

**Planning Guidance
Bulletin**

*Sensitive Areas
Element*

Volume 1, Number 1



State of Maryland

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Planning Guidance Bulletin, Volume 1, Number 1 Guidance Document

Sensitive Areas Element

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November 2007. Publication No. 2007-005

Summary Guidelines for Including Agricultural and Forest Land Protection in the Sensitive Areas Element and Development of the Priority Preservation Element of the Comprehensive Plan

Introduction

House Bill 1141 (HB 1141) from the 2006 Maryland Legislative Session requires that agricultural and forest lands intended for resource protection or conservation be included as part of the sensitive areas element of county comprehensive plans. From that same session, House Bill 2 (HB 2) requires that counties seeking state certification of their agricultural land preservation program designate Priority Preservation Areas (PPAs) and add a PPA element to their comprehensive plan. Since much of the same analysis will be performed for two different elements of the comprehensive plan, the Maryland Department of Planning (MDP) has created these guidelines to help county planners be efficient and avoid redundancy.¹

I. For Agricultural and Forest Land to Be Used for Production: follow the planning process for designating a PPA and creating the PPA element, summarized below. Use the information for agricultural and forest land preservation in your sensitive areas element even if you are NOT seeking state certification of your preservation program. Counties that are seeking certification must follow the law (Agriculture Article 2-518 and State Finance and Procurement Article 5-408 modified by HB 2) and the implementing regulations (COMAR 14.28.08, which are being modified accordingly) when creating the PPA element of the comprehensive plan. [Note: Counties that are not seeking state certification are not required to create a PPA nor prepare a PPA element. However, since the PPA process provides such a complete approach to planning for resource land, MDP recommends that counties use the PPA process for guidance, and address the issues raised by the PPA law and regulations, for addressing farm and forest preservation in their sensitive areas element, even if they are not seeking certification.]

Most county comprehensive plans already include a description of the local forest and agricultural land resources and their importance to the county, followed by goals and recommended actions for protecting them. A county can move this information to the sensitive areas element. However, if the discussion of agriculture and forest protection makes more sense in another part of the plan, the county can mention it briefly in the sensitive areas element and direct the reader to the place in the plan where the topic is dealt with more fully.

Another example where the reader can be directed to the place in the plan where the topic is dealt with more fully is when a county creates a PPA element as a prerequisite for seeking certification. To avoid redundancy in the agriculture and forest preservation section of the Sensitive Areas element, they may say “see the Priority Preservation element for more information.”

Below are the requirements for designating a PPA and creating the PPA element. These requirements must be adhered to if the county is seeking certification. If a County is NOT seeking certification of its land preservation program, it should consider the following to be guidelines for the complete consideration of agricultural and forest resources in the Sensitive Areas element. Please be mindful that a PPA may consist of a single parcel of land, multiple connected parcels of land, or multiple unconnected parcels of land, and include Rural Legacy areas.

The Priority Preservation Area, (PPA) shall:

- Contain productive agricultural or forest soils, or 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 the comprehensive plan.

The Priority Preservation Area (PPA) Element shall do the following things:

- Establish appropriate goals for the amount and types of agricultural resource land to be preserved in a PPA.
- A County's acreage goal for land to be preserved through easements and zoning within an area shall be equal to at least 80% of the remaining undeveloped land in the area, as calculated at the time of applicaiton for State certification of an area.
- Include maps showing the county PPA.
- Describe the kinds of agricultural production the county intends to support and the amount of development the county intends to allow.
- Describe the PPA in the context of the county's growth management plans.
- Identify shortcomings in the ability of the county's zoning and land management practices and identify current or future actions to correct the shortcomings.
- Describe the way in which preservation goals will be accomplished in the PPA, including:
 - The county's strategy to protect land from development through zoning;
 - Preserve the desired amount of land with permanent easements; and
 - Maintain a rural environment capable of supporting the kind of production intended.
- Include an evaluation of the ability of the county's zoning and other land use management practices to do the following:
 - Limit the impact of subdivision and development;
 - Allow time for easement purchase; and
 - Achieve the goals of the Maryland Agricultural Land Preservation Foundation (MALPF) program before they are irreparably undermined or impaired by development.
- Describe the methods the county will use to concentrate preservation funds and other supporting efforts in the PPA to achieve the goals of MALPF and the county's preservation acreage goal.

Each time a county comprehensive plan is updated, the update should include an evaluation of the county's progress toward meeting the MALPF goals; any shortcoming in the county's ability to achieve MALPF goals; and past, current, and planned actions to correct any identified shortcomings.

MDP recommends that the treatment of agricultural and forest land preservation in the sensitive areas element of the comprehensive plan follow the guidelines for the PPA plan element, whether or not the county is seeking certification of its agricultural land preservation program.

II. For Forestland Being Preserved For Its Environmental Values: Use a similar process for designation and protection as discussed above, emphasizing conservation instead of production.

The Maryland Department of Natural Resources (DNR) has excellent datasets and maps available that can be used to help identify and designate forest areas to be preserved primarily for their value in protecting wetlands, water quality, endangered species, habitat, etc.

Maryland's Updated Green Infrastructure

Maryland's diversity and vitality depend on the composition of its landscape: its geology, climate, water, soils, flora, and fauna. These characteristics have shaped the history of the region, and still affect the state today. Maryland's most important natural lands comprise its **green infrastructure**, and provide the bulk of the state's natural support system. Ecosystem services, such as cleaning the air, filtering and cooling water, storing and cycling nutrients, conserving and generating soils, pollinating crops and other plants, regulating climate, sequestering carbon, protecting areas against storm and flood damage, and maintaining aquifers and streams, are all provided by the existing expanses of forests, wetlands, and other natural lands.

Maps and more detailed information on Maryland's Green Infrastructure Assessment can be found at the following Department of Natural Resources website: <http://www.dnr.state.md.us/greenways/gi/gi.html>. In this document and its associated maps DNR identifies large, contiguous blocks of forestland and wetlands (known as **hubs**) and connecting **corridors**. Hubs and corridors are ranked within their physiographic region for a variety of ecological parameters and for development risk factors, as well as combinations of these. Related datasets also provide ecological scores for hub and corridor elements. These lands are critically important to preserve because many species and important ecosystems are dependent on large forested blocks. Forest fragmentation is one of the greatest conservation threats that Maryland faces and continued forest fragmentation reduces the amount of deep interior forest that certain species need for a portion or all of their lifecycles.

Contact Kevin Coyne, Watershed Services, kjcoyne@dnr.state.md.us if you have additional questions

Following are four key areas that are important components of the updated Green Infrastructure and should be discussed if they exist in your jurisdiction

Forest Interior Dwelling Species–Potential Habitat

Forested areas that are important for the conservation of a group of species are called Forest Interior Dwelling Species because they require habitat in the interior of forests for optimal reproduction and survival. Most of these forestlands are included in the Green Infrastructure Assessment and have priority as high quality habitat.

Contact Lynn Davidson, DNR's Natural Heritage Program, ldavidson@dnr.state.md.us, for additional information.

Sensitive Species Project Review Areas

Sensitive Species Project Review Areas primarily contain habitat for rare, threatened, and endangered species and rare natural community types. DNR's data layer generally includes, but does not specifically delineate, such regulated areas as Natural Heritage Areas, Wetlands of Special State Concern, Colonial Waterbird Colonies, and Habitat Protection Areas. It can help local jurisdictions assess environmental impacts and review potential development projects or land use changes. Many of these areas are forested and should be evaluated in relation to potential for preservation forest cover.

Contact Lynn Davidson, DNR's Natural Heritage Program, ldavidson@dnr.state.md.us for additional information.

These forest and important habitat map data layers can be accessed through the following:

- DNR GIS Data Download site: <http://dnrweb.dnr.state.md.us/gis/data>
- MERLIN on-line interactive mapping site: <http://www.mdmerlin.net>

Forestlands Important for Water Quality Protection

Forestlands across the State have been evaluated for their importance in protecting water quality in response to the Forest Conservation Directive 06-01 adopted by the Chesapeake Executive Council. The Directive required all Chesapeake Bay Program signatory states (Maryland, Pennsylvania, Virginia, and the District of Columbia) to develop conservation goals for forests that are important for protecting Chesapeake Bay water quality. Results of these evaluations and maps are available for forestland in Maryland. Integrating these assessments with comprehensive plans and zoning ordinances was identified as an important tool for meeting the forest conservation goal. More information on Maryland's goal and the Forest Directive can be found at <http://www.dnr.state.md.us/forests/conservationgoal.asp>

Contact Anne Hairston-Strang, DNR's Forest Service, astrang@dnr.state.md.us for additional information.

Aquatic Life Hotspots (Stronghold Watersheds)

These areas are watershed lands and streams that support areas of high aquatic biodiversity. Fish and other aquatic organisms are sensitive to increases in impervious surface in the watershed:

- >2% impervious surface—brook trout and other pollution-intolerant species disappear;
- >10% impervious surface—fish habitat degraded with loss of fisheries and crab production;
- >15% impervious surface—biotic integrity ranges from fair to poor;
- >25% impervious surface—restoration is difficult, and only hardy species are present.

Contact Scott Stranko at 410-260-8603, sstranko@dnr.state.md.us, for more information.

¹ HB 1141 also added wetlands as a resource to be included in the sensitive areas element. For guidance on how to plan for wetlands, please see MDP's Models and Guidelines #18: Sensitive Areas Volume II. This publication deals with both tidal wetlands (and associated resource protection areas) and nontidal wetlands and waterways. The publication is available on line from www.mdp.state.md.us. Look for the "Products" menu on the right side of the page, and click on "Publications." The Web page that comes up will contain all the downloadable Models and Guidelines.



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