



The Maryland Agricultural Land Preservation Foundation

FY 2014 Annual Report



From the Executive Director

Carol S. West

The Foundation is a hop, skip and a jump away from preserving 300,000 acres! While not an official goal, reaching this milestone will be a tremendous accomplishment to the staff and supporters of the program. To get an idea of how we have reached this level of success in 37 years, the Foundation has purchased an average, per year, of 58 easements on 7,902 acres at a cost of \$17,433,000 (as of June 30, 2014).

During FY 2014 we were again fully staffed, allowing us the ‘luxury’ of spending more time visiting with property owners and many of the local Agricultural Land Preservation Advisory Boards around the state. These visits serve many purposes. They give us an opportunity to see what types of new ventures are happening or being proposed on easement properties, help us to identify potential problems before they become full-blown violations, answer questions of landowners and decision makers, and allow us to share information about changes to our policies, laws and regulations.



For the third time, funding for two fiscal years — FY 2013 and FY 2014 — were combined to conduct one easement acquisition offer cycle and maximize the number of acres to be purchased. We had more than \$53.5 million available for this cycle. Of this, more than \$12 million was county funding used to match state funds at a ratio of 60 percent state to 40 percent county dollars. So far, this funding secured acceptances on 91 offers which represent almost 11,199 acres. At the end of FY 2014, we had purchased easements on a cumulative total of 2,154 properties, permanently preserving about 292,357 acres, at a total state investment of just over \$645 million.

MALPF Board & Staff

Appointed Members

John W. Draper, Jr., Chair
Bernard L. Jones, Sr., Vice-Chair
Michael Calkins
Eugene B. Roberts, Jr.
Donald T. Moore
James B. Norris, Jr.
Jonathan Quinn
Patricia A. Langenfelder
Craig Highfield

Ex-Officio Members

Honorable Nancy K. Kopp, State Treasurer
Honorable Peter Franchot, State Comptroller
Honorable Earl F. Hance, Secretary, MDA
Honorable Richard E. Hall, Secretary, MDP

Foundation Staff

Carol S. West, Executive Director
Diane Chasse, Administrator
Michelle Cable, Administrator
Chana Turner, Administrator
Kim Hoxter, Administrative Officer
Rama Dilip, Administrative Specialist
Angela Gaither, Foundation Secretary

How to Get into the MALPF Program

The Maryland Agricultural Land Preservation Program (MALPF or the Foundation), in existence since 1977, is one of the most successful programs of its kind in the country. Its primary purpose is to preserve sufficient agricultural land to maintain a viable local base of food and fiber production for the present and future citizens of Maryland. The program purchases perpetual agricultural conservation easements on eligible farmland throughout the state. Below are the eligibility criteria and procedures for the sale of an easement.

SIZE: The minimum easement size is 50 contiguous acres. If a property is less than 50 acres, a landowner may be eligible to apply and should visit our website to review Fact Sheet Five, “Small Properties in the Agricultural Preservation Program,” or confer with the local program administrator. If a property is contiguous to an existing easement, the landowner may apply to sell an easement regardless of the acreage.

PRODUCTIVITY: An easement is purchased on land that is either currently being used for producing food or fiber or has the capability to do so. Woodland management and harvesting operations are eligible to join this program. The productivity of the soil as measured by the USDA’s Soil Conservation Service Land Classification System is a major criterion. Soil requirements for the property to qualify to participate are:

- At least 50% of the land shall classify as Class I, II or III soils; or,
- If the land is wooded, 50% of the land is classified as Woodland Group 1 or 2 soils; or,
- If the reason the land could not meet the above conditions was because of flood-plain or wetland soils, those areas could be excluded as a percentage of land; or,
- If there is an insufficient percentage of Class I, II or III soils alone and there is an insufficient percentage of Woodland Groups 1 and 2 soils alone, the land would qualify if the combination of the two exceeded 60%; or,
- Land with lower soil capabilities may qualify under certain conditions.

LOCATION: Land that lies within the boundaries of a ten-year water and sewer service area plan is generally not eligible unless it has extraordinary productive capability and is of significant size.

LOCAL CRITERIA: The criteria listed above are the minimum eligibility standards set by the state. The program is administered by the counties and the state in an equitable partnership. A county may impose criteria which could be in addition to or more stringent than the state criteria.

Permitted Uses Policy

MALPF is constantly challenged with finding a balance between what the easements allow or, more importantly, what they don't allow, and what landowners want to do to increase profits. For instance, MALPF now allows creameries on easement properties (with Board of Trustees approval, of course) so that dairy farms can now process their milk, make ice cream, and sell directly to consumers. The creameries that are approved and operating are hugely popular and successful – some are even on the state's very popular Maryland's Best Ice Cream Trail! The following guidelines apply to these excepted (additional) uses: the use must conform to county zoning regulations, the use must conform to conditions listed in the MALPF uses policies and regulations, the landowner must have some ownership interest in the venture, and generally the use can occupy no more than two acres or 2 percent of the easement property (whichever is smaller). To view the uses policies, please visit our website at www.malpf.info.

In FY 2014, the Board of Trustees assigned the Permitted Uses Committee the task of reviewing the possibility of permitting food preparation and sales on MALPF easement properties. For example, permitting a MALPF easement property that has an approved creamery or farm stand to also prepare and sell other food to customers that can be consumed on-site, like a small café/restaurant type establishment. While these activities are not permitted on agriculturally zoned land in most counties, after careful consideration and discussion at the committee level, the committee recommended, and the MALPF Board approved, to allow some form of restaurant service on MALPF easement properties where county regulations permit the activity. The update to the MALPF Uses Policy, "food preparation and on-site sales/seating relating to and supporting an agricultural operation," was approved by the Board to include the new use on March 25, 2014. Any request must include how the following conditions are incorporated into the food preparation and on-site sales request: integral to and supporting the sale and marketing of the principal agricultural operation; seating area is limited to 1,000 square feet of a permanent roofed structure (or less if county zoning is more restrictive); and the total size of food preparation and on-site sales/seating area must be reviewed and approved by MALPF, which will consider the size of the facility in proportion to the size of the intended use.



Changes to MALPF Program

Easement Valuation

In 2014 the Maryland General Assembly passed Senate Bill 71 which establishes a floor (minimum value) and a ceiling (maximum value) for easement values, allowing MALPF to continue to extend fair offers for the purchase of landowners' development rights. The floor is now set at 25 percent of appraised fair market value, or the landowner's asking price, whichever is lower. The ceiling is set at 75 percent of appraised fair market value. Establishing a floor and ceiling for the easement values affords MALPF the opportunity to continue fiscal responsibility with state funds and become better aligned with agricultural land and easement values paid by other conservation groups.

Alternative Energy

New legislation (Senate Bill 259/House Bill 861) allows Foundation easement landowners to request approval to install renewable energy source generation facilities for commercial purposes. The types of energy are limited to solar, wind, or anaerobic digestion of poultry litter or livestock manure.

Foundation approval is subject to significant limitations. The size of a facility is limited to 5 percent of the easement area or five acres, whichever is less. The location of a facility is to be in an area that will minimize the impact to the agricultural uses of the land. Also, some locations may either not be permitted or may require height restrictions for wind turbines because they will cause interference with Doppler Radar at the Patuxent River Naval Air Station. Foundation easements which have federal or county funding may be precluded from approval. Applications for consideration are to be submitted no later than June 30, 2018 as this law prohibits Board approval after June 30, 2019.



Anaerobic digester (dairy)

Easement Settlements in FY 2014

| County | Number of Easements | Total Number of Acres | Acquisition Cost | | Average Farm Size, in Acres |
|-----------------|---------------------|-----------------------|------------------|---------------------|-----------------------------|
| | | | Average Per Acre | Total | |
| Allegany | 2 | 154 | 2,751 | 423,060 | 77 |
| Anne Arundel | 2 | 190 | 10,051 | 1,911,396 | 95 |
| Baltimore | 5 | 333 | 7,652 | 2,547,873 | 67 |
| Carroll | 4 | 583 | 3,905 | 2,278,344 | 146 |
| Cecil | 1 | 260 | 3,831 | 997,760 | 260 |
| Charles | 3 | 384 | 3,331 | 1,279,388 | 128 |
| Dorchester | 3 | 207 | 2,855 | 592,040 | 69 |
| Frederick | 5 | 597 | 4,378 | 2,614,794 | 119 |
| Garrett | 2 | 222 | 2,411 | 535,180 | 111 |
| Harford | 2 | 78 | 4,394 | 341,722 | 39 |
| Kent | 2 | 373 | 3,088 | 1,152,883 | 187 |
| Montgomery | 1 | 71 | 7,209 | 510,514 | 71 |
| Prince George's | 2 | 161 | 8,015 | 1,291,877 | 81 |
| Queen Anne's | 4 | 1117 | 3,537 | 3,949,542 | 279 |
| St. Mary's | 4 | 367 | 5,385 | 1,978,571 | 92 |
| Somerset | 4 | 222 | 2,823 | 627,698 | 56 |
| Talbot | 1 | 193 | 4,558 | 881,240 | 193 |
| Washington | 1 | 152 | 5,954 | 906,713 | 152 |
| Wicomico | 3 | 313 | 3,904 | 1,220,839 | 104 |
| Worcester | 1 | 138 | 1,893 | 261,300 | 138 |
| TOTALS | 52 | 6117 | \$4,300 | \$26,302,733 | 118 |

May include some easements that are in the process of being settled.



In FY 2014, MALPF purchased 52 easements, preserving 6,117 acres of prime agricultural and forest land.

Easement Acquisitions

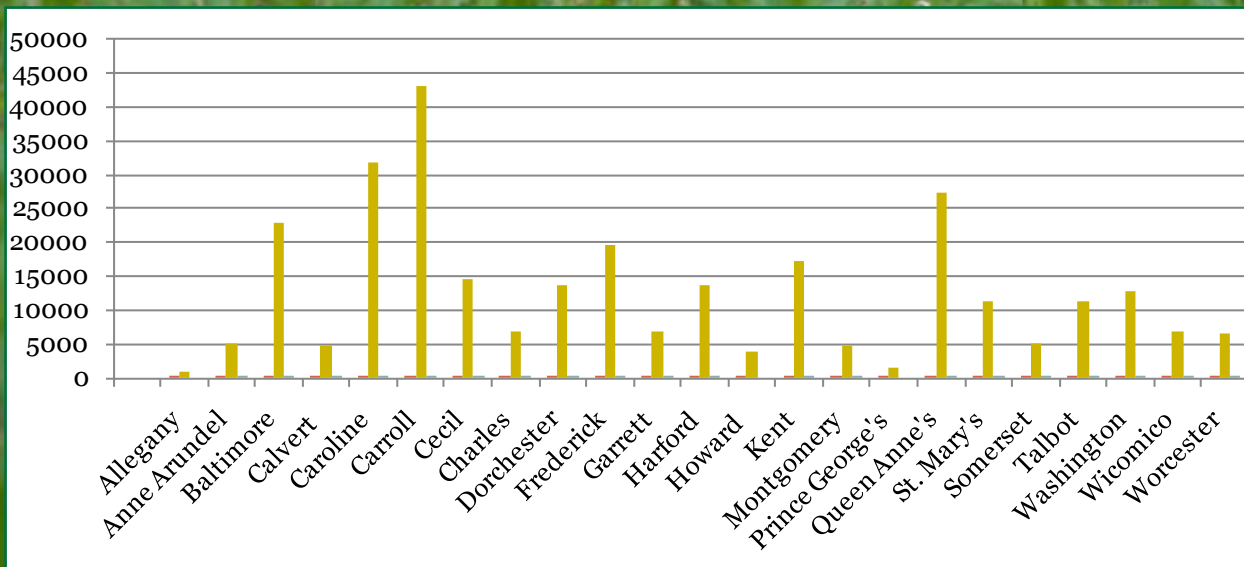
As of June 30, 2014

| Fiscal Year | Number of Farms | Acquisition Cost | Acres |
|-----------------|-----------------|----------------------|----------------|
| FY1977 - FY2004 | 1,629 | 316,487,257 | 226,795 |
| FY 2005 | 27 | 8,884,140 | 3,198 |
| FY 2006 | 53 | 17,429,901 | 6,277 |
| FY 2007 | 70 | 40,297,919 | 9,592 |
| FY 2008 | 106 | 78,270,208 | 13,810 |
| FY 2009 | 78 | 67,569,834 | 9,425 |
| FY 2010 | 68 | 52,814,641 | 8,816 |
| FY 2011 | 14 | 6,783,740 | 1,527 |
| FY 2012 | 41 | 21,217,570 | 4,692 |
| FY 2013 | 16 | 7,925,598 | 1,763 |
| FY 2014* | 52 | 26,302,733 | 6,117 |
| TOTAL | 2,154 | \$645,002,667 | 292,357 |

May include some easements that are in the process of being settled.

County Acreage Totals

As of June 30, 2014



VIOLATIONS:

MALPF's Greatest Challenges

Inspections are conducted on all MALPF easement properties to ensure compliance with the Deed of Easement. Occasionally, the inspections uncover problems or violations. Many violations are considered minor, such as outdated soil and water quality plans or forest management plans, and these are easily corrected once the landowner is notified. For more serious violations, MALPF staff attempts to work with landowners to resolve the problem.



Landowners can help to resolve and/or avoid issues that become violations by 1) contacting the Foundation when a property changes hands through sale or estate settlement, 2) calling the MALPF office or the county program administrator directly when they are unsure of a particular use, or 3) visiting the MALPF website at www.malpf.info to get the latest information on what uses may require approval, how the approval process works, and who to contact for help.

Agricultural Subdivisions:

One of the greatest challenges that can negatively impact the long-term viability and success of agricultural operations on a MALPF easement property is the division of the farm into smaller parcels that could limit some types of agricultural operations that owners might otherwise be able to pursue. This problem is exacerbated as the properties (or separated parcels) are conveyed to subsequent owners.

The Foundation's deeds of easement have always prohibited the subdivision of the easement property without specific, written approval from the Foundation (regardless of the number of parcels contained within each easement). While this prohibition has always been included in the deed of easement, the language has been clarified over the years in attempts to reduce the instances of unapproved subdivision of easement properties. The deed of easement states that subdividing a MALPF easement property is not a right that the owners of the easement property retains – in fact the opposite is true, the easement prohibits all division of the property unless an exception is granted by the Foundation.

While subdivision of MALPF easement properties is not a right of the owners, an easement owner can make a request to the Foundation's Board of Trustees to grant an exception of the prohibition. When an owner requests a subdivision that meets the criteria and has a substantiated agricultural purpose, the Board of Trustees may approve the subdivision request. The Board of Trustees views subdivisions of MALPF easement properties very seriously as they have potential irreversible results. Their consideration includes whether the request will

result in either an improvement to the potential long-term viability of the agricultural operations of the proposed separate parcels or, at a minimum, that it does not harm the long-term viability

One thing that makes subdivision violations difficult to resolve is when the current owners of the MALPF easement property are not the original owners that granted the easement. Essentially, when these subsequent owners bought a portion of a MALPF easement property that never obtained approval for a subdivision, these new owners bought themselves a violation that, once discovered, is required to be resolved. The Foundation has pursued subdivision violations to the fullest extent of the law, with the courts upholding the Foundation's interpretation and enforcement of the prohibition on subdividing the MALPF easement properties. There is no easy solution to resolving previously unapproved subdivisions of easement properties. But with cooperation of the easement owners, many of these violations have been resolved over the years.

Soil Conservation and Water Quality Plans (SCWQP) and Forest Stewardship Plans

By far, the greatest number of current MALPF easement violations are the in the category of non-existent or outdated SCWQPs and forest stewardship plans. These violations are generally discovered during routine easement inspections. SCWQP violations occur when it is found that a plan has either not been completed, not been updated within the last 10 years, or not been 100 percent implemented. Land not managed properly can have a significant impact on water quality and natural resources. A SCWQP can help protect these vital resources and the Chesapeake Bay watershed. To request assistance or to check to see if a soil conservation and water quality plan is needed, up to date, or fully implemented, landowners should contact their local program administrator or the local soil conservation district.

Forest stewardship plan violations occur when a forest stewardship plan has either not been completed, not been updated within the last 10 years, or not been implemented. A forest stewardship plan is necessary for 1) a Deed of Easement dated 1997 - 2005 when properties contain 50 percent or more woodland or 2) a Deed of Easement dated 2005 to present when properties contain at least 25 contiguous acres of woodland. To request assistance or to check to see if a forest stewardship plan is necessary, up to date, or fully implemented, landowners should contact their local program administrator, a private forester, or the Maryland Department of Natural Resources Forest Service to request assistance from a DNR forester.

Illegal agricultural subdivisions and inadequate or missing SCWQP and forest stewardship plans are not the only violations that can occur on easement properties. They are outlined here because one has the greatest impact and potential for legal intervention while the others occur most frequently. Other violations may include: unapproved movement of boundary lines, inappropriate conveyance of an approved owner's or child's lot, unauthorized use of tenant houses, commercial activity, among others. When considering any use other than traditional agriculture, landowners should contact the local program administrator or the MALPF office.

County Programs

Chair of County Agricultural Advisory Boards Listed in Italics

ALLEGANY

Dave Dorsey
Allegheny County Government
701 Kelly Road, Suite 115,
Cumberland, MD 21502
(301) 876-9546
Chair: Georgene McLaughlin

ANNE ARUNDEL

Barbara Polito
Department of Recreation & Parks
1 Harry S. Truman Pkwy, MS3225
Annapolis, MD 21401
(410) 222-7317 x-3553
Chair: Henry Schmidt

BALTIMORE

Wally Lippincott, Jr.
Baltimore Co. Dept. of Planning
105 West Chesapeake Ave, #101
Towson, MD 21204
(410) 887-3854 X-2
Chair: Gail Ensor

CALVERT

Veronica Cristo
Department of Community
Planning & Building
150 Main Street, Suite 304,
Prince Frederick, MD 20678
(410) 535-1600 x-2489
Chair: Hagner Mister

CAROLINE

Debbie Herr Cornwell
Planning & Codes Administration
Health & Public Services Bldg.
403 South 7th Street, Suite 210
Denton, MD 21629
(410) 479-8104
Chair: Kelly Callahan

CARROLL

Deborah Bowers
County Office Building
225 North Center Street,
Westminster, MD 21157
(410) 386-2214
Chair: Noah Schaeffer

CECIL

Stephen O'Connor, Planner
Planning & Zoning
200 Chesapeake Blvd., Suite 2300,
Elkton, MD 21921
(410) 996-5220
Chair: Robert W. Miller

CHARLES

Charles Rice
Department of Planning & Growth
Management
Post Office Box 2150
La Plata, MD 20646
(301) 645-0651
Chair: Samuel F. Swann, III

DORCHESTER

Rodney Banks
Planning & Zoning
Post Office Box 107
Cambridge, MD 21613
(410) 228-3234
Chair: Trent Jackson

FREDERICK

Anne Bradley
Community Development
30 North Market Street, 3rd Floor,
Frederick, MD 21701
(301) 600-1474
Chair: Richard Grossnickle

GARRETT

Deborah A. Carpenter,
Office Of Planning & Land
Management
203 South 4th Street Room 210
Oakland, Md 21550
(301) 334-1920
Chair: George Bishoff

HARFORD

William Amoss
Planning & Zoning
220 South Main Street
Bel Air, MD 21014
(410) 638-3235
*Chair: Dr. Kimberly Holloway,
DVM*

HOWARD

Joy Levy
 Planning & Zoning
 3430 Courthouse Drive
 Ellicott City, MD 21043
 (410) 313-4382
Chair: Sean Hough

KENT

Katrina Tucker
 Planning, Housing And Zoning
 400 High Street
 Chestertown, MD 21620
 (410) 810-2220
Chair: William Cooper

MONTGOMERY

John Zawitoski
 18410 Muncaster Road
 Derwood, MD 20850
 (301) 590-2831
Chair: David O. Scott

PRINCE GEORGE'S

Jeanine Nutter
 Soil Conservation District
 Field Service Center
 5301 Marlboro Race Track Road
 Upper Marlboro, MD 20772
 (301) 574-5162 X3
Chair: Sidney Tucker

QUEEN ANNE'S

Robert Gunter
 Dept Of Planning & Zoning
 160 Coursevall Drive
 Centreville, MD 21617
 (410) 758-1255
Chair: David Denny

ST. MARY'S

Donna Sasscer
 Dept. of Economic & Community
 Development
 P.O. Box 653
 Leonardtown, Md 20650
 (240) 309-4021
Chair: George Baroniak

SOMERSET

Tom Lawton
 Planning & Zoning
 Somerset County Office Complex
 11916 Somerset Avenue
 Princess Anne, MD 21853
 (410) 651-1424
Chair: William Michael Dryden

TALBOT

Martin Sokolich
 Dept. of Planning & Permits
 215 Bay Street, Suite 2
 Easton, MD 21601
 (410) 770-8032
Chair: Robert Saathoff

WASHINGTON

Eric Seifarth
 Washington Co. Planning Dept.
 80 West Baltimore St.,
 Hagerstown, MD 21740-4727
 (240) 313-2445
Chair: Steve Ernst

WICOMICO

Gloria Smith
 Government Office Bldg., #203
 Post Office Box 870,
 Salisbury, MD 21803-0870
 (410) 548-4860
Chair: Rebecca A. Calloway

WORCESTER

Katherine Munson
 Natural Resources Division,
 Worcester County DRP
 1 West Market Street, Room 1306
 Snow Hill, MD 21863-1070
 (410) 632-1220 X1302
Chair: Sandra Frazier



Racetrack at historic Sagamore Farm, Baltimore County

Maryland Agricultural Land Preservation Foundation

Maryland Department of Agriculture

50 Harry S Truman Parkway

Annapolis, MD 21401



Maryland Department of Agriculture

Wayne A. Cawley Building

50 Harry S Truman Parkway

Annapolis, MD 21401

www.mda.maryland.gov

Maryland Agricultural Land Preservation Foundation

Phone: 410841-5860

Fax: 410-841-5730

Website: www.malpf.info



Governor Martin O'Malley

Lt. Governor Anthony G. Brown

Secretary Earl F. Hance

Deputy Secretary Mary Ellen Setting

