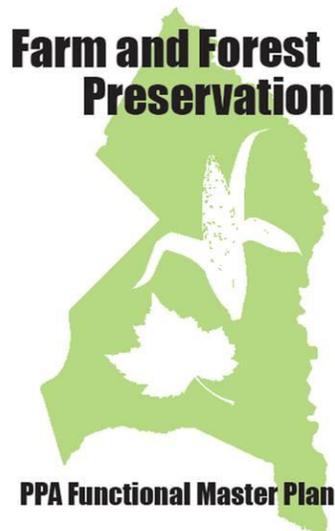


Technical Bulletin

To Be Used in Conjunction with the

Preliminary Priority Preservation Area Functional Master Plan



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Table of Contents

How to Use This Technical Bulletin	1
CHAPTER ONE: Preservation Easement Programs, Land Improvement Tools, and Agency Partners	3
Table 1: Agricultural (Farm and Forest) Preservation – Easement Programs	3
Table 2: Conservation Tools – Funding for Best Management Practices for Land Improvements....	8
Table 3: Agency Partners	10
CHAPTER TWO: Background on Establishing the PPA and Research on the Bowie Area	12
Table 4: PPA Target Acreage Protection Goal by Subregion	12
Table 5: Soil Analysis of Priority Preservation Areas in Prince George’s County*	12
Determining the PPA in the Bowie Area.....	13
Land Use Planning and Preservation in the Bowie Area.....	13
Table 6: Zoning and Tier Changes in Bowie Area in Plan Updates by Area, 1970-2006.....	13
Background/History of Agriculture in the Bowie Area.....	14
Map 1: Research Areas – Bowie and Vicinity	15
Current Bowie Plan Policies Relevant to the PPA	17
CHAPTER THREE: Establishing and Preserving the Agricultural Economy	18
Food, Fuel, and Fiber	18
Forestry.....	18
The Business of Agriculture	19
CHAPTER FOUR: Planning Laws, Regulations, Plans, and Ordinances Relevant to Priority Preservation	
Area Functional Master Plan	20
Federal Legislation: 2008 Farm Bill.....	20
State Legislation and Plans.....	20
Local Plans, Ordinances, and Legislation	23

How to Use This Technical Bulletin

The Technical Bulletin for the Preliminary Priority Preservation Area Functional Master Plan serves as a guide to the financial and institutional resources that are available to farmers and forest landowners to preserve their land, as well as improve its intrinsic value. There is also background information for historical context on the proposed Priority Preservation Area (PPA) in the Bowie area, detailed data on soils and subregions, and the importance of maintaining the agricultural economy. The final chapter is a reference list of key federal, state, and local legislation that impacts agricultural preservation. The chapters in this technical bulletin provide the following:

CHAPTER ONE: Preservation Easement Programs, Land Improvement Tools, and Agency Partners

Table 1 contains information on funding available to farmers to sell easements on their farm and forest land. This is a listing of federal, state, and local agricultural (farm and forest) easement or purchase of development rights programs that provide means for Prince George's County landowners to receive financial benefits for preserving their land. There is a program description, eligibility requirements, and process and contact information for each program. Some of these programs are available through the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture.

Table 2 contains information on technical and financial assistance and conservation tools for improving agricultural land. It includes NRCS programs and local programs focused on the Chesapeake Bay Region, such as Forestry for the Bay and the Bay Bank. The NRCS programs are featured in the 2008 Farm Bill and help conserve soil and water resources; curb water erosion and wind damage, manage grasslands, manure, and forest lands, improve air quality and energy conservation, mitigate climate change; and provide agroforestry assistance to private forest landowners for implementing conservation practices on their land.

Table 3 includes federal, state, and local agency partners for agricultural preservation and economic development. These agencies provide or have the potential to provide technical assistance, administrative support, or funding to the Prince George's County agricultural community.

CHAPTER TWO: Background on Establishing the PPA and Research on the Bowie Area

The information in this chapter provides more detail on the target acreage protection goal by subregion, and soil analysis. The proposed PPA in the Bowie area has been based on the same criteria as other areas in the PPA. Included in this chapter is information on the historic agricultural land uses in the Bowie area that has not been explored elsewhere, in order to provide context for the proposed PPA in this part of the county.

CHAPTER THREE: Establishing and Preserving the Agricultural Economy

This chapter provides some background on agriculture as an economic sector, and the importance of it producing food, fuel, and fiber, which are the basic needs for survival. It expands on forestry, and the various forest enterprises that can be developed, as well as the agritourism, or commercial enterprises that attract tourists, therefore providing additional income for working farms. It demonstrates the possibilities for agriculture businesses that are established on the land base once it has been stabilized.

CHAPTER FOUR: Planning Laws, Regulations, Plans, and Ordinances Relevant to the PPA Plan

Chapter four provides a summary of federal, state, and local legislation that regulates agricultural activities. It helps to demonstrate that local legislation is consistent with state and federal laws protecting agricultural land uses, and provides for agricultural support services that help sustain farm and forest enterprises.

CHAPTER ONE: Preservation Easement Programs, Land Improvement Tools, and Agency Partners

Table 1: Agricultural (Farm and Forest) Preservation – Easement Programs

Program Description	Eligibility	Process and Contact
<p>Maryland Agricultural Land Preservation Foundation (MALPF): MALPF purchases permanent agricultural preservation easements on productive farm or forest land; landowner sells his development rights to the State of Maryland for a price per acre; landowner maintains ownership, and restricts future use to agriculture.</p>	<ul style="list-style-type: none"> -Landowners with parcels of 50 contiguous acres or more; -Class I-III soils required on at least 50 percent of the land; -Program allows neighbors to join properties together and apply; -If adjacent to existing preserved acreage the landowner can apply regardless of acreage -Location outside of water and sewer service area plan 	<p>1-Obtain a soil conservation plan for the property that:</p> <ul style="list-style-type: none"> a-Is approved by local soil conservation district (SCD) within the last ten years b-Lists all soil conservation and water quality practices needed to correct existing problems (see Table 2: Conservation Tools for Improving the Land) c-Contains a schedule of implementation for soil and water quality practices d-SCD gets application approved by County Agricultural Preservation Advisory Board, Planning Board, County Council, County Executive, and MALPF Board approval <p>Contact: Yates Clagett, 301-574-5162, X3 Yates.Clagett@md.nacdnet.net http://www.princegeorgescountymd.gov/Government/AgencyIndex/Soil/index.asp</p>
<p>Historic Agricultural Resources Preservation Program (HARPP): HARPP purchases conservation easements from the landowner who voluntarily offers, for a price per acre, to protect farm and forest land from development</p>	<ul style="list-style-type: none"> -Landowners with parcels 35 acres or more in size, or -At least 20 acres if adjacent to a park or preserved land 	<p>1-The landowner voluntarily enters the program. 2-The program administrator ranks all candidates on criteria, including size of the parcel, natural, cultural and scenic resources, and proximity to other preserved land. 3-The Planning Board reviews and approves; makes offer to purchase HARPP easement from landowner. 4- Deed of easement is recorded; landowner retains title and can continue to conduct normal agricultural activities.</p> <p>Contact: Yates Clagett, 301-574-5162, X3 Yates.Clagett@md.nacdnet.net http://www.princegeorgescountymd.gov/Government/AgencyIndex/Soil/index.asp</p>

Program Description	Eligibility	Process and Contact
<p>Rural Legacy Program: Rural Legacy Program is a state program providing focus and funding to protect large, contiguous tracts of agricultural, forest and other environmentally sensitive land from sprawl development; administered by Soil Conservation District; funded through Program Open Space dollars and general obligation bonds from state’s capital budget.</p>	<p>Local governments and private land trusts apply. Criteria for application evaluation:</p> <ul style="list-style-type: none"> -The significance and extent of agricultural, forestry, natural and cultural resources proposed for protection -The threat to resources from development pressure and landscape changes -The significance of historic and cultural resources proposed for protection -The economic value of the resource-based industries or services proposed for protection through land conservation, such as agriculture, forestry, tourism, and recreation. -Other factors: overall quality and completeness of application, the strength and quality of land conservation partnerships, extent of matching funds, and sponsor’s ability to carry out Rural Legacy Plan. 	<ol style="list-style-type: none"> 1-Local governments and private land trusts identify Rural Legacy Areas (RLA) and compete for funds to complement existing land conservation efforts or create new ones. 2-Local sponsors must apply annually to the Rural Legacy Board in order to be funded. 3-Rural Legacy Advisory Committee reviews all applications and recommends applications to the Rural Legacy Board 4-Rural Legacy Board reviews the recommended applications each spring and recommends to the Governor and Board of Public Works the applications to be funded for Rural Legacy Areas. 5-Board of Public Works designates the RLAs and approves the grants for funding <p>Contact: Local Sponsor—Soil Conservation District, 301-574-5162, X3 Yates.Clagett@md.nacdnet.net http://www.princegeorgescountymd.gov/Government/AgencyIndex/Soil/index.asp</p>
<p>Woodland Conservation Program: Woodland conservation credits for disturbing existing woodlands in the development process can be obtained off-site (when the requirement cannot be met on-site) from a woodland conservation bank, defined as “a lot or parcel, or portions of a parcel, that has been intentionally preserved or afforested as perpetual woodlands.”</p>	<p>Landowners should indicate these factors:</p> <ul style="list-style-type: none"> -Location relative to green infrastructure network -Size of banking area -Location of regulated environmental features -Previous uses of the site -Quality of the woodlands on the site -Location of subwatershed -Contiguity with other blocks of woodlands -Prior encumbrances on the property -Cannot be encumbered with easements specifically protecting the same woodlands 	<ol style="list-style-type: none"> 1-Conduct pre-review of proposed site for suitability: Obtain preliminary approval from woodland conservation program coordinator, Environmental Planning Section (EPS), Maryland-National Capital Park and Planning Commission (M-NCPPC) 2-Have a Natural Resources Inventory (NRI) and a Type 2 Tree Conservation Plan (TCP2) prepared by a qualified professional for a property proposed as an off-site woodland conservation bank 3-Submit NRI and TCP2 to M-NCPPC for approval <ol style="list-style-type: none"> a-Submit an up-to-date title report for the property b-Include plan application and fee, complete application form 4-Record an original signed declaration of covenants, the legal description of the easement, and a sample woodland conservation transfer certificate in the land records, and provide a copy of the recorded documents to EPS before any credit transfers can occur 5-Transfer credits from the newly created off-site woodland conservation bank taking these steps <ol style="list-style-type: none"> a-Submit draft transfer certificate to the EPS for preliminary review and submittal to the Office of Law <p>Contact: EPS, Countywide Planning Department, M-NCPPC, 301-952-3650 http://www.pgplanning.org/Projects/Ongoing_Plans_and_Projects/Environmental.htm</p>

Program Description	Eligibility	Process and Contact
<p>Maryland Environmental Trust (MET): This program is Maryland’s statewide land trust; a nonprofit corporation that protects land from development through protective, perpetual easements and donated lands. MET operates four programs: Conservation easements, Keep Maryland Beautiful, Local Land Trust Assistance, and Rural Historic Village Protection. There are tax advantages for donating easements. The donator retains land ownership.</p> <p>Maryland Historic Trust (MHT): MHT is an agency of the Maryland Department of Planning, and offers opportunities to be a locally designated and State-certified Heritage Area, for preservation of historic, cultural, and natural resources for tourism. Maryland Tobacco Barns After the Buyout is an MHT project (Southern Maryland Tobacco Barns Preservation Initiative). The Anacostia Trails Heritage area is state-certified Heritage Area and includes a portion of Beltsville Agricultural Research Center (BARC).</p>	<p>Landowners can donate easements as a conservation measure:</p> <p>1-any land for which conservation is in the public interest—woodland, wetlands, farmland, scenic areas, historic areas, wild and scenic rivers, and undisturbed natural areas.</p> <p>To become a recognized Heritage Area, the application must address evidence of the area’s heritage, economic and community development and tourism, etc.</p> <p>Once an area is a certified Heritage Area, it is eligible for:</p> <p>1-State grant assistance for up to 50 percent of the cost of preparing a Management Plan to achieve its goals (must prepare a management plan to receive certification).</p> <p>2-A certified Heritage Area is eligible for matching grants for:</p> <p>a-Up to 50 percent to local jurisdictions and nonprofit organizations for planning, design, interpretation, and programming.</p>	<p>b-Record finalized transfer certificate in county land records, (and provide copy to EPS)</p> <p>Contact: EPS, Countywide Planning Department, M-NCPPC, 301-952-3650 http://www.pgplanning.org/Projects/Ongoing_Plans_and_Projects/Environmental.htm</p> <p>1-Easement offers are evaluated on a case-by-case basis 2-Staff is available to visit potential easement sites and meet with landowners 3-The Board of Trustees and staff are guided by MET policy and the Internal Revenue Code 4-The final decision is made by the Board of Trustees.</p> <p>Contact: Maryland Environmental Trust, John Hutson, 410-514-7910 jhutson@dnr.state.md.us www.dnr.state.md.us/met/index.asp</p> <p>To become a recognized Maryland Heritage Area:</p> <p>1-Apply to Maryland Heritage Areas Authority (MHAA) to become a recognized Heritage Area first 2- Prepare a Management Plan 4-Obtain approval of the Management Plan by MHAA 3-Become a “Certified” Heritage Area</p> <p>Contact: For conveying easements to MHT: Amy Skinner, 410-514-7631, askinner@mdp.state.md.us</p>

Program Description	Eligibility	Process and Contact
<p>Trust for Public Land (TPL):TPL is a principal in a land transaction, a private party that assumes the risks of buying, owning, leasing, and selling land. TPL is not a broker or agent, but sometimes acquires conservation easements and transfers them to public ownership.TPL structures transactions to meet the financial and timing needs of landowners; also provides expertise in tax benefits, and public agency procedures. TPL is a 501(c)(3) public charity.</p> <p>Farm and Ranch Lands Protection Program: This program provides matching funds toward the purchase of development rights to keep farm and ranchland in productive agricultural uses. USDA/NRCS partners with State, tribal, or local governments and non-governmental organizations to acquire conservation</p>	<p>b-Up to 50 percent to the certified heritage area for operating assistance. c-Up to 50 percent to the certified heritage area management entity and marketing organizations for marketing. d-Broad program support from state government.</p> <p>1-TPL typically works with public agencies such as M-NCPPC, and conveys land to them at below fair market value as established by an appraisal that meets the agency’s requirements.</p> <p>A State, tribal, church, hospital, or local entity with a qualifying farmland protection program can participate. Eligible farmland: 1-Must contain at least 50 percent prime, statewide important, unique or other productive farmland, or include important historical or archeological sites; more than a third of the parcel must be cropland, pastureland, grassland or rangeland.</p>	<p>Contact info@tpl.org</p> <p>1-Each year the Natural Resources Conservation Service (NRCS) issues a Request for Proposals 2-Eligible entities submit proposals including the amount and source of funds available for easement acquisition, parcel size and location, easement cost and duration, historical or archeological resources, development pressure, zoning, and local land use plans. 3-NRCS evaluates the proposals.</p>

Program Description	Eligibility	Process and Contact
<p>easements or other interests in land from landowners.</p> <p>Grassland Reserve Program (GRP): A 10-, 15-, or 20-year rental contract is established (annual rental payments) or permanent easements are established with a one-time up-front payment or up to 10 annual payments</p> <p>Healthy Forests Reserve Program (HFRP): HFRP helps landowners restore forests, enhance carbon sequestration, improve animal biodiversity, and protect forestland resources on private lands, using 30-year or permanent easements, contracts, and 10-year cost-sharing.</p>	<p>2-Must be privately owned and part of a working farm</p> <p>3-Has a pending offer for PDR (conservation easement) from a State, tribal, church, hospital, school, or local farmland protection program</p> <p>4-Meets highly erodible land provisions of the Food Security Act</p> <p>5-Has location, size, and existing protections that support long-term agricultural use.</p> <p>Private or tribal grassland, shrubland, or land containing forbs (herb that is not a grass), for which grazing is the predominant use; land in an area that historically contained those features</p> <p>1-Non-industrial private or tribal forest land that is capable of supporting habitat for a selected wildlife species.</p> <p>2-Landowner must agree to develop and implement HFRP restoration plan, and contribute to installation costs.</p>	<p>4-Cooperative agreements are prepared for entities selected for participation in the FRPP</p> <p>Contact: Tiffany Davis, Farm Bill Specialist, 443-482-2960, tiffany.davis@md.usda.gov or Tom Morgart, Assistant State Conservationist – Programs, thomas.morgart@md.usda.gov</p> <p>Landowner agrees to develop and comply with a grazing management plan for the easement or rental contract, contributes to installation costs, and maintain practices; program pays 50 percent of actual cost. http://www.fsa.usda.gov/FSA/webapp?area=home&subject=copr&topic=grp</p> <p>Landowner volunteers to preserve land through easements, contracts, and cost-share agreements. Landowners receive one-time, up-front payment or up to 30 annual payments for either option or 30-year contract. Program pays for up to 75 percent for cost-share agreements, 30-year contracts, and 30-year easements; program pays 100 percent for permanent easements. www.nrcs.usda.gov/programs/HFRP/ProgInfo/Index.html</p>

Table 2: Conservation Tools – Funding for Best Management Practices (BMPs) for Land Improvements*

Program	Eligibility/Projects Funded	For More Information
Conservation Reserve Enhancement Program (CREP)	Agricultural best management practices (BMPs) and conservation helps agricultural producers protect environmentally sensitive land, decrease erosion, restore wildlife habitat, and safeguard ground and surface water	http://www.nrcs.usda.gov/FSA/webapp?area=home&subject=copr&topic=cep
Maryland Agricultural Water Quality Cost Share Program (MACS)	Agricultural best management practices and nutrient management assistance through grants covering up to 87.5 percent of the cost to install BMPs (e.g., grassed waterways) on their farms to prevent soil erosion, manage nutrients and safeguard water quality in streams, rivers and the Chesapeake Bay	http://www.mda.state.md.us/resource.conservation/financial_assistance/macs/index.php
MD Natural Resources Conservation Services (NRCS) Conservation Security Program	Agricultural conservation assistance to improve soil, water, air, energy, plant and animal life on tribal and private working lands (cropland, grassland, prairie land, improved pasture, etc., as well as forested land that is part of an agriculture operation)	www.nrcs.usda.gov/programs/eqip/
NRCS Environmental Quality Incentives Program (EQIP)	Agricultural best management practices and conservation; provides financial and technical assistance to agricultural producers through contracts up to a maximum term of ten years in length for improving soil, water, plant, animal, air and related resources, on agricultural land and non-industrial private forestland	www.nrcs.usda.gov/programs/eqip/

Program	Eligibility/Projects Funded	For More Information
Agricultural Management Assistance (AMA) Program	Agricultural production on cropland, hayland, pastureland, rangeland, grassland, and non-industrial private forest land	http://www.nrcs.usda.gov/programs/ama/
Agricultural Water Enhancement Program (AWEP)	Agricultural best management practices for private or tribal land in agricultural production, including cropland, grassland, non-industrial private forest land	http://www.nrcs.usda.gov/programs/awep/
Conservation Stewardship Program (CSP)	Agricultural best management practices for private or tribal agricultural land and non-industrial private forest land	http://www.nrcs.usda.gov/programs/new_csp/csp.html
Conservation Reserve Program (CSP)	Agricultural best management practices; enhances forest and wetland resources; encourages farmers to convert highly erodible cropland or other environmentally sensitive acreage to vegetative cover (tame or native grasses, wildlife plantings, trees, filter strips, or riparian buffers.	http://www.nrcs.usda.gov/programs/crp/
Chesapeake Bay Watershed Initiative (CBWI)	Agricultural best management practices assistance to minimize excess nutrients and sediments and restore, preserve, and protect the Chesapeake Bay.	http://www.md.nrcs.usda.gov/news/newsreleases/2009/nrcbwi_09.html
FarmLINK: A service for farmers and potential farmers	Anyone interested in farming who is looking for land to farm, seeking to sell their farmland, or interested in mentoring new farmers can sign up for FarmLINK.	www.marylandfarmlink.com

* See more details in brochure: “**Conservation practices and programs for your land**” (2008 NRCS Farm Bill Conservation Programs)
http://www.nrcs.usda.gov/programs/farmbill/2008/FB_Brochure_2008/Farm_Bill_2008_Brochure.html

Table 3: Agency Partners

There is an abundance of federal, state, and local agencies for agricultural preservation and economic development that are available to the Prince George’s County agricultural community to tap for technical assistance, administrative support, and funding. A partial list is provided below. It is important for the county to raise the economic profile of agriculture, make it a key priority, and coordinate with these agencies in order to achieve the stated goals, policies, and objectives for agricultural stewardship.

Key Partners for Agricultural Preservation and Economic Development	
Agency	Description
Soil Conservation District – Prince George’s County	Administers all county and state preservation programs in Prince George’s County (since 2004); preserved over 2,500 acres of farmland; operates efficiently as a small agency with minimal bureaucracy.
University of Maryland Extension	Provides expertise of the agricultural marketing specialist on staff to help Prince George’s County farmers and farmers’ markets increase the availability of local agricultural products.
Maryland Agricultural and Resource-Based Industry Corporation (MARBIDCO)	Assists Maryland’s farm, forestry, seafood and recreation-based businesses to achieve profitability and sustainability by providing targeted services that help retain existing agricultural and resource-based industry production and commerce, promote rural entrepreneurship, and nurture emerging industries.
Southern Maryland Agricultural Development Commission (SMADC)	Since 2000, administers the FarmLink Program, which helps link elderly farmers and available farms with available farmers; its agricultural land preservation activities seek to incentivize placement of land in preservation for Southern Maryland tobacco farmers and other farmers, acquire land for farming, and support the farmers’ market industries.
Prince George’s Economic Development Corporation	Offers assistance to existing and future businesses with business assistance programs, including appropriate siting, permits and approvals, workforce assistance, and financing for commercial development or small business loans, as well as managerial and technical assistance.
Maryland Department of Agriculture	Provides information on agribusiness programs, environmentally sound farming practices, land preservation, and crop reports.

Key Partners for Agricultural Preservation and Economic Development

Maryland Department of Business and Economic Development	Attracts new businesses, stimulates private investment, helps retain and expand existing businesses, and American Recovery and Reinvestment Act assistance
Maryland Department of Natural Resources	Seeks to preserve, protect, restore, and enhance the environment, preserve, protect, restore, and enhance the State's natural resources, to bring about efficient use of energy and resources, vibrant communities, and economic prosperity
Prince George's County Farm Bureau	Seeks to increase net farm income and improve the quality of life by providing a legislative voice, increasing public understanding and promoting member involvement
Maryland Agricultural Education Foundation (MAEF)	Promotes understanding and appreciation of the importance of agriculture in our daily lives; provides an experiential teaching tool for core curricula; seeks to incorporate agriculture into teaching and learning for future decision makers focused on food choices and nutrition, community issues, land use planning, and natural resource conservation
USDA-Agricultural Research Service/Beltsville Agricultural Research Center	Finds solutions to agricultural problems; conducts research and provides information regarding safe foods, nutritional needs, a competitive agricultural economy, enhancement of the natural resource base and the environment, and economic opportunities
University of Maryland College of Agriculture and Natural Resources	Focuses on the economics of agricultural, environmental, and natural resources; conducts research into agriculture and resource economics; educational instruction includes business management, international agriculture, farm and food production
Prince George's County Health Department	Performs inspections and issues permits for food processing plants and warehouses
Rural Maryland Council	Works with citizens, community-based organizations, federal, state, county, and municipal governments as well as for-profit and nonprofit entities to address the needs of rural Maryland communities, including in the areas of agriculture and natural resource-based industries.

CHAPTER TWO: Background on Establishing PPA and Research on Bowie Area

Table 4. PPA Target Acreage Protection Goal by Subregion

	Subregion 5	Subregion 6	Bowie	PPA¹
Total PPA Acres	10,495	50,380	11,278	72,153
Developed acres*	2,219	11,371	3,034	16,624
Undeveloped acres (Line 1 minus 2)	8,276	39,009	8,244	55,529
80% of line 3	6,621	31,207	6,595	44,423
Already protected***	2,802	15,204	2,735	20,741
Total Acreage Protection Goal (Line 4 minus 5)	3,819	16,003	3,860	23,682

¹This calculation does not include BARC and the Patuxent Research Refuge (PRR). They are classified as institutional although used primarily for agricultural research; they are preserved for agricultural land use, any significant change requiring Congressional approval. The PPA including BARC property is 91,810 acres.

*Developed: Any land classified as Commercial, Industrial, Institutional (with the exception of BARC and PRR), Mixed Use, Commercial, Mixed Use Residential, Residential, Rural, Transportation; based on 2009 Existing Land Use Data, M-NCPPC, February 28, 2011. Calculation of this acreage by the Information Management Division is approximate and subject to change pending revisions of the land use layer.

**Undeveloped: Any land classified as Agriculture, Bare exposed rock, Bare ground, Beaches, Extractive, Forest, Parks and Open Space, Water, Wetlands; based on 2009 Existing Land Use Data, M-NCPPC, February 28, 2011. Calculation of this acreage by the Information Management Division is approximate and subject to change pending revisions of the land use layer.

***Includes federal lands; state parks, state forests, and other state land; and county land.
Does not include all wetlands and floodplains.

Table 5. Soil Analysis of Priority Preservation Areas in Prince George's County*

	Subregion 5	Subregion 6	Bowie
Total PPA Acres	10,495	50,380	11,278
Class I-III Soils	6,093	24,569	5,675
Class IV Soils (Forest)	718	5,841	1,442
Total Class I-IV	6,811	30,410	7,117

*Based on soil analysis by M-NCPPC/Information Management Division, April 2011, of the latest soils layer data.

A. Determining the PPA in the Bowie Area

1. Land Use Planning and Preservation in the Bowie Area

Since the approval of the 1970 *Master Plan for Bowie-Collington and Vicinity*, subsequent approved plans have focused on maintaining and fostering a low-density character for the area identified on the attached map of the Proposed Priority Preservation Area. In 2002 the General Plan placed most of the areas within Priority 1 and 2 areas identified in the 1970 *Approved 1970 Adopted and Approved Master Plan for Bowie-Collington and Vicinity* in the Rural Tier. In 2006 the *Approved Bowie and Vicinity Master Plan and Sectional Map Amendment (SMA)* affirmed the general plan recommendation.

The Rural Tier holds a number of publicly-owned properties by the Washington Suburban Sanitary Commission (WSSC), The Maryland-National Capital Park and Planning Commission (M-NCPPC), and the federal government. The following table is an overview of the recommended land use and approved zoning for specifically designated Areas 1-5 (see Map 1 on page 15) based on the plans that have been approved for the area since 1970, including the following:

1970 Adopted and Approved Master Plan for Bowie-Collington and Vicinity (Planning Areas 71 and 74);

1975 Bowie Collington Sectional Map Amendment (SMA);

1991 Bowie, Collington, Mitchellville & Vicinity Approved Master Plan and Adopted Sectional Map Amendment (Planning Areas 71A, 71B, 74A and 74B);

2002 Approved General Plan;

2006 Approved Bowie and Vicinity Master Plan and Sectional Map Amendment (SMA)

Table 6: Zoning and Tier Changes in Bowie Area in Plan Updates by Area, 1970-2006

Area	1970	1975	1991	2002	2006
1	Identified Bowie Racetrack as an Established Development (included developed properties)	Retained R-R Zone	Recommended Low-Suburban development; retained R-R Zone	Placed Area 1 in the Developing Tier	Reclassified Area 1 to Rural Tier; rezoned from R-R to O-S Zone
2	Identified properties along Patuxent River as the “Patuxent River Watershed Park.” Identified central portion of Area 2 as “Second Priority Area,” not yet developed but in the path of development or with sewer access	Retained R-R and O-S Zone designations	Trend toward permanent low-density development; Retained O-S zoned properties; rezoned R-R zone properties to R-A and O-S zone designations	Placed Area 2 in the Rural Tier	Retained Rural Tier designation; reclassified other properties from the Developing Tier to the Rural Tier
3	Identified this as an “Established District” (established and stable); properties fronting MD 3 were “Second Priority Areas;” Whitmarsh identified as “Existing Public Open Space”	Rezoned Whitmarsh Park from R-R to O-S Zone	Area south of MD 450 and west of MD 3 (Sacred Heart Catholic Church historic site) recommended for Low-Suburban residential development in the Comprehensive Design Zone (CDZ), R-S Zone	Placed Area 3 in the Rural Tier	Retained Rural Tier designation; reclassified other properties in the area from the Developing Tier to the Rural Tier; rezoned Catholic Church properties to the R-A Zone; Whitmarsh Park placed in the R-O-S Zone; remaining properties retained in the R-E Zone

Area	1970	1975	1991	2002	2006
4	Identified this as a “Second Priority Area”	Retained R-R Zone	Recognized as a “unique” opportunity, a “gateway” property; Retained R-R Zone; consistent with CDZ (3.5 dwelling units/acre); encouraged senior housing and attached housing with appropriate buffer from MD 3	Placed Area 4 in the Developing Tier	Reclassified Area 4 to Rural Tier designation; rezoned to O-S and R-O-S zoning in compliance with Section 27-113 of Prince George’s Zoning Ordinance (public lands policy)
5	Identified this as agricultural, very low-density residential or natural resource conservation; designated for permanent low-density development; identified Patuxent River Watershed Park along the Patuxent River; identified areas along US 301 Corridor as “Conditional Employment Areas” (office and light industrial)	Retained R-R and O-S Zoning	Recommended Permanent Low-Density, O-S, and R-A zoning; rural living land uses for the majority of Area 5 due to rural character and proximity to the Patuxent River; also to protect the watershed; Properties close to US 301 were rezoned to R-A Zone	Placed Area 5 in the Rural Tier	Retained Rural Tier designation

Source: M-NCPPC
Date: January 2011

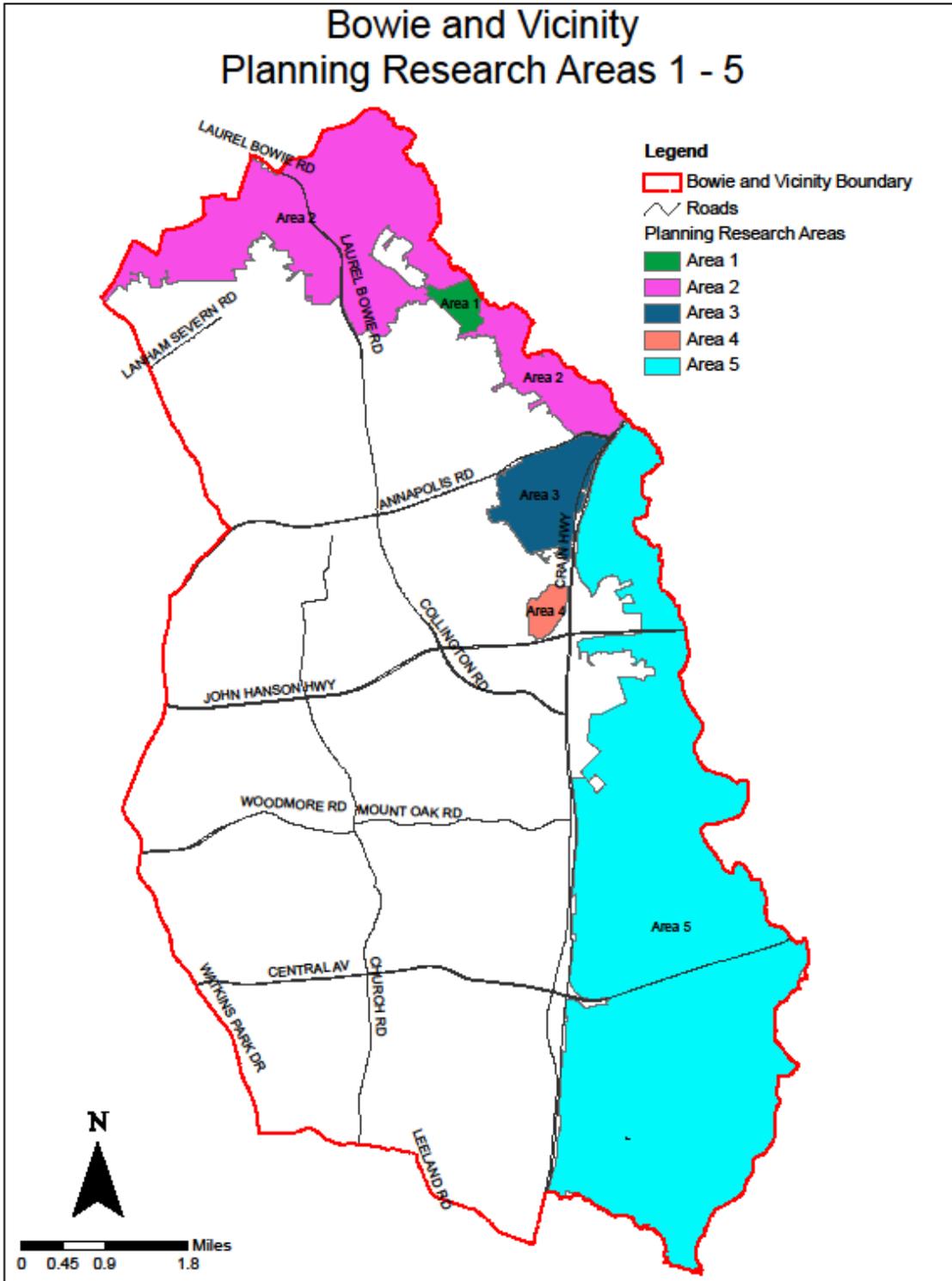
The areas of “Second Priority” are areas that had not yet developed but were in the path of development by being adjacent to development or having access to sewer lines. “Third Priority” refers to properties that might be subject to development at a later point in time.

2. Background/History of Agriculture in the Bowie Area

During the second half of the seventeenth century, large tracts of land along the Patuxent River became tobacco plantations, as tobacco was the only cash crop. Prince George’s County was established in 1696 and included the Bowie-Collington area and land along the west side of the Patuxent River, where some of the most fertile soils in the county are found. As the population increased, the use of the Collington Branch and Western Branch Tributaries became important. The waterways were used as transportation routes to move tobacco crops to ports for shipment to Europe. The main point for shipping tobacco in this area was designated by an Act of the Maryland Assembly in 1706 as the Town of Queen Anne, which was a seaport reached by merchants using flat boats to export tobacco and to import manufactured goods.

The land along the Patuxent River remained rural through several centuries, until the 1940s and early 1950s. Local country stores were the main gathering places, except for occasional visits to Upper Marlboro, where farmers took their tobacco to auction or conducted business in the County Courthouse. Later, farming became localized on specific tracts of land and within family holdings. In Bowie, the areas that held onto farming, even with the influx of new residents, were the Bowie-Collington area and land east of MD US 301, along the Patuxent River. Suburban development was sparse in the latter, eastern portion of the county. During the 1960s, land development shifted to the northeastern section of the county (including Bowie). US 50 opened in 1957 along with a new road constructed for US 301. The following map indicates the locations of the five areas of discussion.

Map 1: Research Areas – Bowie and Vicinity



Source: M-NCPPC
Date: January 2011

Area 1-Bowie Race Course and Training Center

What was once the Bowie Race Track today operates as a race course and training center for horses. It has a colorful past defined by both victories and setbacks. Surrounded by a pine forest, it houses close to 700 horses year-round, employs 42 full-time workers, and uses 85 trainers to prepare for races at the only two Thoroughbred race tracks in Maryland—Laurel Park in Laurel, and Pimlico Racetrack in Baltimore, home of the Preakness Stakes, a leg of racing’s Triple Crown. In the early 1900s, the Maryland Agricultural Association bought the land for the race track, but required that a fair also be conducted there, with fresh produce, preserves, and canned goods. Thus, the Bowie Race Track began operating in 1914, about 45 years after Pimlico was established, and was a mecca for horseracing fans who traveled from as far away as New York City. It became a well-respected racing facility along the East Coast, and prospered when electric railroad service provided fairly easy access to the Bowie railroad station, where the Huntington Railroad Museum is housed today.

Celebrated Thoroughbred horses such as Seabiscuit, Sailor, Vertex, Kelso, Mongo, Gun Bow, Crimson Satan, Hoist the Flag, and many others raced at Bowie Race Track. Several fires and other mishaps plagued the facility, but a horse bridge was built to link the stable area to the race track after the facility was converted into a training center in 1985. The facility remained open for the training of Thoroughbreds as a result of state legislation.

Area 2-Properties north of MD 450 along the Patuxent River and on the east and west side of MD 197 and east of Springfield Road

From the earliest explorations led by Lord Baltimore’s representatives, the upper regions of the Patuxent River were known to abound with game and fish. Birds and deer were found in great numbers as in the entire Chesapeake region. The Patuxent Research Refuge (PRR) was designated by President Roosevelt in 1936. The Refuge is the nation’s only National Wildlife Refuge established to support wildlife research. Within Area 2 are the westernmost portions of the PRR along Laurel-Bowie Road and Duckettown Road on the south, consisting of upland woods with mixed stands of Pitch and Virginia pine, oaks and various shrubs, and lowlands of sweet gum, beech, red maple, river birch, and tulip poplars.

A large portion of Area 2 still consists of natural resource land that has been preserved over time for various purposes, such as to plan for water resources, to provide parkland for recreation, and to demonstrate the relationship of wildlife to agriculture. The land use character and development pattern is low-density residential, consisting of two to five dwelling units per acre. The State of Maryland, the Washington Suburban Sanitary Commission (WSSC), The Maryland-National Capital Park and Planning Commission (M-NCPPC), and the federal government (PRR) are major property owners in this area. The Bowie Golf Course, west of MD 197 was previously a farm.

Area 3-Properties on the west side of US 301 south of MD 450 and north of US 50

In this area, the Fairview Plantation was built in 1800 by Baruch Duckett, and is where Maryland Governor Oden Bowie was born in 1826 and buried in 1894. Governor Oden Bowie established a stable at Fairview that eventually produced popular Thoroughbred horses such as Belle D’Or, Oriole, and Crickmore.

A portion of Area 3 was also settled in the early 18th century, by the Jesuit Order of the Society of Jesus, near where White Marsh Park is today. Originally, White Marsh served as an early Catholic Jesuit mission here in the United States. The area where Sacred Heart Church and Cemetery are located today were passed from the Carroll Family to the Jesuits, who developed a farm there called the White Marsh Plantation. It was the focus of Catholic life in Prince George’s County for many years.

Area 4-Properties on the North of US 50 and West of MD 3-Nash Woods

Area 4 is the vicinity where historic Collington was located, which was later incorporated into the City of Bowie (Area 4 on the map is one part of a larger area known as Collington). Originally, near Area 4, Belair was patented in 1683 and named for its “fresh air” and healthy climate. It was bought by Colonial Maryland

Governor Samuel Ogle in 1747. He established the 2,400-acre Belair Plantation, which featured tobacco fields, gardens, greenhouse, vineyard, and deer park. Also, Belair Meadows Park, in this area, was once pastureland. The Belair Mansion, built in 1745, was home to two early Maryland governors.

In the 1890s, the Woodward Family, a family of noted American Thoroughbred breeders/owners, became the new owners of this area, and developed the Belair Stud/Belair Farm, dividing it into four farms: 1) for the propagation of Clydesdale horses, or work horses once used to pull carriages, wagons, and carts; 2) for the propagation of Thoroughbred horses, Governor Ogle having introduced and popularized Thoroughbred breeding and racing in the colonies for the specific purpose of bettering the breed; 3) for an agricultural section which was used to grow hay for the horses and other crops, and 4) for a section reserved for the Davidson Family. From its earliest days, Belair Stable brought famous race horses from Europe to improve American Thoroughbred bloodlines, and is the only American racing stable to have bred and raced father and son Triple Crown winners, Gallant Fox (1930), and his son Omaha (1935).

The 20th century brought to Belair an international developer, William Levitt, who purchased the 2,200-acre Belair estate in the late 1950s and built Belair at Bowie, transforming this area into a suburban community. The Historic Belair Mansion and Belair Stable and Museum exist near this area today.

Area 5-Properties on the East Side of US 301

In Area 5, tobacco farming was the basis of the economy since the area was settled in the 17th century, with 60 percent of Maryland's tobacco originating from the Patuxent Valley. The Town of Queen Anne was designated as a state tobacco warehouse for the purpose of setting up an inspection and quality control station. The persistent tobacco farming depleted the soils in Area 5 until its serious decline. In time, tobacco farming became less profitable, and most of the waterfront area in Queen Anne became part of Patuxent River Park. The park was declared a valuable natural resource by 1961, needing protection from flooding, erosion, and urban development. The Patuxent River itself was designated one of Maryland's scenic rivers in 1968. Program Open Space funding was used to preserve land in this area.

Area 5 has remained rural, agricultural, and very low-density residential in land use, with high potential for natural resource conservation. The use of preferential agricultural assessment, provision of scenic easements, and prevalence of large-lot residential zoning have continued. The rural character for this area is derived from its natural environment, scattered farms, and rural scenic roads. Also, watershed protection has played an important role in conservation of the area along the Patuxent River and its tributaries.

B. Current Bowie Plan Policies Relevant to the PPA

The 2006 *Approved Bowie and Vicinity Master Plan and Sectional Map Amendment (SMA)* also recommends policies and strategies that are relevant to the PPA. It established a policy to design new development to retain and enhance rural character, and recommended adopting conservation subdivision design regulations that would conserve natural resource areas, while ensuring that agricultural preservation and reduction of forest fragmentation, among other things, were values worth expressing as part of future development. The plan included a policy to retain agricultural land, and the strategies included farming open areas within conservation subdivisions, and adjusting the Rural Tier to include within its boundary adjacent agricultural land. Additionally, there are policies established to protect landowner's equity in their land, and protect scenic vistas along roads in the Rural Tier. Data from the 2006 plan cite the following:

- A total of approximately 684 acres in the Bowie vicinity were placed in the Rural Tier in the 2006 *Approved Bowie and Vicinity Master Plan and Sectional Map Amendment (SMA)*
- All M-NCPPC parkland and recreational facilities five acres or larger were rezoned (483 acres zoned O-S and 494 acres zoned R-O-S)
- The predominant zones are R-A (6,975 acres), O-S (6,420 acres), and R-O-S (4,343 acres)

CHAPTER THREE: Establishing and Preserving the Agricultural Economy

A. Food, Fuel, and Fiber

More than a land use, agriculture is an economic sector that involves the production, processing, and marketing of food, fuel, and fiber by growing and nurturing plants and animals. *Food* is any substance or material, usually of plant or animal origin, eaten or drunk to provide nutritional support for the body or for pleasure. *Fuel* is any material that is burned or altered to produce energy, mostly usable heat or power to move objects. *Fiber* is either natural or synthetic slender, elongated, threadlike object or structure. Natural fibers include vegetable fibers (e.g., cotton, hemp, jute, flax, and ramie), wood fibers (e.g., groundwood and kraft or sulfite pulps used in paper or fiberboard), animal fibers (e.g., silk, wool, hair such as cashmere, and fur such as sheepskin or fox), and mineral fibers (e.g., asbestos). Food feeds people, fuel helps them keep warm and move around as well as cook their food, and fiber helps people dress themselves for protection from weather conditions. So food, fuel, and fiber provide the basic needs that human beings require to survive. Agriculture, the oldest industry on earth, produces these items essential to human survival.

The emerging biofuels industry is creating a demand for renewable energy—wind, biomass, and solar—that reduces our dependence on fossil fuels. Wind energy production is a new way of thinking of farm production. It is a non-polluting energy source and, with further exploration, it could produce income for farmers in Prince George’s County. Small-scale timber harvesting systems, including those handling woody biomass, are gaining popularity in the forestry community, and can be successful with proper planning and well-trained operators to execute these systems. In addition, emerging markets for woody biomass may contribute to the sustainable management and conservation of Maryland’s forests by expanding the range of forest management opportunities available to landowners. Establishing a solar park on farmland can be profitable, and can even recycle contaminated or otherwise disturbed land; for example, sand and gravel mined land, can be useful for green energy projects. Changes in Maryland law (including Senate Bill 277 in 2010) feature an ambitious goal of producing 20 percent of the state’s electricity with renewable resources by 2022. Alternative energy products supported in the agriculture sector in the economy of the state and of Prince George’s County would be supportive of this goal.

B. Forestry

Forestry, the art and science of establishing, cultivating, protecting, managing, harvesting, and marketing of forests, woodlands, trees, timber, and wood, is agriculture’s sister industry. Wood is basic to our way of life, providing shelter, and complementing agriculture as a necessity for the survival of mankind.

In Maryland, forest land is in large part owned by private landowners of parcels which are ten acres or less. Forest cover in Prince George’s County accounts for a large percentage of land cover. Forest cover in Subregion 5 accounts for approximately 26,048 acres, or 55 percent of the subregion, but there is no appreciable forest industry relating to tree farming, timbering, or lumber milling. In Subregion 6, approximately 50,000 acres, or nearly 52 percent of total land cover is forested, with more than 60 percent of that amount in deciduous tree stands, and the forested land cover generates \$4.2 million in annual output for land owners, as well as environmental benefits. The county can make progress from a more concerted, outreach effort to engage local land owners in preserving their forest land and developing forest enterprises. Programs such as Forestry for the Bay can help institute sound forest management practices, thereby increasing the vitality of woodlands, and positively impacting the environmental quality of local streams, rivers, and the Chesapeake Bay. Forestry for the Bay is a collaboration among the Alliance for the Chesapeake Bay, the US Forest Service, and the Chesapeake Bay Program, with support from the Maryland Forest Service, the Pennsylvania Bureau of Forestry, and the Virginia Department of Forestry. Educating forest landowners is critical to the overall success of all forest stewardship programs.

C. The Business of Agriculture

The business of farming contributes to the county's economic base. The PPA plan helps to establish agriculture as a part of the economy by preserving the land base on which farm and forest enterprises can be supported. The clustering of agricultural land uses together makes it possible for non-farm agriculture-based businesses and other support services to be served more efficiently. There are many non-farm agriculture-based support businesses, such as farm equipment maintenance and repair, seed, fertilizer, pesticide, and feed providers, equine related equipment and service providers, farm waste management businesses, veterinary services for farm animals, and others. Some of these types of businesses are located in the county, and should be close to agricultural land. Sustaining a strong agricultural economy requires helping businesses address the harsh realities such as the high cost of land, the scarcity of labor and housing, and the need to balance revenues and expenses. Overcoming these obstacles is as important to the viability of farms as preserving the farm and forest land itself. Through investment in agriculture, by community supported agriculture programs (CSAs: fruits, vegetables, meats, grains), grass-based livestock production, increased wine grape production, agritourism, and providing educational opportunities for farm operators and workers; Prince George's County can produce the best agricultural products, turn agriculture into one of the most profitable economic sectors, and be a regional leader.

New farming techniques and machinery are continuously being developed as technology advances. Locally, most of the scientists and engineers who are developing new scientific methods to increase crop yield and animal products work at the Beltsville Agriculture Research Center or University of Maryland, both located in Prince George's County, and using the county farmland as their laboratory. They provide training to farmers on new farming methods as well as business management. New technology can be seen in practice on local farms. Some appropriate technologies can make farm businesses more profitable, but each farm must weigh the benefits, versus costs.

Agritourism, or commercial enterprises intended to attract tourists and provide supplemental income for the owner of a working farm, offers to the public or invited groups an activity related to agriculture or natural resources, and is incidental to the primary operation on the site. Agritourism includes equine activities such as horseback riding, fishing, hunting, wildlife study, corn mazes, harvest festivals, barn dances, hayrides, roadside stands, farmers' markets, u-pick or pick-your-own operations, rent-a-tree operations, farm tours, wine tasting, social events (parties, cook-outs, retreats, and weddings), and educational classes related to agricultural products or skills. Agritourism can include farm or ranch stays in a "bed-and-breakfast inn," which is an owner-occupied, one-family detached residential dwelling, in which rooms are rented overnight to paying guests.

Clearly, agriculture contributes more to the economy than the value of agricultural products, but is also a catalyst to various other economic sectors and businesses that rely on it. The PPA helps to define a sizeable portion of the county that retains rural character, and that allows economies of scale so that agricultural operations can function efficiently on the land.

Works Cited: [www.fws.gov/northeast/patuxent/FTP/PTXgeneralbrochure2007\[1\].pdf](http://www.fws.gov/northeast/patuxent/FTP/PTXgeneralbrochure2007[1].pdf)

Office of the Governor, Press Release. *Governor Martin O'Malley Signs Legislation to Protect Maryland's Environment; Chesapeake Bay*, [Maryland -Renewable Portfolio Standard \(RPS\)](#),

CHAPTER FOUR: Planning Laws, Regulations, Plans, and Ordinances Relevant to the Priority Preservation Area Functional Master Plan

A. Federal Legislation: 2008 Farm Bill

In the spirit of espousing smart growth, economic prosperity, and environmental stewardship, establishing a PPA serves as a springboard for implementing a wide range of policies and programs in the 2008 Farm Bill. Funding that is available includes support for rural lands:

- Appropriations of about \$420 million from the Land and Water Conservation Fund, to conserve new federal and state lands and protect endangered species, with annual increases to reach \$900 million, full funding by 2014. (Department of the Interior)
- An increase of \$50 million (plus inflation) to sustain forest operations, protect natural resources, and maintain facilities, including those that are restored with American Recovery and Reinvestment Act of 2009 (ARRA) funds. (US Department of Agriculture (USDA))
- A \$34 million increase (\$119 million total) in Forest Service funding for forest landowners through the Land and Water Conservation Fund, for easements on forested lands under intense development pressures. (USDA)
- Support for several vital conservation programs including the Conservation Stewardship Program, the Conservation Reserve Program, the Environmental Quality Incentives program, and conservation tax incentives.

B. State Legislation and Plans

1. Agricultural Stewardship Act of 2006 (House Bill 2)

The Agricultural Stewardship Act of 2006 (HB 2) requires a county to include a Priority Preservation Area (PPA) Element in their comprehensive plan, in order to be eligible for certification of their agricultural land preservation program. HB 2 prohibits certification of such programs unless the Maryland Department of Planning and the Maryland Agricultural Land Preservation Foundation concur that the criteria have been met for certification. Prince George's County is fulfilling this requirement through the Priority Preservation Area Functional Master Plan, which will amend the 2002 *Prince George's County Approved General Plan*. Pursuant to HB 2, Section 3.05(a)(6)(ii)(8) of Article 66B in accordance with Section 2-518 of the Agricultural Article of the Annotated Code of Maryland states that a PPA shall:

- Contain productive agricultural or forest soils.
- Be capable of supporting profitable agricultural and forestry enterprises where productive soils are lacking.
- Be governed by local policies that stabilize the agricultural and forest land base so that development does not convert or compromise agricultural or forest resources.
- Be large enough to support the kind of agricultural operations that the county seeks to preserve, as represented in its adopted comprehensive plan.

2. Certification of County Preservation Areas (HB 1354)

In the 2007 Legislative Session, "Certification of County Priority Preservation Areas," or HB 1354, modifies HB 2 in that it requires counties to adopt ordinances binding the county from interfering with normal agricultural activities on preserved land. It deletes the requirement that counties must identify the types of agricultural enterprises it will support. The county merely is required to adopt policies, ordinances, regulations and rules that do not restrict farm and forest enterprises from operating.

3. Maryland Annotated Code, Article 28, § 8-126, Zoning Classification of Beltsville Agriculture Research Center upon sale, (Title 8. District Councils for Regional District)

Regarding the Beltsville Agricultural Research Center (BARC), this section of Title 8 states that in the event of the sale of a parcel of property or portion of a parcel of BARC by the U.S. Department of Agriculture (USDA), immediately after the transfer of the land from the USDA, the County Council for Prince George's County, sitting as a District Council, shall place and permanently maintain the land in a zoning classification of agricultural open space.

4. Smart, Green and Growing Legislation (updates the 1992 Economic Growth, Resource Protection and Planning Act)

a. SB 273—Local Government Planning

SB 273, which took effect on October 1, 2009, proposes a new set of visions that promotes smart and sustainable growth in the State of Maryland. Every two years, local jurisdictions must submit a report by July 1 to the Maryland Department of Planning (MDP) if an adequate public facilities ordinance (APFO) results in any restrictions (such as a moratorium or capacity limitation on development) imposed in a priority funding area (PFA). The bill reflects recommendations from the Task Force on the Future for Growth and Development that reaffirms the 1992 Planning Act by expanding from eight visions to 12, including environmental protection and resource conservation.

Article 66—Land Use is revised to indicate that, in addition to requiring that development is concentrated in suitable areas, and the Chesapeake Bay and sensitive areas are protected (requirements of § 3.05(c) of Article 66B), a commission or planning board shall implement the 12 visions when developing master plans. The bill gives local jurisdictions the authority to establish transfer of development rights (TDR) programs within PFAs, for the purchase of land for public facilities. A local jurisdiction is encouraged to enact ordinances or laws requiring adequate public facilities within a PFA, as well as certain types of zoning. The revisions will improve the process of reporting on implementation of APFOs, establishment of TDR programs within PFAs, and requiring the proceeds to be used for public facilities projects within the PFA. The law prohibits the sale or transfer of development rights associated with public lands owned by a local jurisdiction as of October 1, 2009. MDP shall report on statewide impacts of APFOs by January 1 every 2 years. *For more information, go to www.mlis.state.md.us.*

b. SB 276—Annual Report, Smart Growth Goals, Measures and Indicators for Implementation of Planning Visions

Effective June 1, 2009, this bill requires a planning commission or board to submit an annual report by July 1 of each year to the local legislative body on progress toward achieving Smart Growth goals, with specific measures and indicators, as well as percentage goals, and noting which adopted or changed ordinances and/or regulations helped implement the smart growth visions. The bill also directs MDP to develop measures and indicators for Smart and Sustainable Growth, with input from the National Center for Smart Growth Research and Education, and to determine which data should be collected by the center. The bill declares a statewide land use goal: to increase the current percentage of growth located within the PFAs, and decrease growth outside of them, a goal which also helps to restore the Chesapeake Bay. MDP must submit a yearly report to the Governor and the Legislature by January 1. In addition, MDP shall provide technical assistance to local jurisdictions, and suggest additional categories of information to gather. The bill revised Article 66B to require an annual report that (1) indicates on a map any changes in development patterns, (2) indicates whether or not these changes are consistent with each other, with recommendations of the last annual report, and with all relevant state and local plans, (3) contains recommendations that improve the planning and development process, and (4) states how the smart growth visions will be met, including information related to growth inside and outside of PFAs. No penalties are included for not achieving local or statewide land use goals within established time limits.

c. SB 280—Smart and Sustainable Growth Act of 2009

This Act, which took effect on July 1, 2009, stresses that it is important for local jurisdictions to make land use, critical area, and water and sewer planning decisions that are consistent with its comprehensive plan according to specific items, through various ordinances and regulations, particularly as they pertain to PFAs. It prescribed for existing members of planning commissions and boards, an educational course to be completed within six months of being appointed for new members, addressing the role of the comprehensive plan, proper standards for special exceptions and variances, if applicable, and the jurisdiction's ordinances and regulations on zoning, planned development, and subdivisions.

This Act overturns the Court of Appeals ruling in *David Trail, et al. v. Terrapin Run, LLC et al.*, 403 Md.523 (2007), which weakened the link between local comprehensive plans and zoning, and made it acceptable for jurisdictions to disregard their comprehensive plans. New intensely developed or limited development areas must be located in a manner that minimizes negative impact to habitat protection areas, maximizes benefits to water quality, and minimizes negative impact to resource conservation areas. It states that any special exceptions to existing land use should be consistent with the plan and the existing neighborhood. Any standard relevant to natural resources must support the comprehensive plan according to policies, timing, and land uses. The bill is a direct result of the recommendations from the Task Force on the Future for Growth and Development in Maryland.

5. Maryland State Land Preservation, Parks, and Recreation Plan

The 2009 *Maryland Land Preservation, Parks and Recreation Plan*, Maryland Department of Planning, includes recommendations intended to ensure long-term return on public investment in agricultural land preservation. It calls for concentrating funds in county PPAs, increasing funding, reducing acquisition cost, and modifying the easement valuation formula so that farms with fertile soils and farms in rural areas can effectively compete for limited funding. Section II of the plan focuses on the state goals for permanently preserving agricultural land, including working with local governments to establish preservation areas, goals, and strategies, protect landowners' equity in their property through easement acquisition and incentive programs, use local land use management authority effectively to protect public funds that are used for preservation, and support profitable agriculture through production and marketing.

The plan encourages the use of GreenPrint, the first-in-the-nation web-enabled mapping tool that provides information on the comparative ecological importance of every parcel in Maryland, and AgPrint, a GIS-based implementation tool that highlights the high agricultural land use that exists in Maryland. While most states have a larger land mass than Maryland, only eighteen have a larger population. Maryland has the fifth highest population density in the country, with 542 people per square mile. Yet almost one-third of the land in Maryland is farmed today, a land mass of over 2 million acres in size.

6. Forest Conservation Act of 1991

The Forest Conservation Act, (Annotated Code of Maryland, Article 5, Title 5, Subtitle 1601-1613), was enacted in order to reduce the loss of Maryland's forest resources during the land development process by ensuring that the identification and protection of forests and sensitive areas is an integral part of the site planning process. The most important forest resources to protect are considered to be in areas adjacent to streams and wetlands, and on steep or erodible soils, or within or adjacent to large contiguous blocks of forest or wildlife corridors. The Act states that a Forest Conservation Plan is required for any activity involving a subdivision application, grading permit or sediment control permit on areas 40,000 square feet or greater. During the first fifteen years of implementation, twice as many acres were protected or planted as were cleared.

7. SB 549: Chapter 175: Sustainable Forestry Act of 2009

SB 549 constitutes the Sustainable Forestry Act of 2009. It states that it is the policy of the state to encourage the retention and sustainable management of the state's privately owned forest lands by including the following:

- Retaining forests through existing land conservation programs.
- Encouraging private land owners through training to retain their forest lands.
- Providing funding as incentives for forest retention consistent with a forest stewardship plan.
- Promoting renewable energy policies and markets especially regarding woody biomass produced in Maryland.
- Acknowledging the significance of the forest products industry to the Maryland economy.
- Developing fiber products and Maryland's green infrastructure.
- Creating programs focused on sustainable forestry, including a forest mitigation banking system, a carbon credit or carbon sequestration program, and an environmental services credit trading program.
- Trading systems for clean water and renewable energy.

8. Maryland Winery Modernization Act of 2010

In April 2010, The Maryland Winery Modernization Act created a standard, statewide licensing process for wineries. The Act also increased the number of "special event permits" for wine sampling at Farmers' Markets from 3 to 15 events annually. Wine retailers can apply for a one-time, seasonal permit to sell Maryland wines at farmers markets in the county that is home to their store. The Prince George's County agricultural marketing specialist is working with farmers' markets to disseminate the rules, and identify wineries and retail partners willing to pour Maryland wines and educate shoppers.

C. Local Plans, Ordinances, and Legislation

1. Relevant Local Plans and Programs

a. General Plan

The 2002 *Prince George's County Approved General Plan* includes several goals, objectives, and policies that prioritize agricultural land preservation.

For example, the General Plan includes the following goals for the Rural Tier:

- Preserve environmentally sensitive features
- Retain sustainable agricultural land
- Maintain rural character
- Allow large-lot estate residences
- Limit nonagricultural land uses
- Protect landowners' equity in their land
- Maintain the integrity of a rural transportation system

One of the development pattern objectives of the General Plan is to protect a countywide average of 1,500 acres per year of agricultural, strategic forest, or other sensitive lands through the use of the Rural Legacy Program, county-funded acquisitions, and other conservation programs.

The General Plan policies for the Rural Tier are:

- Retain or enhance environmentally sensitive features and agricultural resources.
- Design future development to retain and enhance rural character.
- Provide for a Rural Tier transportation system that protects open space, rural character, and environmental features and resources.
- Public funds should not encourage further development in the Rural Tier.

Prince George's County is fulfilling the requirement to update the county's comprehensive plan regarding agricultural preservation through the Priority Preservation Area Functional Master Plan. HB 2 requires that for every county that is seeking certification of their agricultural preservation program, their comprehensive plan must include a Priority Preservation Area Element identifying the county's PPA.

b. Green Infrastructure Plan

The 2005 *Approved Countywide Green Infrastructure Plan* recognizes that agricultural and natural resource lands are an important part of the green infrastructure. Policy 4 of the Green Infrastructure Plan is to promote environmental stewardship as an important element to the overall success of this plan, recognizing the value of diverse land uses that maintain the natural landscape, including working farmland. This plan encourages the Planning Department to work closely with other agencies to promote land stewardship programs. Both the Beltsville Agricultural Research Center and the Patuxent Wildlife Refuge Area are recognized as Special Conservation Areas, and reinforced as such in the 2009 *Subregion 1 Preliminary Master Plan and Proposed Sectional Map Amendment*. These plans acknowledge that the fields and meadows associated with these areas serve as important ecological hubs and wildlife corridors.

c. Reserved Open Space Zone in Prince George's County

The 1998 *Approved Countywide Map Amendment for the Reserved Open Space (R-O-S) Zone in Prince George's County* reclassified certain large tracts of properties owned by public agencies from O-S, R-R, R-A, and R-L Zones, into the R-O-S Zone. The purposes of the R-O-S Zone include preservation of large areas of agricultural, open space, and forested land, providing for a limited range of public, recreational and agricultural uses, and protecting scenic and environmentally sensitive areas.

d. Water Resources Plan

The 2010 *Prince George's County Approved Water Resources Functional Master Plan* was developed to fulfill the State's HB 1141 Water Resources Element (WRE) requirements, and to provide comprehensive planning guidance and technical support for current and future county planning recommendations. In addition, HB 1141 2006 requires that agricultural and forest lands slated for resource protection or conservation be planned for as a sensitive areas element of county comprehensive plans. These lands are discussed in the Water Resources Functional Master Plan and the Countywide Green Infrastructure Plan.

e. Ten-Year Water and Sewer Plan

Since 1970, the county has been required to prepare and update every three years (§ 9-515. (b)), a ten-year plan and program for the extension of water and sewer service. The *Ten-Year Water and Sewer Plan*, or the 2008 *Water and Sewer Plan*, is the central county policy statement as to where, when, and at what rate growth can be expected to occur. The plan has been used as a major guide to master plan staging, and is considered in zoning decisions and the granting of subdivision approvals. The plan is also the major guide to the programming of other public facilities in the Capital Improvement Program, particularly with respect to providing services to new development.

The 2008 *Water and Sewer Plan* for Prince George’s County acts as a statement of policy as well as a working document. As a policy statement, the plan defines the land use and development policies set by the county through its designation of geographic boundaries where public water and sewer must be used. As a working document, it guides the county planning and development processes by setting out the criteria under which both public and private water and sewer services can be provided.

f. Strategic Program for Agricultural Development

The 2009 *Strategic Program for Agricultural Development* is a Technical Bulletin to the 2009 *Approved and Adopted Subregion 6 Master Plan*. It provides recommendations for supporting business, market, and broader economic development opportunities in the county. In addition, it offers recommendations for regulatory changes to allow a broader range of modern agricultural endeavors. Citizens that provided input on the strategic program ranked regulatory reform as the first priority for action.

In the areas of business, marketing, and broader economic development, implementation of the 2009 *Strategic Program for Agricultural Development* has been led by the county’s agricultural marketing specialist, an employee of the University of Maryland Cooperative Extension Service in Prince George’s County. This position has funding from M-NCPPC for two years and, while not permanent, has proven to be vitally important to the agricultural economy and community. The marketing specialist has been successful in securing, or assisting other county non-profits in securing, over \$150,000 in grants for farm equipment, promotional materials, and agricultural education initiatives. In addition, the creation of a farm agritourism brochure, and the establishment of two new farmers’ markets have opened new economic opportunities for county farmers. Several long-term initiatives are also planned for marketing Prince George’s County farm products, and helping farmers develop economic opportunities.

2. Prince George’s County Zoning Ordinance

Revisions to the Prince George’s County Zoning Ordinance may include definitions of appropriate allowed uses, including agricultural-related uses which support farm and forest enterprises, to be permitted in specific areas of the county corresponding to the Rural Tier and the PPA.

<p>CB-36-2009, enacted on November 17, 2009, is a bill for the purpose of permitting farm wineries in residential zones assessed for agricultural use. It amends the Zoning Ordinance (Subtitle 27 of the Prince George’s County Code) to permit farm wineries, and to include the definition of a farm winery as “an agricultural processing facility located on a farm with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises.” The agricultural marketing specialist is working with Farmers’ Markets to identify wineries and retail partners that would be willing to pour Maryland wines, and is working with the market manager at National Harbor to try to accomplish this, and disseminate the new rules to other markets.</p>
<p>CB-39-2009, enacted on November 17, 2009, is a bill for the purpose of defining agritourism and bed-and-breakfast inns, and permitting these uses in certain residential zones. It amends the Zoning Ordinance (Subtitle 27 of the Prince George’s County Code) to permit agritourism and bed-and-breakfast-inns, and to include the definition of agritourism as “a commercial enterprise. This commercial enterprise is intended to attract tourists and provide supplemental income for the owner of a working farm that qualifies for agricultural assessment,” and defines bed-and-breakfast inn as “any owner-occupied, one-family detached residential dwelling, which rooms are rented to paying guests on an overnight basis or no longer than two weeks in any one visit.”</p>
<p>CB-43-2009, enacted on November 17, 2009, is an ordinance concerning the R-R Zone for the purpose of modifying the minimum lot size requirements of certain lots in the R-R Zone recorded prior to November 29, 1949. It amends the Zoning Ordinance (Subtitle 27 of the Prince George’s County Code) to specify that the minimum lot size is 10,000 square feet in the R-R Zone.</p>

CB-47-2009, enacted on November 17, 2009, is an ordinance concerning O-S Zone for the purpose of amending net lot area for one-family detached dwellings in the O-S Zone. Net lot area (minimum in square feet) is shown in a table indicating regulations for development of one-family detached dwellings.

CB-85-2010, enacted on October 26, 2010, for the purpose of amending the definitions of farm animal and livestock, and generally relating to animal control, broadened the definition of agriculture to specifically include a range of equine pursuits. CB-85-2010 also contains language which addresses on-farm processing, an activity of paramount importance in keeping farms profitable.

3. Purchase of Development Rights (PDR)

CB-47-2006, enacted on July 18, 2006, is a bill for the purpose of establishing a Purchase of Development Rights (PDR) Program in Prince George's County to allow the acquisition of conservation easements. The PDR program is available to privately-owned land zoned O-S, R-A, R-E, and R-R in the Rural Tier. This bill states that the Prince George's Soil Conservation District (SCD) is the central clearinghouse for all PDR related activities, the program administrator being the district manager of the SCD or his designee. The program administrator's responsibilities include developing program regulations and procedures, promoting the program through educational materials and informational meetings, pursuing other public and private resources to fund the program and maximize private participation. It also includes evaluating applications, preparing a report on the development potential for each parcel from a development certification provided by the Department of Planning, and providing a recommendation to the Agricultural Preservation Advisory Board for each application. Eligible parcels include a minimum of 35 acres with no single-family dwellings, or include a minimum of 20 acres with no more than one single-family dwelling and be contiguous to a public park, preserved land, or otherwise protected property.

CR-82-2006, enacted on October 24, 2006, adopts the program regulations for the PDR Program, created pursuant to CB-47-2006, and establishes eligibility, an application process, rankings, easement valuation, and the execution of conservation easements.

CB-29-2010, enacted on July 13, 2010, clarifies the provisions of the PDR Program as it relates to woodland conservation. It states that portions of parcels shall not be eligible to participate in the PDR program if the development rights have been extinguished by the donation or sale of an easement to any other party that specifically protects woodlands for another purpose including, but not limited to approved TCPs for other development, deed restrictions, and declarations of covenants for woodland conservation banking.

CR-29-2011, enacted on June 7, 2011, updates CR-82-2006, Program Regulations for the Purchase of Development Rights Program, to include points for properties in the Priority Preservation Area (PPA) of the county, as identified in Subregions 1, 5, and 6, and the pending Priority Preservation Area Functional Master Plan.

4. Historic Agricultural Resource Preservation Program (HARPP)

CB-24-2007, Prince George’s County Historic Agricultural Resource Preservation Program–Enacted on July 24, 2007, this county legislation established the Historic Agricultural Resource Preservation Program (HARPP), for the purpose of providing monetary incentives to preserve historic, agricultural, and rural and natural resources in the Rural Tier. Thus, HARPP is specific to the Rural Tier, where there are historic viewsheds, vistas, rural culture and character, and agricultural enterprises that should be preserved through easements. The program implements the policies of the 2002 General Plan, as well as the 2005 Green Infrastructure Plan as they relate to the Rural Tier, and is intended for properties zoned O-S, R-A, R-E, or R-R.

HB 939 (SB 95), enacted in the 2008 General Assembly Session, established an agricultural preservation easement program in Prince George’s County that would:

- Implement the policies of the Prince George’s County General Plan and the Green Infrastructure Plan to preserve, protect, and enhance agricultural properties, in particular, those agricultural properties in the Rural Tier.
- Preserve ecologically fragile and aesthetically valuable environments of the county, such as streams, stream valleys, floodplains, wetlands, groundwater, steep slopes, woodlands, habitats, scenic vistas, and scenic corridors.
- Retain agricultural land and augment other local and state programs aimed at preserving agricultural land.
- Limit nonagricultural uses and recognize the public value in protecting agriculture and agricultural viewsheds, vistas, rural culture and character, and longstanding agricultural enterprises.
- Conserve and protect biodiversity and wildlife and aquatic habitats.
- Promote interest in and the study of agriculture and agricultural preservation.
- Promote tourism through the preservation of scenic resources.
- Establish a fund for the purchase of easements.

5. Agricultural Preservation Work Group

Enacted on November 26, 2006, **CR-87-2006** established the Agricultural Preservation Work Group to review and evaluate present agricultural preservation policies and recommend to the County Council appropriate revisions to existing policies and laws.

Enacted on February 2, 2010, **CR-8-2010** is a resolution to reconvene the Agricultural Preservation Work Group for the purpose of reviewing and evaluating agricultural preservation policies and recommending to the County Council appropriate revisions to existing policies and laws.

CR-107-2010, enacted on October 26, 2010, expands the mission of the Agricultural Preservation Work Group to review, evaluate, and recommend “low impact development” technologies and other measures to improve agricultural operations, as recommended by the 2010 Equine Industry Task Force. This amends the composition of the Work Group to add two additional members representing the Equine Industry Task Force.

CB-86-2010 was not enacted. The proposed bill was written for the purpose of amending and adding to the Right-to-Farm provision, and generally regarding agriculture, was put on hold in September 2010, to be taken up after a thorough review by the Council’s Agricultural Preservation Work Group.

6. Equine Industry Task Force

CR-29-2010, enacted April 20, 2010, is a resolution establishing the Equine Industry Task Force for the purpose of exploring and facilitating the economic development potential of the equine industry in Prince George's County. The Equine Industry Task Force presented to the County Council their final report and proposed legislation (CB-91-2010 and CB-92-2010) on September 21, 2010. Following Council review of the Equine Industry Task Force Final Report in October 2010, CR-106-2010 was introduced and adopted to expand the scope of the task force, and further explore and evaluate task force recommendations.

CR-47-2010, enacted on June 1, 2010, is county legislation amending the composition of the Equine Task Force to be 17 members including County Council members, and representatives of the Economic Development Corporation, Office of the County Executive, M-NCPPC, Maryland Equestrian Foundation, Maryland Horse Industry Board, Prince George's County Chamber of Commerce, Citizens Advisory Board of the Equestrian Center, Prince George's County Conference and Visitors Bureau, University of Maryland-Equine Studies, and the horse racing industry in the county, as well as members who are residents of Prince George's County.

CR-106-2010, enacted on October 26, 2010, extends the length of time in which the 17-member Equine Industry Task Force is to operate and expands the mission to explore the establishment of a Prince George's County Sports Commission, and the treatment of unwanted horses. The mission of the Task Force was expanded to also evaluate and recommend to the County Council amendments to the Subdivision Ordinance, the Zoning Ordinance, and County Code.

CB-92-2010, enacted on October 26, 2010, is a zoning bill that amends the definition of agriculture and agritourism, and adds definitions for equine activities and equine facility, permitting these uses in certain residential zones. It notes that agritourism includes equine activities, which are defined as activities such as teaching equestrian skills; participating in equestrian events, exhibitions, and other displays of equestrian skills; and caring for, breeding, boarding, dealing, selling, renting, riding, or training equines. The definition of an equine facility includes barns, stables, rings, paddocks, or accessory buildings or structures used for equine activities.

7. Agricultural Resources Advisory Committee

CB-24-1984 created the Agricultural Resources Advisory Committee to advise the County Executive on issues related to agriculture, forestry, land use, laws, regulations, and policies that impact the farmers and landowners who rely on this land for income security and jobs. This committee also gives input to the County Executive from the citizens who own and work farm land, and be a source of information for the agricultural community in the areas of governmental programs impacting agricultural activities.

8. Conservation Subdivisions

CB-4-2006, enacted on July 18, 2006, established requirements, procedures, and standards for conservation subdivisions, deleting the subdivision options of the use of clusters, lot size averaging and flag lots, and grandfathering those approved as of a certain date. The use of flag lots was permitted for preliminary plats accepted prior to November 1, 2006.

CB-6-2006, enacted on August 10, 2006, permitted conservation subdivisions, and established bulk regulations for conservation subdivisions, deleting the Subdivision option of the use of lot size averaging and varying lot sizes, grandfathering those approved before July 1, 2006, and deleting the provisions for agricultural preservation development.

CB-32-2008, enacted September 9 2008, defined a Conservation Subdivision, a Public Benefit Conservation Subdivision, and permitted a Public Benefit Conservation Subdivision in the R-R Zone and established bulk regulations for this use.

CB-33-2008, enacted September 9, 2008, is a bill for the purpose of establishing requirements, procedures and standards for Public Benefit Conservation Subdivision and amending certain provisions for conservation subdivisions. The standards provide for lots, open space, and internal street designs that conserve woodlands, farmland, farm structures, historic structures, and the scenic and unique character of development sites. A conservation subdivision's site design must encourage agricultural pursuits—retaining existing farm structures and farm operations, creating attractive development layouts respecting existing features of the site, and encouraging connectivity between scenic, historic, agricultural, and environmental characteristics of abutting properties.

CB-26-2010, enacted on July 13, 2010, is a bill implementing the Green Infrastructure Plan (2005) and updating the overall Conservation Subdivision ordinance; it amends the process for requesting impacts to regulated areas to apply countywide and clarifies the definition of regulated streams and their associated buffers; it amends submittal requirements for minor, major, and conservation subdivisions.