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Kent County Commissioners & Director of Planning, Housing and Zoning
R. Clayton Mitchell, Jr. Kent County Government Center
400 High Street
Chestertown, MD 21620

Dear Commissioners and Mr. Mackey,

It has come to the attention of Eastern Shore Land Conservancy (ESLC) that Kent County is considering changes to your land use ordinance, in particular your “ten percent/enclave rule (Art. 5, Section 1.5 (B)).” Further, we understand that questions have been raised about possible negative impacts of the rule on valuation of Kent County farmland for purchase of development rights programs. As we have extensive experience in the matter, and a significant and vested interest in your deliberations, we want to pass along some background documentation and our organizational perspectives on the matter.

ESLC is a regional 501(c)3 charity founded in 1990 with a goal of protecting our agricultural landscapes via private land preservation programs and sound land use planning. Since our founding, ESLC has protected 306 farms on 53,377 acres including 69 farms and 13,454 acres in Kent County. Kent County has long been among our strongest partners thanks to engagement of the agricultural community, as well as effective local land use planning regimes.

Regarding the valuation of Kent County Farmland for purchase of development rights programs, we have experienced consistently higher farmland appraisals in Kent County as compared to the other counties on the middle and upper Eastern Shore (with the exception of Cecil and Talbot counties). Over the last five years, ESLC has valued twenty-two farms- including six in Kent County- for development rights purchase.

Additionally, the Maryland Agricultural Land Preservation Foundation (MALPF), Maryland’s award winning farmland preservation program, shows that Kent County ranks fifth in the number of farms participating with 111 farms in permanent preservation - despite being Maryland’s smallest county. Over the life of the MALPF program, Kent County farms have received an average \$2,178 per acre for development rights sale compared to \$1,848 for Queen Anne’s County (source MALPF FY20 Annual Report).



Further research on this topic can be found in a 2003 Harry R Hughes Center for Agro-Ecology report titled "[Downzoning: Does it Protect Working Landscapes and Maintain Equity for the Landowner](#)". The study was comprised of three main parts: a national literature search on downzoning examples; interviews with local county planning and zoning offices of 11 counties in Maryland (including Kent County), as well as members of the agricultural community and three former Secretaries of Agriculture; and a rigorous statistical analysis in which study counties that had been downzoned were paired with control counties that had not been downzoned.

The statistical analysis between downzoned land and non-downzoned land showed that “when study counties were paired with control counties, the **result of downzoning was either higher land value for the downzoned counties or little to no appreciable effect on their land value.**” Results from the literature search showed that “contrary to popular perception, **downzoning ordinances enacted as part of a comprehensive planning process have demonstrated that they have supported or stabilized land values and have preserved land for long periods of time.**”

In conclusion, long-term agricultural strength requires strong land preservation programs and strong underlying zoning. Furthermore, strong agriculture promotes stronger towns and economic vibrancy over the long term for the entire county. For these reasons, ESLC strongly supports the continuation of Kent County’s current strong land use ordinance and especially the ten percent/enclave provision.

Sincerely,



Robert J. Etgen, President



Sara J. Ramotnik, Policy Manager

CC Director of Kent County Planning, Housing and Zoning
Kent County Commissioners

Intended Kent County Planning Commission
Kent County CRU Task Force