



# TOWN PLANNING & DESIGN REVIEW

A PUBLICATION OF JAKUBIAK & ASSOCIATES, INC.

VOLUME 2, ISSUE 1

## Queen Anne's County Task Force Recommends Innovative Farm Preservation Strategies

### Scenic Vista Preservation Included

Queen Anne's County on Maryland's Eastern Shore is an area rich with the tradition of both agricultural and fishery economies. It also lies directly in the path of the expanding demand for housing from Washington DC and Baltimore area commuters. In August 2003 the Queen Anne's County Commissioners, recognizing that agricultural acreage was increasingly threatened by development, convened a citizen Preservation Task Force to study and make recommendations on a farm and scenic vista preservation program.

The County Commissioners chose Jakubiak & Associates, Inc. to guide the work of the Task Force. The consultants facilitated the deliberations of members and County planning staff at the Task Force meetings, clarified technical questions, and incorporated Task Force members input into working documents. Their collective efforts resulted in a comprehensive strategy for one of the most innovative land preservation programs in Maryland.

The Task Force's final recommendations included a purchase of development rights program, developer incentives for retaining scenic vistas, requirements to buffer agricultural activities

from residential development, a dedicated local funding source, and the first-ever fee-in-lieu program for agricultural preservation. The Task Force also recommended agricultural development initiatives and tax incentives to help sustain the vitality of the local agricultural economy.

To focus on one aspect of the land preservation program, the Task Force sought to have developers construct rural subdivisions far removed from County roadways in order to preserve scenic vistas. As an incentive to encourage a large undeveloped buffer, the Task Force recommended the County offer the ability to construct a higher density of dwelling units for willing homebuilders based on the distance residences are placed from existing public roads.



The scenic vista buffer initiative exemplified the approach of the Task Force. Chiefly, the group's recommendations promoted the conservation ethic that has enabled the preservation of almost 60,000 acres in the County. As part of

their efforts, the group did not want to strictly limit the ability of farmers to capture the equity they possessed in their land. To this end, the Task Force emphasized voluntary private efforts that require little infusion of public money.

In November 2004 Jakubiak & Associates, Inc. and the Task Force presented their final recommendations for a Working Landscape and Scenic Vista Preservation Programs in a report to the County Commissioners. The Commissioners highly praised the Task Force's efforts and the visual layout of the consultant's report. The County Commissioners are expected to take action on elements of the proposed programs in the coming year.

### Special Farm Preservation Issue

See Editor's Note on page 2.

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## Tackling the Teardown Issue in Historic Beachfront Towns

The established character of many Chesapeake Bay beachfront towns include a neighborhood near the Bay shore that has been traditionally the site of small summer cottages and residents with small businesses. A current trend in many of these towns is the redevelopment of these modest-sized residences into contemporary four season homes complete with all the amenities desired by today's homebuyers. This redevelopment has resulted in the construction of homes of sizes that are incompatible with existing community character.

While the traditional cottages do not take advantage of the residential height restriction of thirty-five feet, the new construction does. This has the unfortunate effect of the new homes overshadow-

ing adjacent homes and obscuring Bay views of other homes on the block.

Addressing residents' concerns in Chesapeake Beach, Maryland Jakubiak & Associates engaged in a national research effort to confront this situation that has been alternately identified as the issue of teardowns or "mansionsization." This phenomenon occurs because the steep acceleration of land prices often makes the lot more valuable than the structure on the lot. New owners, who have paid the appreciated land price, seek to redevelop the homes to optimize the use of the available space on the parcel. The result is a dwelling that fills the entire envelope available for development while still abiding by all applicable zoning regulations.

Finding no suitable zoning amendment that matched the unique circumstances found in Chesapeake Beach, we wrote a "Residential Bulk Control" provision that would shape the vertical growth of new construction but not inhibit it completely.

The provision set a maximum height at the build-to-line and a maximum percentage of floor area above the roof eave line. Exceptions are made when neighboring existing development is already above the maximum allowable height. The resulting amendment allows for flexibility in design, ease of compliance, and quick enforcement by the Town. Redevelopment may still occur, but the resulting structures are now more compatible with the existing residences.

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### Special Editor's Note: This Edition and the Importance of Land Conservation in the Practice of Planning

This is the third edition of "Town Planning and Design Review." We are delighted with the response we have received in past issues from our clients and friends. We welcome your input.

Jakubiak & Associates, Inc. is a traditional town planning firm. Our mission is to give communities the tools and advice needed to guide development and conservation.

This issue features our work in the area of farm preservation and more particularly land preservation in Queen Anne's County. Understanding how to guide the growth and development of towns and cities requires detailed knowledge of the conservation of natural areas and working farms. This is an aspect of town planning that is often overlooked because of the primary focus on urban growth.

We are forever grateful to Queen Anne's County for providing the forum wherein the full array of issues in farm preservation could be addressed and our expertise could be brought to bear on this vital public initiative. They offered the opportunity for serious, applied, and participatory research, which is how town planning works. If after reading this issue you have any questions, please call us at 410-263-7776.

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## Chesapeake Beach Comprehensive Plan Wins Maryland APA Award

The American Planning Association's Maryland chapter announced that the Town of Chesapeake Beach won "Outstanding Plan" in the category of jurisdictions with under 100,000 in population. Jakubiak & Associates, Inc. offered technical assistance to the Town in the update of their comprehensive plan.

At a Baltimore ceremony sponsored by the organization, Christopher Jakubiak

accepted the award on behalf of the Town. Dirk Geratz, president of the Maryland chapter, explained the deciding factors in the organization's choice of the award.

"We thought the approach to the plan (format and ordering of the plan by topics) was innovative and different from the usual format of comprehensive plans. We were also impressed by the

quality and in-depth approach the plan took for a small town."

The organization presents the award every two years to nominated projects that exhibit the best in planning practice. A full description of the making of the plan was featured in Planning & Development Review Volume 1, Issue 1 (available on-line at our website: [www.jakubiak.net](http://www.jakubiak.net).)



## Common Criteria of Successful Land Preservation Programs

The list of common criteria for successful land preservation programs is deceptively simple. Yet contained within each of these fundamental elements is a substantial amount of effort, political will, and expertise. The following three are our Big Three:

1. *A dedicated local funding source and local administration*

A stable, dedicated source of funding is one of the fundamental tenets of a successful land preservation program. The recent budget crisis at the state government level has reinforced the need for local land preservation programs to access funds that are locally collected and controlled. Undoubtedly, in this scenario, county residents bear more of the cost of the program, but on the other hand, they directly experience and enjoy the benefits of the program. Local administration of the program ensures that decisions are responsive to direct needs, especially those of farmers. The successful programs often employ at least one full-time staff member devoted solely to land preservation.

2. *A complete framework of supportive zoning and a TDR/PDR program*

Available evidence indicates that transfer of development rights (TDR) programs only function to direct growth to desirable areas when there is a dynamic interplay between development pressure and supportive local policies. These local policies include 1) An active purchase of development rights (PDR) program that creates a demand and sets a price floor for TDR's; 2) An ample supply of TDR receiving areas and the acceptance by residents of increased density in receiving areas; and 3) The existence of downzoned rural areas able to accommodate growth that make TDR purchases mandatory for developers who want to maximize development potential.

3. *A strong outreach effort and commitment by local staff and political leadership*

A coordinated effort by trained staff is crucial to the program's success. The required flexibility of densities and development yields inherent in a successful program unfortunately leads to greater complexity. In response, program staff must act with a higher level of clarity and understanding with the program participants and the broader public. Political leadership must continue to appropriate generous funding and speak favorably about the land preservation programs to keep them visible in the public eye. When the leadership stresses choices and incentives of land preservation initiatives, the program may be seen as more attractive. Finally, the local political leadership must continue to advocate a strong partnership with the state for funding and policy support.

### If This is Dry, Please Excuse Our Dust

After the comic magazine The Onion featured the planning profession ("Urban Planner Stuck in Traffic of Own Design," 3/10/04) in a story, we decided that maybe some planning issues are not as serious as we previously thought. Here we present the comic Steven "Plan to be spontaneous tomorrow" Wright's thoughts on transportation:

"I used to work in a fire hydrant factory. You couldn't park anywhere near the place."

"My house is on the median strip of a highway. You don't really notice, except I have to leave the driveway doing 60 MPH."

"Yesterday I parked my car in a tow-away zone... when I came back the entire area was missing."

"I didn't get a toy train like the other kids. I got a toy subway instead. You couldn't see anything, but every now and then you'd hear this rumbling noise go by."

One time a cop pulled me over running a stop sign. He said, "Didn't you see the stop sign?" I said, "Yeah, but I don't believe everything I read."

"I bought a house on a one-way dead-end road. I don't know how I got there."

### Jakubiak & Associates, Inc. Revamp Company Website

We have enhanced our internet presence with a new website offering more images and accessible information about the company and our continuing efforts to provide essential planning services to communities.

Along with updated staff biographies and recent project descriptions, the website provides linkages to planning and design tools, planning organizations, and other websites of interest to clients and fellow planners. Also, as an additional service, we will offer an option for password-enabled document retrieval so draft documents will be available on-line for clients to access.

Come visit ! [www.jakubiak.net](http://www.jakubiak.net)

## The Language of Preservation

Recent research conducted by Public Opinion Strategies and Fairbank, Maslin, Maullin & Associates revealed that how one talked about land preservation influenced how well the concepts were received by the public. Their recommendations list easy-to-follow, broad “rules” for communication that translate “policy speak” into everyday language.

*DO talk about water FIRST and foremost.* Water cannot be stressed enough, and really it doesn’t matter how you say it. As a concern water is tops in every region and rates just as high in big cities as rural areas.

*DO link land conservation to preservation of “working farms and ranches.”* The word “working” must ALWAYS precede farms and ranches. Focus groups found that there is a great deal of value placed by voters on preserving family farms. The word “working” is an important one as it means the land is productive and being used.

*DO NOT say “open space.”* “Open space” is NOT one of the better terms to use in the vocabu-

lary of conservation. The public may perceive “open space” as empty land, not near them, and did not necessarily see how they benefited from it or could use it.

*DO say “natural areas” instead.* In the focus groups, “natural areas” brought to mind images of trees, mountains, or water, such as streams or waterfalls.

*DO NOT say “conservation easement.” DO say “land preservation agreements” or “land protection agreements.”* Focus groups demonstrate that “easements” itself is NOT a positive term, having a connotation of being forced into doing (or not doing) something.

*DO stress the voluntary nature of*

*land preservation agreements.* The concept of “voluntary” is an important one. Voters nationally indicate they are much more likely to support this strategy to preserve natural areas after hearing that it is a voluntary agreement.

*DO NOT ask voters to protect the land for someone else –* like tourists – no matter how important tourism is to the state or local economy. Voters want to preserve the land for THEMSELVES to enjoy and use, and not so tourists can come in and abuse the place.

*DO connect land conservation to “future generations.”* Evoking children and future generations is consistently well received as a rationale for land preservation.

### JAKUBIAK & ASSOCIATES, INC.

**Jakubiak & Associates, Inc.** provides clients with the information, tools, and advice needed to make better decisions in town planning and development. We provide a full range of services in Town Planning, Economic Analysis, Policy Analysis, and Development Negotiation.

President  
Christopher Jakubiak, AICP

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