
Chapter 6 Rural and Agricultural Conservation

I. Vision

Talbot County's undeveloped and working agricultural lands are precious resources that are critical to the Rural Character and Quality of Life that this comprehensive plan seeks to preserve. Residential and commercial development pressures continue to threaten our rural landscape. Therefore, innovative land use policies direct growth toward designated growth areas and otherwise preserve agricultural and forest lands. Large tracts of undeveloped land are being placed into conservancy thereby preserving the County's open spaces for future generations. Comprehensive planning that designates growth areas, combined with rigorously enforced zoning ordinances controls suburban type sprawl.

Goal

Conserve the agricultural land base of the County and preserve Rural Character in predominately rural areas of the County by directing growth to existing population centers.

II. Introduction

Agriculture is a significant part of Talbot County life, both as a major industry and as the most important contributor to the County's unique Rural Character. Working farmland is a very valuable and limited natural resource in Talbot County. Once farmland has been developed, it can not generally be reclaimed for agricultural use. Conservation of working lands is an important component of conservation of the agricultural industry in Talbot County. In spite of increasing development pressures being placed on agricultural and open space lands, most County residents continue to see clear benefits in conserving agricultural lands and Rural Character.

In 1991, to preserve agricultural land and open space located outside of the Critical Areas, Talbot County adopted a comprehensive rezoning of rural and agricultural lands reducing the density permitted in agricultural areas to 1 dwelling unit per 20 acres, in certain circumstances requiring development to be clustered to maintain farmland and encouraging the use of transfer of development rights. To further protect agriculture as a land use activity, zoning regulations¹ are designed to help protect farmers from unwarranted nuisance suits by residential neighbors.

¹ Right to Farm. County Code.....

Statistics suggest that the 1991 rezoning has reduced the rate and pace of farmland conversion in Talbot. Agricultural statistics from the U. S. Bureau of the Census report an increase in both the size and number of acres in farms. The 2002 Farm Census will provide a better snapshot of the impacts of the rezoning.

<i>Farm Number and Size</i>	<i>1982</i>	<i>1987</i>	<i>1992</i>	<i>1997</i>
Number of Farms	350	280	250	240
Average size (acres)	342	389	423	457
Land in Farms (acres)	119,684	109,032	109,108	109,572

Currently 64% (109,572 acres) of the county land area is classified as lands in farms. Of these 92,953 acres (85%) are cropland. Crops represent the primary type of farm production.²

III. Existing Rural and Agricultural Land Preservation Programs

As of December, 2002 more than 24,000 acres of land have been placed in an easement program. The six categories of land conservation/agricultural easements shown on Map 7-1 are described below.

Maryland Agricultural Preservation Districts and Agricultural Easements.

The Maryland Agricultural Land Preservation Foundation (MALPF), in existence since 1977, is one of the most successful programs of its kind in the United States. Its primary purpose is to preserve sufficient agricultural land to maintain a viable local base in food and fiber production for the present and future citizens of Maryland.

The program is comprised of two basic steps: the voluntary establishment of **Agricultural Preservation Districts**, and the purchase of perpetual development rights easements (**Agricultural Easements**). The program is administered by the County and State in an equitable partnership. By placing a farm in an Agricultural Preservation District, the farmer agrees to keep the land in agriculture for at least five years. The agreement forbids the subdivision and development of the land for residential, commercial or industrial purposes. Once a farm is placed in an Agricultural Preservation District, the farmer may then voluntarily sell his development rights to the State. When the State of Maryland purchases a farm's development rights, the landowner voluntarily sells his rights in perpetuity to develop the farm for residential, commercial or industrial use. The value of the easement on the farm is determined as the difference between the fair market value (that which a developer might pay) and the value at which agricultural production will pay for the land.

As of December, 2002, approximately 14,523 acres of land located in 95 districts in Talbot County have been placed in agricultural preservation districts. Development rights easements have been purchased on forty-nine (49) of the 95 districts which permanently protects 8,100 acres of farmland.

Private Lands

Another available option for property owners who wish to voluntarily conserve lands is to enter into

² United States Department of Agriculture, Bureau of Census U.S. Department of Commerce, 1997.

conservation easement agreements with a local, regional, state or national non-profit land trust organization such as the Eastern Shore Land Conservancy, the Maryland Environmental Trust, Chesapeake Bay Foundation or Nature Conservancy.

Maryland Environmental Trust Lands

Land trust organizations do not typically purchase development rights from a property owner, but rather accept conservation easements as donations and in return the property owner receives significant tax benefits. As of December, 2002 approximately 14,804 acres of land within the County have entered into conservation agreements with various land trust organizations.

DNR Lands

The Maryland Department of Natural Resources (DNR) manages publicly owned lands and protected open space in the State. In Talbot County, DNR manages 238 acres of public lands and protected open space, including Black Walnut Point Natural Resource Management Area, Choptank Fishing Pier State Park, Wye Oak State Park and Seth Demonstration State Forest.

TDR Lands

Transfer of Development Rights Lands (TDR Lands) are properties that have participated in the County managed TDR program. These properties have sold/transferred development rights to other parcels in the same election district, or to highly eroding shorelines, thereby preserving land as open space or agricultural lands.

IV. Talbot County Green Infrastructure Plan

The County working with The Conservation Fund has developed a geographic information system (GIS) model, to identify and evaluate areas of high natural resource and agricultural value. This system offers a holistic approach to preserving the county's important ecological, open space, agricultural and forestry resources. Using GIS modeling, the Green Infrastructure Plan will identify areas of high natural resource and agricultural value that can be protected to form a linked network of conservation lands. By providing such a prioritization framework, the Plan can be used as a decision-making tool to inform future planning efforts, focus conservation to insure maximum benefit and guide compatible ecologically sound development efforts. The Plan will also recommend implementation strategies for achieving natural resource preservation and restoration goals.

Rural and Agricultural Conservation Land Use Policies

- C06.P. 1. Agricultural and forestry activities should be the primary and preferred land use activity in rural areas of the County.
- C06.P. 2. Agriculturally-related commercial and industrial uses should be allowed in the Non-Critical areas of the County, provided these uses can be compatible with surrounding land uses and do not adversely impact environmentally sensitive areas.
- C06.P. 3. Low-density single-family detached residential homes should be allowed in rural and

-
- agricultural areas. Incentives should be provided to encourage cluster development and preservation of open space.
- C06.P. 4. Development design standards for rural residential development should insure the conservation of agricultural lands, open space, woodlands, environmentally sensitive areas and Rural Character.
- C06.P. 5. Rural landowners should be provided the opportunity to transfer development rights from a property in order to maintain development equity and conserve agricultural lands and open space. The County should re-examine opportunities for use of development rights transfer and identify market opportunities or incentives to broaden use.
- C06.P. 6. The County should work with local farmers and the Maryland Agricultural Land Preservation Foundation to encourage greater participation in the Maryland State agricultural easement program. This could be achieved by the commitment of additional funds towards easement purchases by the County.
- C06.P. 7. The County should encourage rural property owners to participate in other land preservation easement programs offered by national, state, regional and local land trust organizations.
- C06.P. 8. Agricultural and forestry activities should be conducted in accordance with best management practices for soil and water conservation which are approved by the Natural Resources Conservation Service.
- C06.P. 9. The County should examine opportunities to create additional tax incentives to preserve farmland.
- C06.P. 10. The County should monitor the effectiveness of current incentives designed to preserve working farmland and open space by reviewing land use changes in the Agricultural, Western Rural Conservation, and Resource Conservation areas.

Rural and Agricultural Conservation Implementation Strategies

Conserve working farmland.

Action: Monitor rural residential development patterns to determine if lower densities have reduced the number of acres converted from working farmland.

Agricultural related uses.

Action: Implement regulations to permit the location of agricultural related industrial and commercial uses in areas easily accessible to farm operators.

Low Density Residential Development

Action: Re-examine opportunities for property owners to transfer development rights.

Rural landowners should be provided the opportunity to transfer development rights from a property in order to maintain development equity and conserve agricultural lands and open space. The County should re-examine opportunities for use of development rights transfer and identify market opportunities or incentives to broaden use.

The County should evaluate the effectiveness of current incentives provided to developers who cluster single-family house lots onto a smaller portion of farms and agree to leave the remaining larger portions as open space. By using a cluster development pattern, the farmer who views his land as a pension no longer has to cut up the entire farm in order to receive development equity. In return for allowing residential density increases, the County is guaranteed that a significant portion of the site will be retained as open space.

The County should continue its TDR Program and encourage its broader use. TDR purchasers within Rural and Agricultural Conservation Areas should continue to be allowed to use these additional development rights, but only in conjunction with the development of a cluster subdivision as earlier described.

Development Design Standards

Action: Adopt and apply development design standards for residential development in rural and agricultural areas.

Agricultural and Rural Conservation design standards would include guidelines for lot and building location and internal access roads to protect and conserve environmentally-sensitive areas, habitat and working lands.

New residential lots should be required to have “right to farm” deed covenants. These covenants would notify the person purchasing the lot and all subsequent owners that they are located in a primarily agricultural area.

Conservation Programs

Action: The County should monitor the effectiveness of current incentives designed to preserve working farmland and open space by reviewing land use changes in the Agricultural, Countryside Preservation Areas, Western Rural Conservation, and Resource Conservation areas.

Action: Examine opportunities to create additional financial and tax incentives to preserve farmland.

The Maryland Agricultural Land Preservation Foundation (MALPF) program is intended to provide farmers with financial incentives to voluntarily sell development rights easements. Changes to the program in recent years have allowed counties to play a greater role in promoting the program at the local level. Talbot County should continue to work with the State to actively

encourage more farmers to participate and should encourage greater program funding by the State than has been available in recent years. The County should continue to support the certified Agricultural Land Preservation Program approved by MALPF and the Maryland Department of Planning in March 1999. Certification has increased dollar resources available for purchase of agricultural easements in the County. The County should pursue additional sources of funding both public and private to acquire conservation easements.

The County should assist local property owners who are interested in participating in various local, regional, state and national land trust conservation programs. Private land trust organizations will complement County efforts to conserve valuable open space, farmlands and environmentally sensitive areas.

The Eastern Shore Land Conservancy's "Regional Vision 2010" establishes several visions for the region which are consistent with Talbot's Agricultural preservation objectives. The County should continue to support the ESLC in its efforts to acquire easements on farmland.

The County should also support recent initiatives to establish a Delmarva "Conservation Corridor" which could hold promise to increase funding to support agricultural easement acquisition or provide support to farm support industries and services.

Rural Legacy Program

Action: Continue support of the Tuckahoe Rural Legacy Plan.

The Tuckahoe Rural Legacy Plan was developed in cooperation with Caroline County in order to preserve the viewshed of the Tuckahoe River from the Town of Hillsboro to the confluence of the Tuckahoe and Choptank Rivers. Future rural legacy plan areas may provide for additional protection of farmland paralleling MD Route 404 in cooperation with Queen Anne's County in an effort to maintain the corridor's Rural Character in spite of planned transportation system improvements.