

P.O. Box 157  
Centreville, MD 21617  
qaca@atlanticbb.net

NON-PROFIT ORG  
US POSTAGE  
PAID  
EASTON, MD  
PERMIT NO. 74

# ***Saving a Rural County***



***Queen Anne's  
County Is A  
Farmland County—***

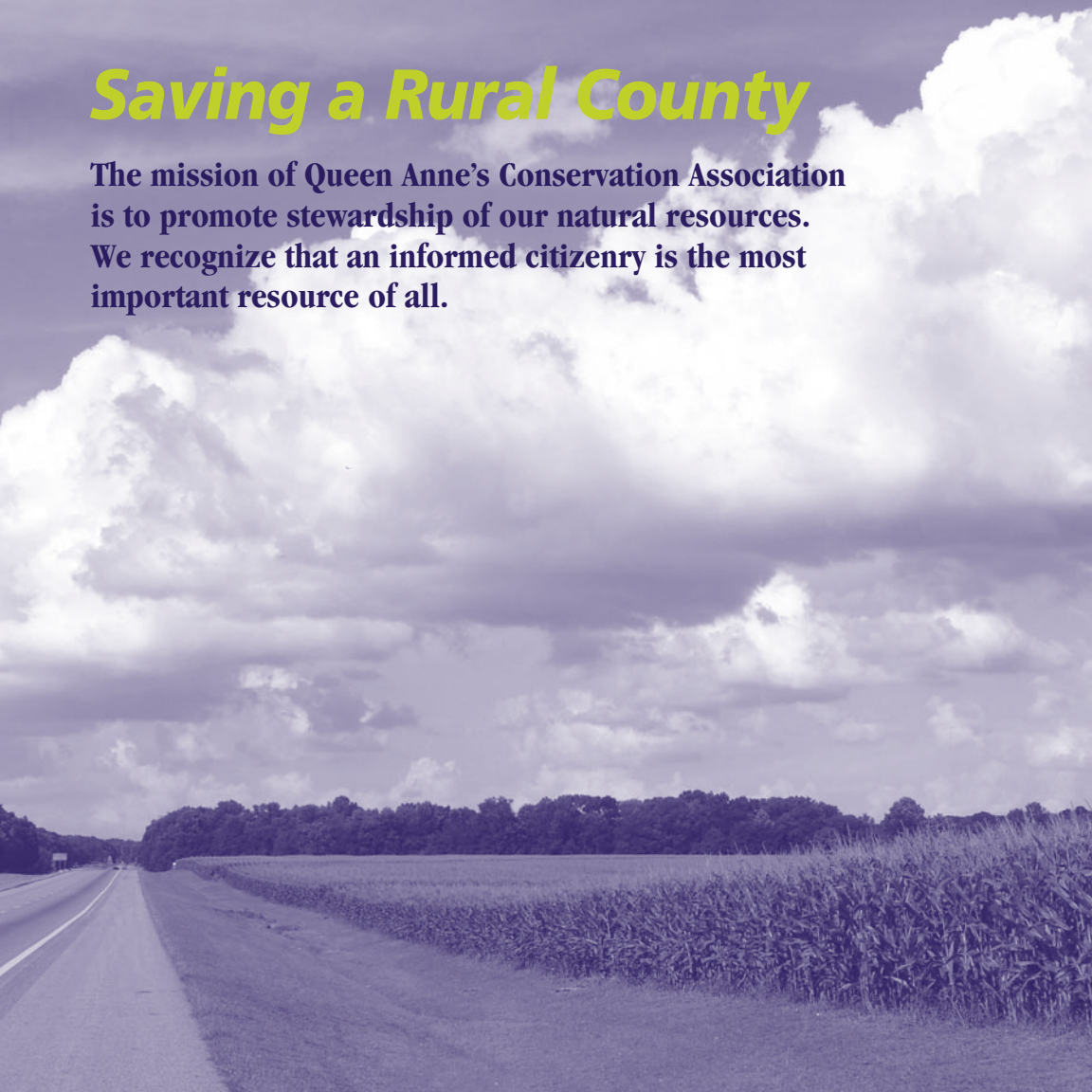
***But Will It Become  
A Suburb?***

***Look Inside...***

Printed on recycled paper.  
September 2005

# ***Saving a Rural County***

**The mission of Queen Anne's Conservation Association is to promote stewardship of our natural resources. We recognize that an informed citizenry is the most important resource of all.**



*Dear Queen Anne's County Citizen:*

*Queen Anne's County is a rural county. It is the leading agricultural county in Maryland. It is at the heart of the Eastern Shore—a landscape comprising the oldest continuously worked lands in America and the largest area of farmland left on the Atlantic coastal plain.*

*Some of our farmlands are now passing into the hands of developers. Others remain in the hands of those who bought or inherited a farm, but now want to plant their final crop—houses.*

*No owner of farmland, whether a new purchaser or a long-time holder, has an inalienable right to turn his fields and woodlands into a subdivision—any more than the owner of a subdivision lot has a right to turn his property into a chicken farm.*

*The community as a whole, acting through its government, sets the rules for when a property owner can change the use of his property. That's why we have planning and zoning and regulation of subdivisions—to ensure that one man's use of his land is consistent with the welfare of all.*

*In Queen Anne's County, however, it no longer works that way. Instead, a small group of developers and land speculators have taken control of the rules for land use. The rules now serve their interests, not the community's.*

*In this letter, we'll take a close look at some of the major loopholes and sham preservation provisions in our current land use rules. We'll consider how our elected leaders can, if they have the will, take back the future of a rural county from the developers and land speculators.*

*Sincerely,*

**Queen Anne's Conservation Association**

# *Saving a Rural County*

**How can it be that dense subdivisions are popping up on farmland throughout the County? Isn't our agricultural zoning one dwelling unit per twenty (20) acres? Wouldn't that serve to limit the rural sprawl we're seeing?**

Yes, it would...except for the developers' loopholes in that zoning. Let's look at a couple of the most damaging ones (there are others).



Photo by Rick Darke

## **1 Two Zoning Loopholes—and How to Close Them**

First of all, there's *the “clustering” loophole*. If you “cluster” the houses you're building, i.e. group them together on smaller lots rather than spread them out on larger lots, then you can build one house per eight (8) acres. The rationale for awarding this greatly increased density for clustering is that clustering preserves the remainder of the property as open space for conservation purposes, including farming.

Is that a good trade-off if you want to preserve rural lands? The Maryland Department of Planning says it isn't. The Chesapeake Bay Program's Scientific and Technical Advisory Committee says it isn't. Queen Anne's County, however, isn't listening.

The second developers' loophole is even bigger. This is *the “noncontiguous development” (NCD) loophole.*

With this one, you can get the density in the agricultural zone up to one unit per two (2) acres.

This, on the face of it, can't be *agricultural* zoning. So what's the cover rationale for this one? It's this: in order to get the density up that high, you have to buy development rights from other properties, which then become preserved as open space.

But the NCD loophole encourages sprawl and destruction of farmland by making development much less costly for the developer. Buying development rights from one or more farms or parts of farms is much cheaper than buying farmland itself, especially land in prime development locations. With these (cheaper) development rights, a developer needs to buy only 40 acres of (very expensive) farmland to build 20 houses—instead of the 400 acres he'd

have to buy if the loopholes weren't there. So we have, in reality, *suburban* zoning in our agricultural areas, and the developers and land speculators are racing to the bank. How much can they gobble up before this farce is exposed and ended?

There are two pending proposals to close the NCD loophole. One would broadly reform the NCD program: this is the **Rural Development Reform Act**, submitted in February 2005 by Dr. Henry Sears, a North County owner of preserved land. The other would return the NCD program to its original purpose of allowing a farmer owning noncontiguous parcels to build additional houses consistent with the basic agricultural zoning: this is the **Family Farm Protection Text Amendment**, submitted in August 2005 by the Eastern Shore Land Conservancy.

How do the incumbents and candidates for Commissioner stand on these measures?

# 2

## The Open Space Sham—and How to End It

---

The defenders of the zoning loopholes love to talk about how clustering and NCD “preserve open space” in Queen Anne’s County. They take the undeveloped remainder lands in the cluster and NCD developments, and the properties from which the NCD rights have been transferred, and they put them on the same maps with lands that are publicly owned or preserved under State or private programs—and they call all of it “preserved open space” for farming, forestry, wildlife habitat or other rural use. In the same vein, it is claimed that the clustering of units on 15% of developed parcels will mean that ultimately 85% of the County’s farmlands will be “forever preserved as open space”.

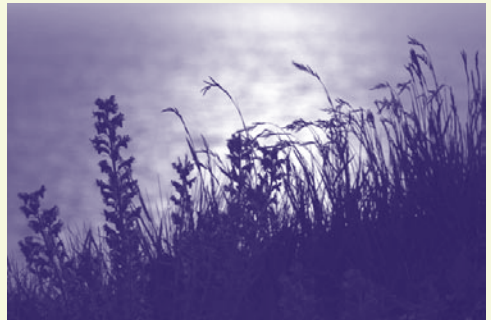
This is all a sham. Our County government is not “preserving open space”, as any ordinary person would understand those terms. Take a closer look:

- The fragmented “open spaces” that are created by clustering and NCD’s will be scattered among dense housing developments and cannot sustain farming in this County. And if these areas aren’t farmed, or farmable, how long will they be preserved as open space?
- In 2004 the citizens on the County’s Preservation Task Force recommended a program of genuine farm preservation— by increasing the recordation tax to fund the purchase and retirement of development rights from farms. The developer lobby, led by the developer Chairman of the Planning Commission, opposed the Task Force’s recommendation, so the proposal went nowhere with the County Commissioners.

- The people living in the burgeoning rural developments will be surprised to learn that the so-called “open space” adjacent to their homes may in fact contain chicken houses, commercial stables, kennels, migrant labor camps, dredge disposal sites, gravel pits, or even fertilizer storage facilities and private airports.
- The open spaces, wherever located and however used, are not really “preserved”. The open space restriction on a particular piece of property can be released by the County Commissioners—if, for example, developers want a town to annex open space and allow them to put houses on it (as in Sudlersville).
- Most worrying of all in the longer term, the open space restrictions on every supposedly preserved property can all be terminated by a stroke of the County Commissioners’ pen. That won’t happen tomorrow, but once farming has been driven out of

this County, the pressure will be on to release all open space for development. The developers and speculators are waiting patiently.

What to do? Basically, we need **Genuinely Preserved Open Spaces**: that means they are *secured in perpetuity by properly drawn, legally binding conservation easements enforceable by reliable entities like the Maryland Environmental Trust or the Eastern Shore Land Conservancy*. Committed County leadership could get us there. But right now, we’re at the same place with preserving open space as we are with affordable housing: we’re not really serious about either one.



# 3 The County that Destroys Farms—and How to be a Better Neighbor

---

Guided by our developers and land speculators, Queen Anne's is now the leader in destabilizing farming on Maryland's Eastern Shore. Our County is in a league by itself with farm-killers like the NCD loophole. Our neighbors Kent and Caroline are doing a far better job of preserving their farmlands than we are. Only Queen Anne's has been singled out by the Land Conservancy as a rural zoning disaster area.

We need to ask Kent and Caroline to sit down with us, teach us, work with us, stop us before we kill off agriculture in the region. Most Maryland counties engage in some form of cooperative regional planning with their neighbors. We need a **Tri-County Planning Council** that will work toward

identifying and enacting the best agricultural zoning practices from each jurisdiction.

Will the next Commissioners bring Queen Anne's out of its planning and zoning isolation? Will they be willing to make our County accountable to the people of the region for what we are doing to farming on the Eastern Shore?

***In our next and last mailing in this series, we will have something more to say about developers and their control of planning, zoning, and subdivision regulation in our County.***

**Questions? Further Information?**  
**Contact us at [qaca@atlanticbb.net](mailto:qaca@atlanticbb.net)**