



Calvert County
Department of Planning & Zoning
Agricultural Preservation
Rules and Regulations
Public Information Session
August 28, 2025

Purpose

- To Present the Draft Rules and Regulations to the Public
- To Discuss Proposed Changes
- To Provide a Forum for Questions and Comments



Preservation and the Comprehensive Plan



- Calvert County has focused on preserving its rural character since the first Comprehensive Plan (Plan) was published in 1967.
- A primary goal of the plan is to preserve the natural assets of Calvert County including prime farmland, contiguous forests and sensitive areas.
- Created in 1978, the Agricultural Land Preservation Program is an important tool to help reach the County's goal of permanently preserving a minimum of 40,000 acres.

The County TDR Program



- The program preserves prime agricultural and forestry land by providing for the transfer of development rights within the county.
- The program incentivizes preservation by allowing landowners to sell the development potential of their property to another party by agreeing to place restrictive covenants on their land.
- TDR purchasers can use TDRs to attain a higher lot density on another property in specific receiving areas targeted for residential and commercial growth.
- Once an owner conveys or allocates TDRs from their APD, covenants are recorded that place use and development restrictions on the property in perpetuity and cannot be removed.

TDR Program Status



- In the years following the recession of 2007 participation in the program fell substantially. Private demand for TDRs plummeted, TDR prices sharply decreased, and County funding for purchases of TDRs was limited. Passage of the Maryland Sustainable Growth and Agricultural Preservation Act of 2012 further impacted TDR demand.
- The APAB completed a comprehensive review of the TDR program and recommended to the BOCC a moratorium on the acceptance of new applications for APD designation until revised criteria could be put in place to address the surplus of TDRs and reinvigorate the program.
- The moratorium was approved by the BOCC, effective on September 16, 2013 and remains in place today.

Project Background



- In 2020 Transferrable Development Right (TDR) Committee convened to review the county's TDR program and make recommendations for program improvements.
- One of the recommendations made by the Committee was to lift the moratorium on the creation of new Agricultural Preservation Districts (APDs) once changes recommended by the Agricultural Preservation Advisory Board (APAB) are adopted into the Rules and Regulations.
- Updating the Rules and Regulations is the last recommendation of the TDR Committee to be completed as the county prepares to reopen the program to new applications for APD designation.

Preservation Program Improvements Since 2020



Recommendations

- Establish a TDR Bank managed by the County.
- Reinstate previous level of Land Preservation Program funding.
- Expand the Rural Legacy areas to include all priority preservation areas.

Accomplishments

- The TDR Reserve banking program was established in 2021.
- Funding from a portion of recordation taxes collected was reinstated in 2021 to support the county's Agricultural Land Preservation programs.
- Expansion of the Rural Legacy Areas was completed in 2023.

Program Administration



- Board of County Commissioners (BOCC)
- Agricultural Preservation Advisory Board (APAB)
- County Staff

Rules and Regulations



- The TDR program rules and regulations were developed by the original County committee in 1978 and have gone through several amendments but have not had a comprehensive update since the program was initiated.
- The program acts as a zoning district overlay much like the Critical Area.
- All participants are required to be in compliance with the Calvert County Zoning Ordinance (CCZO) as well as the program rules and regulations.

Rules and Regulations



Calvert County Agricultural Preservation Rules and Regulations



Adopted by the Calvert County Board of County Commissioners:
January 9, 2007
Amended:
January 20, 2017
April 17, 2018

Calvert County, Department of Planning & Zoning
150 Main Street, Prince Frederick, MD 20678
410-535-1600 x 2339
Available on the county's website at:
www.co.cal.md.us

- APAB Drafts Language
- BOCC Adopts via Resolution
- The APAB Implements with the Assistance of County Staff

Primary Objectives

- To supersede all previous versions and apply a uniform set of regulations to all APDs;
- To incorporate and codify policies, procedures and decisions in a single cohesive document;
- To strengthen the program by addressing issues and challenges the program has faced;
- To provide clarification for consistent administration of the program;
- To evaluate program eligibility criteria in preparation for lifting the moratorium on APD creation;

Project Timeline



- 2020: Initial draft prepared by staff and APAB.
- 2021-2022: Revisions continue as other recommendations are implemented.
- 2023: Work begins on updates to the Calvert County Zoning Ordinance (CCZO).
- 2024-2025: The document is revised to be consistent with the CCZO adopted February 18, 2025.
- March 2025: The document is approved by the APAB.
- April & May 2025: Proposed changes are presented to stakeholder organizations.
- April 8, 2025: The proposed changes are presented the BOCC and approved to move forward for adoption.
- August 20, 2025: Proposed changes presented to the Planning Commission.

Applicability of the Proposed Regulation



- Per the Article 4-2.D “District Standards” of the current CCZO: “Except as expressly provided in Section VII of the “Calvert County Agricultural Preservation Rules and Regulations” pertaining to the withdrawal of a property or properties from the program, an Agricultural Preservation District shall be governed by the Laws and Regulations in effect at the time of its creation.”
- This proposal, if adopted, would necessitate an amendment to the CCZO to remove or modify this provision.

Proposed Changes Rules and Regulations



- Reorganizes and Simplifies the Overall Document;
- Clarifies Processes and Procedures;
- Includes Necessary Technical Updates;
- Updates Eligibility Criteria for APD Designation and PAR Fund Applications;
- Includes the new TDR Reserve Program;
- Addresses allowable density in APDs.
- Codifies policies regarding the use of APDs for private and public events;
- Limits amendments or modifications to APDs;

Program Administration Clarifications



The proposed rules and regulations document incorporates past policy decisions and clarifies APAB processes and procedures in the following significant ways:

- Updates criteria and policies for the acceptance of an application for designation as an APD;
- Specifies the conditions for amending an APD or withdrawing an APD and outlines the procedures to be followed;
- Allows for the amendment or withdrawal of an APD only if it has not been permanently preserved and with certain conditions;
- Defines when APDs are permanently preserved in perpetuity;

Definition of Permanently Preserved



- Per the current Rules and Regulations, the APD is preserved in perpetuity once a development right is removed from the District.
- The draft defines this condition as being permanently preserved. The APD is permanently preserved when all owners and parties having a proprietary interest in the land have signed the covenant document.
- The draft clarifies that recordation of covenants is required by any act accounting for the use of the TDRs, including, but not limited to, conveyances and allocations.
- All parcels within that District are then bound by the covenants in perpetuity.

Minimum APD Acreage Criteria



Designated Area or District	Contiguous to Preserved APD	Non-Contiguous to Preserved APD
<p>Located Inside the Priority Preservation Area (PPA), Farm & Forest District (FFD), Rural Community District (RCD), or a Rural Legacy Area (RLA)</p>	<p>Less than 50 acres with APAB Approval</p>	<p>50 acres, with exceptions only made for working farms adjacent to Routes 2,4,231 and 260 or contiguous acreage</p>
<p>Located Outside the Priority Preservation Area (PPA), Farm & Forest District (FFD), Rural Community District (RCD), or a Rural Legacy Area (RLA)</p>	<p>25 acres or more with APAB Approval</p>	<p>50 acres, with exceptions only made for working farms adjacent to Routes 2,4,231 and 260 or contiguous acreage.</p>

Application Requirements for APD Designation:



The process of creating or joining an Agricultural Preservation District is entirely voluntary. The application process and required documentation is outlined in Section 7 & 8 of the draft. Minimum documentation will include:

- Contact information for all owners of record of land proposed as an APD
- Current deed(s), description(s) and boundary survey for the property proposed for designation.
- Complete title history of property proposed for designation back to June 29, 1967
- Confirmation of, or commitment to, the development and implementation of a Soil and Water Quality Plan or Forestry Management Plan, as applicable.
- All maps, images, reports and certifications required by the APAB

Certification of TDRs



- An owner of an APD may apply to Planning & Zoning for the certification of TDRs by the BOCC. TDRs run with the APD as a whole unless legally severed from the APD and allotted to an individual person or property.
- The computation for the allocation of TDRs is enumerated in Article 17-2 of the CCZO.
- The computation of TDRs is based on the net acreage of the property based on the boundaries of any wetlands as defined with the best available data.
- Field surveys are required to determine the net acreage of the property.
- Five (5) TDRs are deducted from each existing residence on the property.

Residential Density in APDs



Once recorded further development of all property within the APD is subject to restrictions governed by the Rules and Regulations. The updated document ensures the program functions as intended and to the level legally necessary by:

- Clarifying that density shall be applied by APD and not by parcel;
- Specifying that primary residences, buildable residential lots and tenant houses count toward density;
- Clarify that tenant houses are counted against density and the number of entitlements permitted as a result of changes to the CCZO.
- Per the ordinance effective March 1, 2025 one tenant house is permitted per lot or parcel provided that the property has received an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation and the tenant house counts towards the permitted density of the property.

Residential Density in APDs



Current Text

- Parcels having 75 acres or more - 3 lots in addition to the existing house.
- b. Parcels having less than 75 acres and at least 50 acres - 2 lots in addition to the existing house.
- Parcels having less than 50 acres and at least 25 acres – 1 lot in addition to the existing house.
- Parcels having less than 25 acres - no additional lots or houses

Consistent Text

- APDs having 75 acres or more - 3 lots or dwellings in addition to the existing house.
- APDs having less than 75 acres and at least 50 acres - 2 lots or dwellings in addition to the existing house.
- APDs having less than 50 acres and at least 25 acres - 1 lot or dwelling in addition to the existing house.
- APDs having less than 25 acres - no additional lots or dwellings are allowed.

Program Administration



PAR Fund

- Established in 1992 PAR retires and permanently removes TDRs from the TDR market using County funds.
- Currently only APD owners or original owners of the APD are eligible to apply.
- The update expands eligibility to include all TDR owners of record.
- Applications are ranked by a formula set by the rules and regulations for funding.

TDR Reserve

- Created in 2021 as a TDR bank the TDR Reserve allows citizens to buy and sell TDRs through County government.
- All TDR owners of record are eligible to apply.
- The update fully incorporates the Reserve program into the Rules and Regulations and outlines policies and procedures relevant to its administration.

Agritourism & Permitted Uses in APDs



- Agritourism is rapidly growing sector of the agribusiness market and complements traditional agricultural enterprises by providing for direct product sales and additional revenue for the operation.
- Agritourism was never specifically included in the Rules & Regulations. The update corrects this deficiency by incorporating those uses permitted by zoning and specifying the criteria by which public and private events may be approved by the APAB.
- Agritourism activities and associated uses such as public events are addressed in the zoning ordinance. A maximum of 12 public events per year are permitted on APDs with approval of the APAB.

Additional Information:



To View the Draft Rules and
Regulations Visit:

www.calvertcountymd.AgPreservationUpdate

Public Comment Period Now Open

Written comments can be submitted to
jennifer.david@calvertcountymd.gov or by mail to Attn:
Jennifer David, Rural Planner at 205 Main Street, Prince
Frederick, MD 20678.

Additional project information is available online.



**CALVERT
COUNTY**
Maryland

Questions