

**Department of Legislative Services**

Maryland General Assembly

2007 Session

**FISCAL AND POLICY NOTE**

House Bill 1354

(Chair, Environmental Matters Committee)

(By Request – Departmental – Agriculture)

Environmental Matters

Education, Health, and Environmental  
Affairs

---

**Certification of County Priority Preservation Areas**

---

This departmental bill makes various modifications to the provisions governing Priority Preservation Areas (PPAs).

---

**Fiscal Summary**

**State Effect:** The bill's changes could be handled with existing budgeted resources.

**Local Effect:** The bill could be implemented with existing local resources. This bill alone is not anticipated to have an impact on the number of counties that are able to establish or maintain certification of their local agricultural land preservation programs.

**Small Business Effect:** The Maryland Department of Agriculture (MDA) has determined that this bill has a meaningful impact on small business (attached). Legislative Services generally concurs with this assessment, as discussed below.

---

**Analysis**

**Bill Summary:** First, the bill clarifies that a PPA must be governed by local policies, ordinances, regulations, and procedures that support the ability of working farms in the PPA to engage in normal agricultural activities. Second, the bill specifies that a PPA must be large enough to support normal agricultural and forestry activities in conjunction with the amount of development permitted by the county in the PPA. Third, the bill prohibits the Maryland Department of Planning (MDP) and the Maryland Agricultural

Land Preservation Foundation (MALPF) from certifying a PPA unless they agree that the county's comprehensive plan: (1) describes the county's strategy to support normal agricultural and forestry activities and the ordinances, regulations, and procedures the county is using in the PPA to support the ability of working farms to engage in normal agricultural and forestry activities; and (2) includes an evaluation of the ability of the county's zoning and other land use management practices to achieve MALPF's goals before development excessively compromises the agricultural and forest resource land.

**Current Law:** The Agricultural Stewardship Act of 2006 (Chapter 289) authorized counties to include a PPA element in their local comprehensive plans. PPAs must contain productive agricultural or forest soils or be capable of supporting profitable agricultural and forestry enterprises where productive soils are lacking. PPAs must 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. In addition, PPAs must be large enough to support the kind of agricultural operations that the county seeks to preserve.

Beginning in fiscal 2009, Chapter 289 integrates the certification of PPA elements into the existing county agricultural land preservation certification program administered by MDP and MALPF. MDP and MALPF may not certify a PPA of a county unless they agree that the county's comprehensive plan:

- establishes appropriate goals for the amount and types of agricultural resource land to be preserved in the PPA;
- describes the kinds of agricultural production the county intends to support and the amount of development the county intends to allow;
- includes maps showing the county's PPA;
- describes the PPA in the context of the county's growth management plan;
- describes 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;
- includes an evaluation of the ability of the county's zoning and other land use management practices to limit the impact of subdivision and development, allow time for easement purchase, and achieve each of MALPF's goals before they are irreparably undermined or impaired by development;
- identifies shortcomings in the ability of the county's zoning and land management practices and identifies current or future actions to correct them; and

- describes the methods the county will use to concentrate preservation funds and other supporting efforts in the PPA to achieve MALPF's goals and the county's acreage preservation goal.

**Background:** MDA advises that the bill's changes are intended to clarify that:

- the State is not requiring counties to pick and choose what kinds of agricultural operations will be supported within each county's proposed or existing PPA, but rather that counties should maintain and support the ability of farms in a PPA to engage in normal agricultural and forestry activities;
- part of the certification and recertification requirements is for each county to make a judgment of whether MALPF's goals can be achieved within a proposed or existing PPA before development excessively compromises the existing farmland and woodland; and
- the counties, as part of the certification and recertification process, are expected to make an explicit connection between the amount of development to be allowed in a proposed or existing PPA and the county's strategy to support normal agricultural and forestry activities.

The changes are, in part, intended to make the statutory requirements for the certification and recertification of local agricultural land preservation programs consistent with existing statutory requirements that require counties participating in the State's agricultural land preservation program to adopt ordinances binding the county not to interfere with normal agricultural activities on preserved land. This is also consistent with MDA's initiative to work with counties to adopt policies that maintain conditions that do not interfere with profitable farming.

**Small Business Effect:** Legislative Services concurs that the bill's changes could have a positive impact on farmers by protecting normal farming operations and maintaining profitable farms. However, MDA's assessment also addresses the potential impact on farmers of the certification and recertification of county agricultural land preservation programs. Legislative Services notes that this bill alone is not anticipated to have an impact on the number of counties that are able to establish or maintain certification. Any impact on the ability of counties to do so is a result of Chapter 289 of 2006 rather than this bill.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Agriculture, Maryland Department of Planning, Montgomery County, Prince George's County, Caroline County, Howard County, Department of Legislative Services

**Fiscal Note History:** First Reader - March 15, 2007  
ncs/ljm

---

Analysis by: Lesley G. Cook

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510