  
 Prepared by: Department of Planning and  
 Growth Management

**PROPERTIES PROTECTED  
 July 1, 2006 - June 30, 2008**

# Charles County MARYLAND



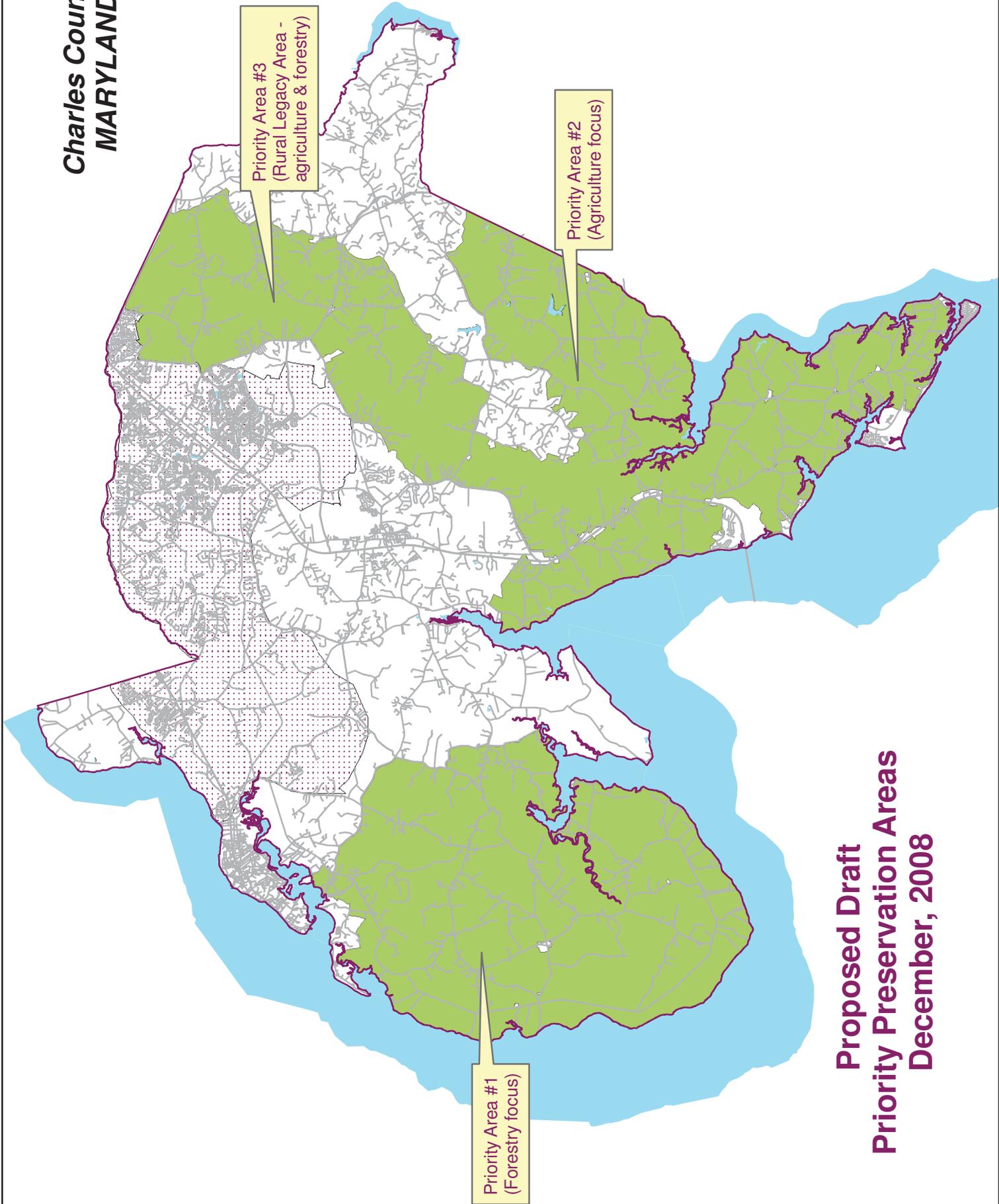
**LEGEND**

- ZEKIAH WATERSHED RURAL LEGACY AREA
- DEVELOPMENT DISTRICT
- MALPF DISTRICT
- MALPF EASEMENT
- CONSERVANCY FOR CHARLES COUNTY (CCC)
- COUNTY PARKS
- FEDERAL PROPERTIES
- MARYLAND HISTORICAL TRUST
- MARYLAND ENVIRONMENTAL TRUST
- MET/CCC JOINT PROPERTIES
- NATURAL RESOURCE MANAGEMENT AREAS
- RURAL LEGACY
- STATE EASEMENT
- STATE OWNED
- TDR
- NATURE CONSERVANCY
- TOWN PARKS

Source: MdProperty View, 2007  
 Prepared by: Department of Planning and  
 Growth Management

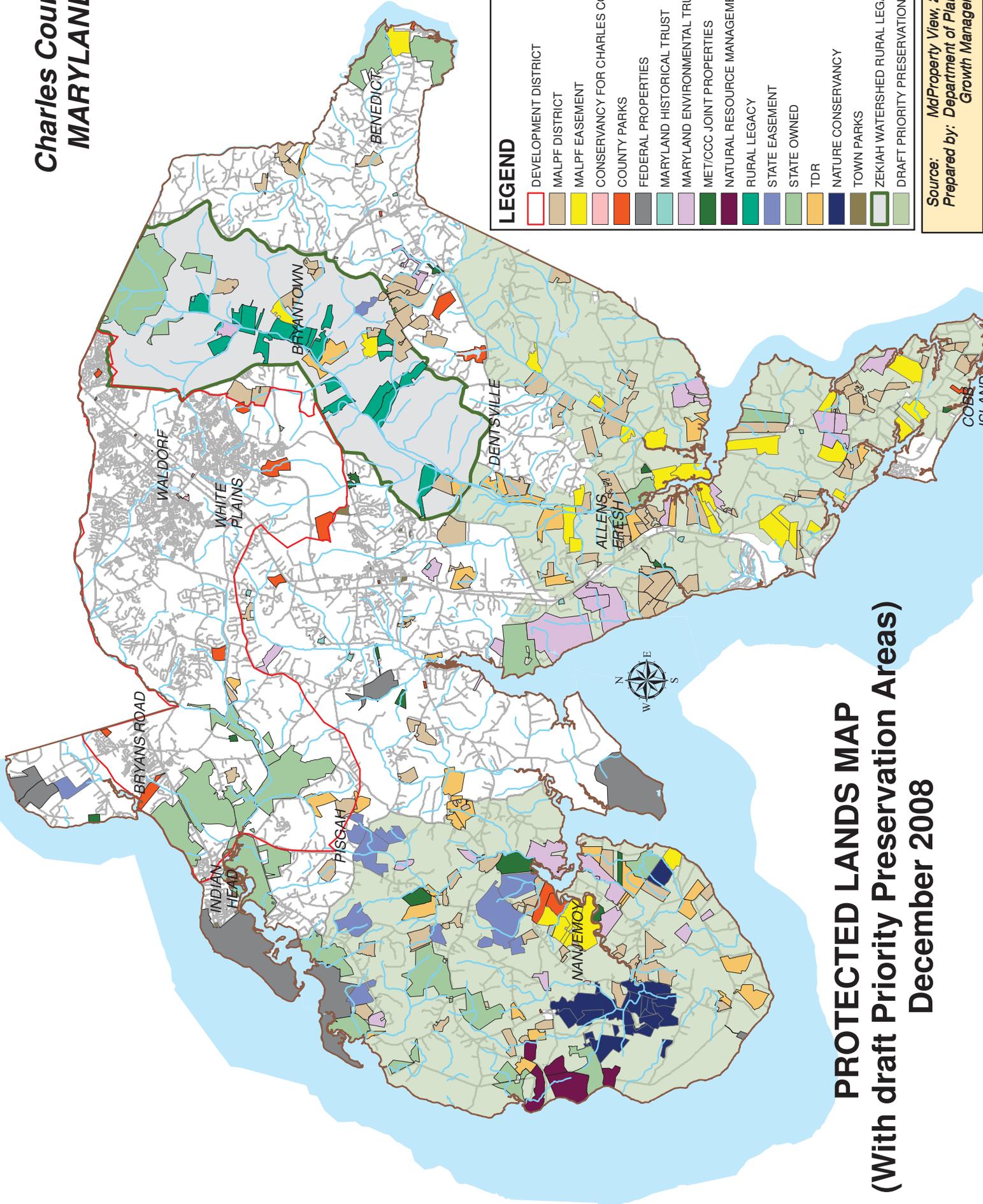
## PROTECTED LANDS MAP 2009

**Charles County  
MARYLAND**



**Proposed Draft  
Priority Preservation Areas  
December, 2008**

# Charles County MARYLAND



## LEGEND

- DEVELOPMENT DISTRICT
- MALPF DISTRICT
- MALPF EASEMENT
- CONSERVANCY FOR CHARLES COUNTY (CCC)
- COUNTY PARKS
- FEDERAL PROPERTIES
- MARYLAND HISTORICAL TRUST
- MARYLAND ENVIRONMENTAL TRUST
- MET/CCC JOINT PROPERTIES
- NATURAL RESOURCE MANAGEMENT AREAS
- RURAL LEGACY
- STATE EASEMENT
- STATE OWNED
- TDR
- NATURE CONSERVANCY
- TOWN PARKS
- ZEKIAH WATERSHED RURAL LEGACY AREA
- DRAFT PRIORITY PRESERVATION AREAS

## PROTECTED LANDS MAP (With draft Priority Preservation Areas) December 2008

Source: MdProperty View, 2007  
Prepared by: Department of Planning and Growth Management