

MARYLAND AGRICULTURAL LAND PRESERVATION
FOUNDATION
PRINCE GEORGE'S COUNTY APPLICATION, 2014
APPENDIX 2

Recent Legislation Regarding Preservation of
and Support for Agricultural Operations
Prince George's County

Recent Legislation Regarding Preservation of and Support for Agricultural Operations Prince George's County

1. Prince George's County Zoning Ordinance

CB-36-2009, enacted on November 17, 2009, is a bill for the purpose of allowing farm wineries in residential zones assessed for agricultural use 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.”

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 and includes the definition of agritourism as “a commercial enterprise.”

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. This bill is related to the intra-family transfer provisions.

CB-85-2010, enacted on October 26, 2010, amended the definitions of farm animal and livestock and 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 critical to keeping farming profitable.

2. 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 program focuses on 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 a designee.

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. Points are already awarded for properties within the designated network of the Countywide Green Infrastructure Plan.

3. Historic Agricultural Resource Preservation Program (HARPP)

CB-24-2007, enacted on July 24, 2007, created the Prince George's County 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. HARPP has received dedicated funding in the county budget totaling \$21 million from 2008 – 2012.

HB 939 (SB 95), enacted in the 2008 General Assembly Session, established an agricultural preservation easement program in Prince George's County (HARPP) 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.

4. Agricultural Preservation Work Group

CR-87-2006, enacted November 26, 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.

CR-8-2010, enacted on February 2, 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. The composition of the Work Group was also amended to add two additional members representing the Equine Industry Task Force.

5. 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, amended 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; adds definitions for equine activities and equine facilities; and amends the code to allow these uses in certain residential zones. It defines equine facilities and notes that agritourism includes equine activities such as teaching equestrian skills; participating in equestrian events; and caring for, breeding, boarding, dealing, selling, renting, riding, or training equines.

6. 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.

CB-06-2012, enacted on March 27, 2012, was for the purpose of strengthening the Right-to-Farm provisions. It declared the county policy of promoting, preserving, protecting, enhancing, and encouraging agricultural operations, forestry operations and the development and improvement of agricultural land for the production of food and other agricultural products. It provides protection from the encroachment of nonagricultural land uses into rural areas, and the proliferation of nuisance complaints and lawsuits. It also established the Prince George's County Agricultural Reconciliation Subcommittee (a five-member subcommittee of the Agricultural Resources Advisory Committee) for the purpose of mediating disputes involving agricultural operations.

CB-07-2012, enacted on March 27, 2012, revised the composition of the Agricultural Resources Advisory Committee, established the Agricultural Reconciliation Subcommittee, and provided for the subcommittee's powers and duties.

7. Conservation Subdivisions

CB-04-2006, enacted on July 18, 2006, established requirements, procedures, and standards for conservation subdivisions, deleting certain subdivision methods regarding lot size averaging and flag lots, and grandfathering those approved as of a certain date.

CB-06-2006, 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 substituting the conservation subdivision provisions for the agricultural preservation development provisions.

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.

CB-26-2010, enacted on July 13, 2010, is a bill implementing the recommended code changes from the Green Infrastructure Plan (2005) and updating the overall Conservation Subdivision ordinance. The amendments included:

- an increase in the minimum stream buffers;
- changes to the requirements regarding woodland conservation with the intent of reducing forest fragmentation;
- a new requirement that a natural resource inventory be prepared for all applications;
- a new requirement that sensitive environmental features be evaluated for impacts as part of all development applications;
- revisions to the process for requesting impacts to regulated areas;
- clarifications to the definition of regulated streams and their associated buffers; and
- changes to the submittal requirements for minor, major, and conservation subdivisions to reflect the new requirements.

8. Subdivision Ordinance and the Sustainable Growth Act of 2012

CB-104-2012, enacted on November 20, 2012, is a bill revising the Subdivision Ordinance to add the implementation provisions of the Sustainable Growth Act of 2012. The bill revised the definition of a minor subdivision from four to seven lots, in conformance with SB 236 and in keeping with the changes adopted by many counties in Maryland. CB-104 also added a provision for agricultural remainder parcels that allow agricultural uses and prohibit residential uses, further demonstrating the expansion of options to support agriculture and reduce residential development. In addition, the bill ensured that no restrictions were placed on agricultural uses or designations.

CR-83-2012, enacted on November 20, 2012, is the County Council's official approval of the Sustainable Growth Act Tier Map.

9. Property Tax Credits for Agricultural Land

CB-66-2008, enacted November 18, 2008, is a bill that provides for 100 percent tax credits for lands that have participated in state or local land preservation programs. A total of up to \$250,000 in tax credits are available countywide each fiscal year on a first-come first-served basis.