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 Upper Marlboro, Maryland 20772
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301-952-3561

JUL 22 2009

The Honorable Marilyn Bland, Chairperson
 Prince George's County Council
 14741 Governor Oden Bowie Drive
 Upper Marlboro, MD 20772

Dear Chairperson Bland:

The Prince George's County Planning Board is pleased to transmit its recommendation for approval of the application for the formation of a new Agricultural Preservation Parcel for Richard H. and Peggy B. Dobson, composed of 174.9182 acres, and includes cropland, woodland, and wetlands.

Pursuant to Title 2, Subtitle 5 of the Annotated Code of Maryland and COMAR Title 15, formation of the easement requires the approval of the county governing body, which agrees thereby to limit construction of large capital facilities on the properties in the district and to not acquire the land. The Planning Board's recommendation attests that establishment of this easement is compatible with existing and approved county plans, programs, and overall land use policy.

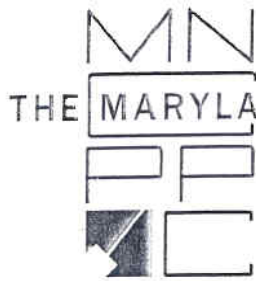
The enclosed information has been prepared by the Prince George's County Soil Conservation District for your use in reviewing this application. Mr. Yates Clagett of that agency is available to present the information or answer questions about the agricultural land preservation program. He can be reached at 301-574-5162 ext. 3, or you may consult the Planning Director at 301-952-3595 should additional information regarding our recommendation be required.

Sincerely,

Samuel J. Parker, Jr., AICP
 Chairman

Enclosure

- c: Fern Piret, Planning Director, Prince George's County Planning Department
 John Funk, Chief, Countywide Planning Division
 Yates Clagett, Conservation Planner, Prince George's County Soil Conservation District
 E. Fatimah Hasan, Planner Coordinator, Special Projects Section, Countywide Planning Division



Prince George's County Planning Department
Countywide Planning Division

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July 02, 2009

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Fern Piret, Director, Planning Department *DP*
John Funk, Chief, Countywide Planning Division *John Funk for J. Funk*

FROM: *EFH* E. Fatimah Hasan, Planner Coordinator, Special Projects Section,
Countywide Planning Division

SUBJECT: Application for the Creation of One Agricultural Preservation Parcel (Dobson)

Recommendation

APPROVAL to establish an Agricultural Preservation Parcel and transmit recommendation to the County Council.

Description of Preservation Parcel

The Soil Conservation District submitted an application for the establishment of a Maryland Agricultural Land Preservation Foundation (MALPF) Agricultural Preservation Parcel, dated April 14, 2009. The petitioners are Richard H. and Peggy B. Dobson. The total easement is composed of 174.9182 acres at 17500 Clagett Landing Road, in the Rural Tier (see Attachment 1, Location Map). This property is within the Bowie and Vicinity Master Plan area, generally located along the western shore of the Patuxent River, in an area dominated by woodlands, open areas, and farms. However, the property is not within the Chesapeake Bay Critical Bay Area Overlay Zone (see map, Attachment 2).

The purpose of the Planning Board's decision on this application is to inform the County Council regarding "...whether the preservation of the properties is compatible with existing and approved county plans, programs, and overall county policy, and whether the planning and zoning body recommends the preservation of the property." Staff support the analyses provided in Attachment 3 regarding the appropriateness of the establishment of an Agricultural Preservation Parcel on the subject property.

To be eligible to establish a MALPF Agricultural Easement, a landowner must include at least fifty contiguous acres, contain Class I, II, and III soils on the majority of the land, Woodland Groups 1 and 2 for wooded areas only, and lie outside the sewer envelope and is a category 6. Once a MALPF easement is established, future subdivision is limited to the creation of up to three child lots or one unrestricted lot up to two acres in size.

The application was received and approved by the County Agricultural Preservation Advisory Board. The Dobson property is a 174.9182-acre parcel on the east side of US 301. It consists of 117.2182 acres of woodland, 57.2 acres of cropland, and 0.5 acres of wetland, with 75 percent of the soils classified as Class I, II, or III. The Dobson property is contiguous to a property owned by Mr. Dennis Moore, which is permanently preserved through the Historic Agricultural Resource Preservation Program.

The 174.9182-acre Dobson property, that is the subject of this application, was once part of the Environmental Setting of the Clagett House at Cool Spring Manor (74B-015) consisting of 184 acres. Built circa 1840, the Clagett House is a unique example of its form in Prince George's County. It is a one-story frame house that rests on a high brick basement, with a shallow hip roof and four tall interior chimneys. Decorative details are simple Greek Revival in style. The house was built for William D. Clagett, on land inherited from his father. Its form is much more commonly found in the deep south, with living and working spaces enclosed within a high basement, keeping them cooler in hot weather. It is a plain but solid example of domestic architecture that departs drastically from this region's more traditional modest plantation houses of the period.

At one time, the Dobson property consisted of 184 acres. The entire 184-acre site was designated a historic site. At its April 21, 2009 meeting, the Historic Preservation Commission approved the reduction of the Environmental Setting of the Clagett House at Cool Spring Manor to approximately 10 acres to facilitate its transfer to a new owner. Contained within the 10-acre parcel are the historic house, a small family burial ground to the northeast of the house, an African American burial ground to the northwest of the house, a brick-lined well, and a tobacco barn.

Analysis

This property is zoned R-A (Residential-Agricultural). The intent of the R-A zone is to encourage the retention of agriculture as a primary land use. The creation of this Agricultural Preservation Parcel is compatible with this zone. The *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment* (2006) indicates that the area where the property is located is low-density residential consisting of two- to five-acre home sites, farms, some existing businesses, and public open space. This property is in the southernmost part of this area, which has residential development close to US 301 and along existing roadways, among woodlands, open areas, and farms. Farming, including forestry activities, is permitted in the property's zone, and is compatible with existing and planned neighboring uses. There are no dwellings on the easement property; however, the landowner has elected to retain an unrestricted lot right under the provisions of the MALPF program.

If the applicant exercises their right to develop the unrestricted lot, there are several options. First, the subdivision of Part of the 174.9-acre preservation parcel could occur by intrafamily transfer (Section 24-107(c)(3)), saving certain restriction, which will not require the submittal of a preliminary plan of subdivision. In this case, the Historic Preservation Section would not have review authority. Alternately, if the applicant cannot or does not take advantage of the intrafamily transfer provision, a minor subdivision (Section 24-117) could be filed for the subdivision of the land. A minor subdivision is subject to the full review of the Historic Preservation Section, which may include the request for a Phase I archaeological study and evaluation for the location of the unrestricted lot.

The farmland will continue to be farmed for timber and grain. For the forest harvest operation, an Erosion and Sediment Control Plan Application (Attachment 4) was submitted and approved by the Prince George's Soil Conservation District on April 30, 2009, and it expires on April 30, 2011. It permits the transport of approximately three loads of logs per day by commercial/industrial vehicles;

approximately 104 acres of timber will be harvested on this property. A haul road off of Clagett Landing Road for the purpose of the timbering is identified on the Timber Harvest Map included in Attachment 4, to gain access to the timber land. The haul road is west of the 10-acre historical parcel.

A State Forest Management Plan was not required because this site had a Tree Conservation Plan II (TCP II-019-09) on the property. The only requirement was the Erosion and Sediment Control Permit (Attachment 4). Therefore, a Letter of Exemption for Timber Harvesting (Attachment 5), which exempts the proposed activity from the requirements of the Woodland Conservation Ordinance, was provided. The activity is exempt because it involves a timber harvest on agriculturally-assessed land. Countywide Planning Division staff was aware of archeological resources on the site (the 174.9182 acre proposed agricultural preservation parcel) and has worked with the landowner to minimize any impacts; but timber management does not require archeological investigation. Maryland is a right-to-timber state.

Planning Board action on this petition is required under the Code of Maryland Regulations 15.15.01.03 (C)(1)(c) and subsequent guidelines established by the Maryland Department of Agriculture. Planning Board responsibility is as follows:

Within 60 days of the referral of a petition, the county planning and zoning body shall inform the local governing body whether establishment of a district is compatible with existing and approved county plans, programs, and overall county policy, and whether the planning and zoning body recommends establishment of the district. In the process of review, the local planning and zoning body shall consider compatibility of district establishment with state and local plans and programs.

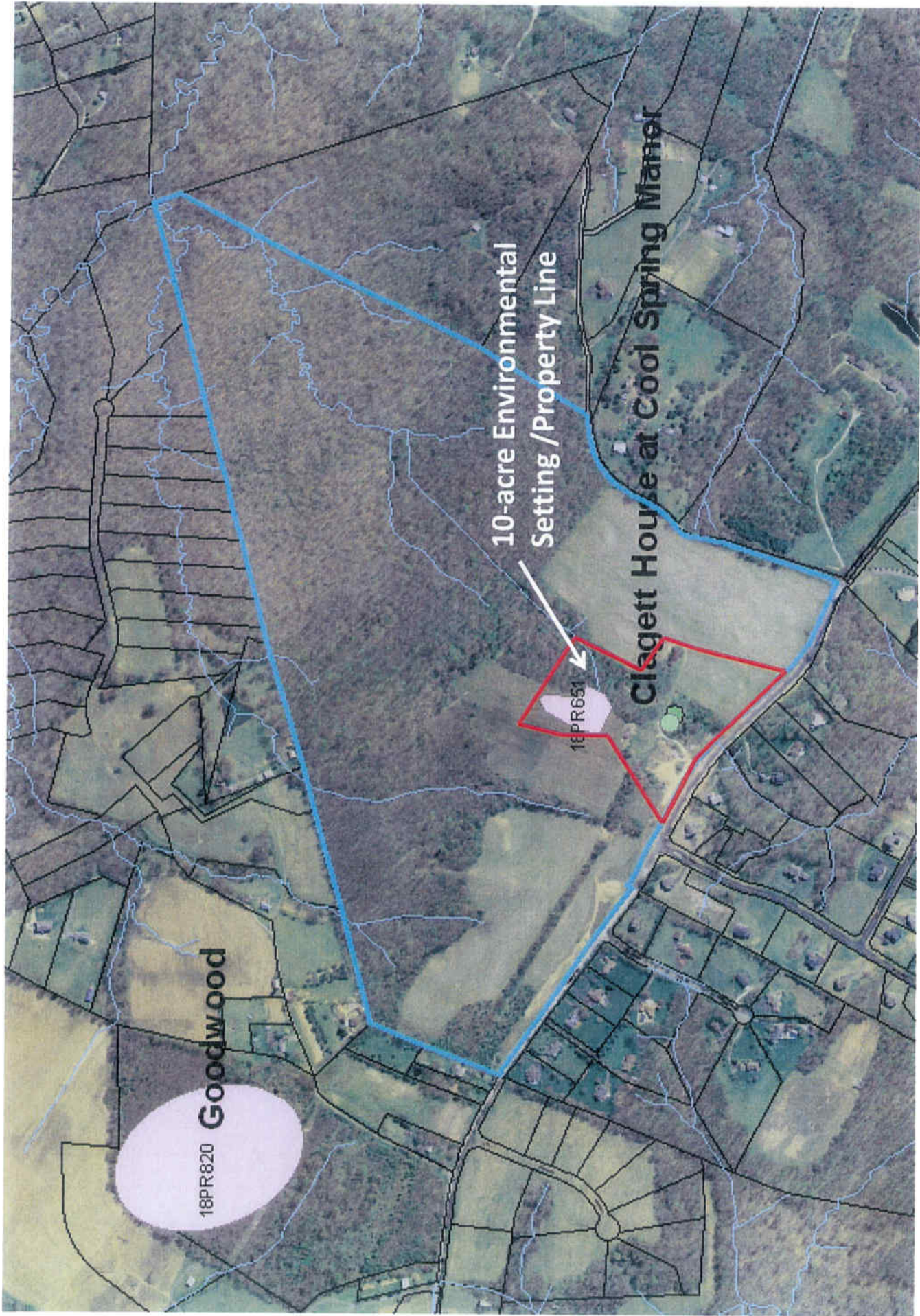
If approved, the application will then go before the County Council, the County Executive, and the Maryland Agriculture Land Preservation Foundation for their approval.

Conclusion

Staff finds that the proposed Agricultural Preservation Parcel is compatible with the Bowie and Vicinity Master Plan and local program and policies to preserve agriculture. Staff recommends that the Planning Board approve the establishment of the proposed Agricultural District and transmittal to the County Council. A draft letter of transmittal is provided as Attachment 6.

Attachments

c: Yates Clagett, Conservation Planner, Prince George's County Soil Conservation District



10-acre Environmental
Setting / Property Line

Claggett House at Cool Spring Manor

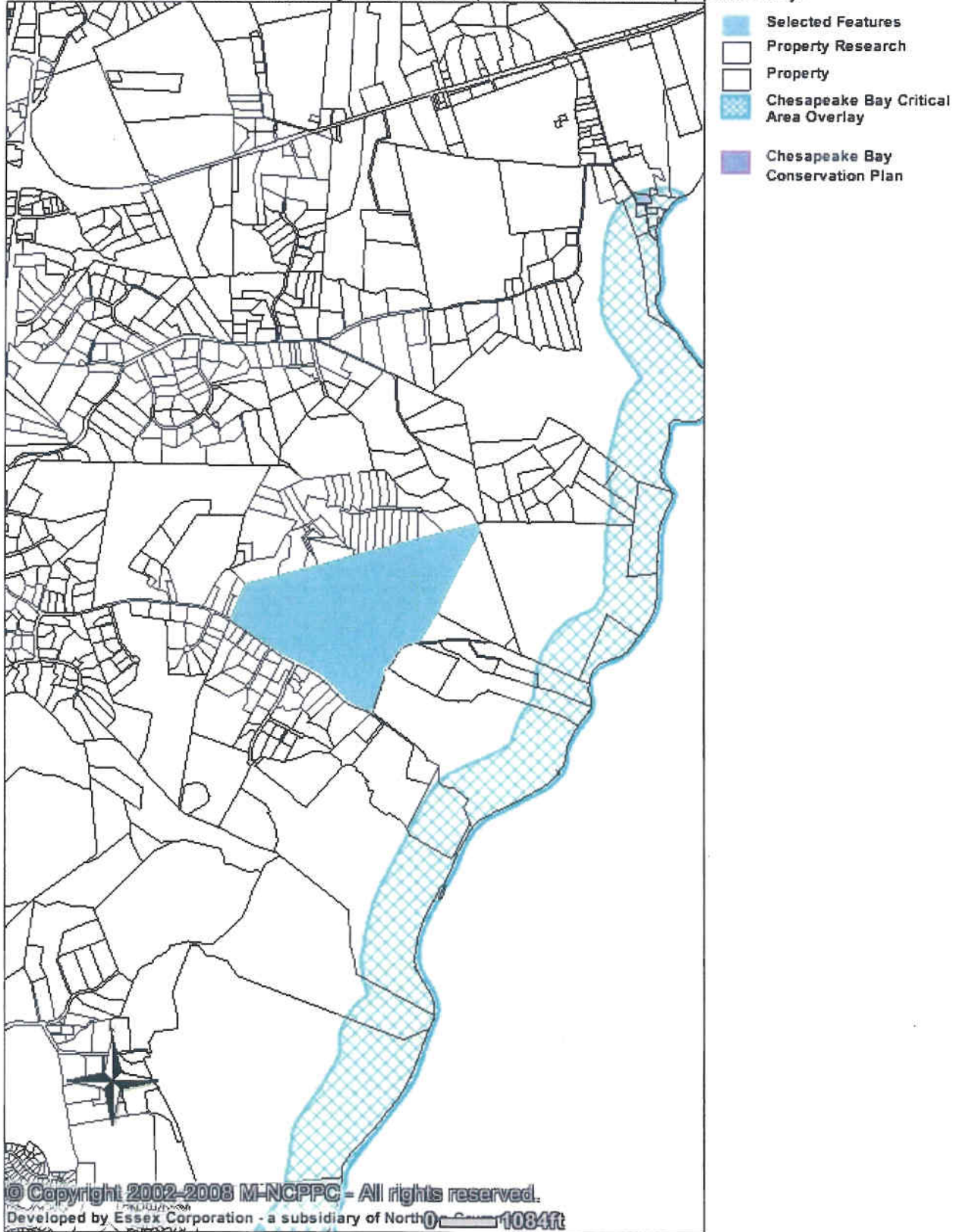
18PR820 Goodwood

18PR651

Attachment 2

PGAtlas Map

Information deemed reliable but not guaranteed. Maps are for information purposes only.



April 14, 2009

ATTACHMENT 3

MEMORANDUM

TO: Prince George's County Planning Board

VIA: E. Fatimah Hasan, Planner Coordinator

FROM: Yates Clagett, Conservation Planner
Prince George's Soil Conservation District

SUBJECT: Formation of Agricultural District

Background

The State of Maryland, through the Maryland Agricultural Land Preservation Foundation (MALPF), has established a program to encourage the preservation of agricultural land. This program allows one or more landowners to voluntarily form agricultural districts if certain criteria are met. The proposed district is reviewed by the Agricultural Preservation Advisory Board, County government and MALPF. If the district is approved, the landowner agrees to continue farming for at least five years. The County, on the other hand, agrees to limit construction of large capital facilities in the district and not acquire the land.

After formation of a district, a property owner may negotiate to sell development rights to the State. The value of the easement is subject to negotiation between the owner and MALPF. Funds for this program come from the state share of Program Open Space and the agricultural transfer tax. If an easement is purchased, the land must remain in agricultural use.

Maryland regulations state the county "planning and zoning body shall inform the local governing body whether establishment of the district is compatible with existing and approved county plans, programs, and overall county policy, and whether the planning and zoning body recommends establishment of the district. In the process of review, the local planning and zoning body shall consider compatibility of district establishment with state and local plans and programs."

Proposal

An application has been received and approved by the County Agricultural Preservation Advisory Board for the following District:

Richard H. and Peggy B. Dobson

17500 Clagett Landing Rd.
Upper Marlboro, Md. 20774
Tax Account: 07-0718882
Map/Grid/Parcel: 78/B3/13
Liber/Folio: 2521/123
Total Property Acres: 174.9182±
Dwellings: 0
Acres withheld from total: 0
Total Easement Acres: 174.9182±
Cropland: 57.2 ac
Woodland: 117.2182 ac
Wetland: 0.5 ac
75% of the soils are class I, II, III

This parcel is located in the Rural Tier and is contiguous with a property own by Mr. Dennis Moore which is permanently preserved through the Historic Agricultural Resource Preservation Program (HARPP). The property did contain an additional 10± acre which was deeded out to comply with an order issued by the Historical Preservation Commission. These acres contain a historic house and two grave yards. These acres are not contained in this easement. The remainder of the farm will be preserved. There are no dwellings on the property; however the landowner has elected to retain an unrestricted lot right under the provisions of the MALPF program.

Analysis

The approved Master Plan for Bowie and Vicinity shows the subject property as part of a "Low Rural Living Area" in Category IV. These areas are rural areas, primarily agricultural, vacant or forested where there is no foreseeable extension of urban service – zoned predominately for rural agricultural, or open space.

Creation of this district would also be in conformance with the following visions set by the Maryland Planning Act of 1992:

- "2. Sensitive areas are protected...
- "4. Stewardship of the Chesapeake Bay and the land is a universal...
- "5. Conservation of resources...is practiced..."

We believe that establishment of the proposed agricultural district is compatible with county plans and policies. Agriculture is in conformance with the master plan, the county's General Plan and the visions established by the Maryland Planning Act of 1992.

Farming is a permitted use in the property's existing zone. Finally, agriculture is compatible with existing and planned neighboring uses.

Recommendation

The Planning Board should recommend approval of the establishment of the proposed agricultural district.

Attachments

- C: David J. Byrd, Deputy Chief Administrative Officer
for Governmental Operations/Environmental Services
and Economic Development
Craig Price, Council Administrator