



Maryland Department of Planning

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Deputy Secretary

January 18, 2010

Mr. Mike Thompson, Director  
Washington County Planning Department  
County Administrative Annex  
80 West Baltimore Street  
Hagerstown, MD 21740

Re: Washington County Priority Preservation Area Comprehensive Plan Amendment

Mr. Thompson:

The Maryland Department of Planning has completed the coordinated review of the Washington County Priority Preservation Area Amendment to the Comprehensive Plan. Thank you for your participation in the plan review process.

The additional comments attached provide a more specific review of the PPA from the standpoint of MDP staff of the Agricultural Certification Program. However, the Program is jointly administered by MDP and the Maryland Agricultural Land Preservation Foundation according to regulations in COMAR. Thus, the staff comments do not comprise an official communication from the Certification Program.

The Maryland Department of Planning has completed the Clearinghouse Review process. After reviewing the amendment the Department has determined that it is consistent with the State's plans, programs and objectives. Attached please find our comments.

Thank you again for the opportunity to review the amendments to the Washington County Comprehensive Plan. If you have any questions and/or require assistance, please contact the review coordinator David V. Cotton at 301-777-2161.

Sincerely,

Peter G. Conrad, AICP  
Director of Local Government Assistance

cc: Joe Tassone, MDP  
David Cotton, MDP



**Review Comments from the Maryland Department of Planning  
Washington County  
Draft Priority Preservation Area Comprehensive Plan Amendment  
1/18/2011**

**Background**

In March of 2009, MDP and MALPF granted conditional certification to Washington County's farmland preservation program for the three-year period July 1, 2008 through June 30, 2011. The certification was conditional because MDP requested improvements to their Priority Preservation Area (PPA), as described below.

The certification application described the following procedure for creating the PPA boundaries:

Using the County's GIS database, parcels generally located outside of Urban and Town Growth Area boundaries and Priority Funding Areas that are greater than 20 acres and have an agricultural use assessment were used as potential sites for PPA. The areas were further defined by focusing on parcels that were located in close proximity to existing permanent easements as well as existing 10-year districts. Then the soils and forest cover were evaluated to ensure that productive areas were being defined. Finally, Staff focused the primary areas for establishment of PPA around existing 'blocks' of agricultural easements located generally in the Clear Spring, Smithsburg, and Downsville areas (pages 5-6).

This strategy was methodical and rational, but MDP was concerned about the fragmented appearance of the PPA and the potential for development on the pieces that were excluded but abutted or were surrounded by the PPA. MDP asked that the PPA be revised to include these pieces so that if they were developed, they would be reflected in program data. There was also concern about development pressure on the portion of the PPA zoned 1:5, the County was asked to provide data and an analysis to show that program goals were being met even though much of the PPA contained this relatively unprotective zoning.

**The Modified PPA**

The County has revised its PPA and PPA Plan Element to address MDP's concerns. The PPA and PPA Plan Element, if adopted as drafted, will satisfy the requirements of the element as outlined in Title 5 of the State Finance and Procurement Article.

The PPA now encompasses 74,854 total acres instead of approximately 40,000. As before, the County followed a process to determine suitability. Also, staff "began to build the PPAs with blocks of large undeveloped land around existing agricultural preservation easements and 10-year districts. As areas were added, the proportion of undeveloped land 'viable' for preservation efforts was continually tested against areas that contain existing development or existing permanent

easements...” (draft PPA Plan Element, pages 5-6). Many of the previously excluded parcels were added to the PPA. Areas south and east of the Rural Legacy area are still excluded because they “were found to be either low in priority for agricultural use due to soil class or low forest cover, or because of the small parcel sizes (especially along South Mountain) caused by old ‘wood lot’ deeds created during the Civil War era (draft PPA element, page 5).

The countywide preservation goal is 50,000 acres. The County reports that 22,000 acres of farmland and forest are under easement, with another 17,000 in preservation districts. (MDP data also show about 35,000 acres of publicly owned land in the County.) In the 74,854 acre PPA, 20,690 acres are already preserved, and 9,461 acres “do not meet the minimum MALPF requirements for easement acquisitions” (draft PPA element, page 6). If the County preserves 80% of the remaining 44,703 acres, it will meet its preservation goal.

## **Development Data**

The County demonstrates that development pressure should not preclude achievement of its preservation goals.

When the County downzoned from 1:1 and 1:3 to 1:5 (agriculture), 1:20 (conservation), and 1:30 (Rural Legacy area), plus exemption lots, the lot potential in those areas declined from 23,250 to approximately 10,900 (not including environmental and other constraints, which might further lower the total). A “composite” housing projection estimates 9,925 units added to the County’s entire housing stock in 20 years. Only 1,464 (73 units per year) are expected in rural areas. Of that total, 132 are expected to go into rural villages. That means that 56 units per year are anticipated in the Agricultural Rural area, 9 units per year in the Environmental Conservation area, and 1.8 units per year in the Preservation area.

Another exercise used a housing projection that was 50% higher than the “composite.” It predicted that 2,195 units, 110 per year, could occur in the rural areas over the 20 year horizon period. Since the PPA is just part of the total rural area, between 440 and 660 units (22 and 33 per year) were predicted for the PPA.

Using historical data rather than projections, the County noted that in the four fiscal years 2006-2009, 550 of the County’s total new lots were created in rural areas (32%). They consumed 2,515 acres. However, the County says that just 618 of those acres were in the PPA and just 278 were agriculturally viable acres in the PPA.

MDP recognizes that the development of “non-viable” land inside the PPA and other rural land is not helpful to the preservation of the PPA. However, 1,464 lots across all of rural Washington County over 20 years is not excessive. Assuming that those lots are 3.5 acres on average, as were the rural lots over the past 4 years, that’s just over 5,000 acres in 20 years (250 acres per year), which is considerably less than the County’s rate of preservation. With an ongoing recession in housing and a possible shift in the market to other types of development, actual development might be lower than the projections.

For the 2003-2007 period, 4,310.2 acres were placed under easement in Washington County and 5,176 acres subject to agricultural land transfer tax totaled. This ratio is not good, but much of this activity took place during the housing boom and before the zoning changes. During the downturn of 2008-2010, just 263 acres of Washington County were subject to agricultural land transfer tax. In this fiscal year alone so far, July through November, 177 acres have been preserved through CREP

and Rural Legacy. In addition to all the easement programs at work in Washington County, the County has an installment purchase program for local easements and is considering a TDR program.

Only the future will tell if the low rates of anticipated development actually come to pass in the rural areas in general and the PPA in particular. If not, the County's data collection and analysis will reveal any problems that need attention. The County PPA Plan has demonstrated that MDP can reasonably expect a rate of preservation, in combination with effective land use tools, which will allow the County to achieve the State's and its own preservation goals.