

Cecil County – March 2005

Certification of County Agricultural Land Preservation Programs
Re-Certification Request – Cecil County
(Report Summary dated March 22, 2005)

COUNTY AGRICULTURAL PRESERVATION GOALS

- Cecil County's goal is to preserve 30,000 acres in the Resource Protection District area (RPD) (north) and 25,000 acres in the Rural Conservation District area (RCD) (south) by 2025. Over 18,000 acres have been preserved by the combination of MALPF, Rural Legacy, MET, and through the efforts of local land trusts (Cecil Land Trust and the Eastern Shore Land Conservancy).
- As of June 30, 2004, Cecil County had preserved 12,188 acres through permanent agricultural preservation easements with MALPF, and another 6,745 acres through five-year district agreements with MALPF.
- The County contains two Rural Legacy Areas – the Fair Hill RLA (Cecil Land Trust) and the Agricultural Security Corridor, Sassafras RLA (Eastern Shore Land Conservancy). To date, 1,499 acres have been preserved in the Sassafras RLA and another 582.46 acres in the Fair Hill RLA.

ATTRIBUTES OF LOCAL PROGRAM

- The County participates in MALPF's Matching Funds Program.
- County consistently supplements the MALPF program by augmenting funding available to the County, particularly for insufficient funds offers.
- Adopted property tax credits for land subject to MALPF district agreements and easements (50 and 75% respectively).
- Proposed a County PDR program to purchase easements independently from MALPF. Proposal includes dedicated funding. Proposal is under consideration by the County Board of Commissioners.

QUALIFYING EXPENDITURES AND USE OF CERTIFICATION FUNDS

- The County meets the certification requirements for qualifying expenditures and use of certification funds and has provided a record of revenues and expenditures.
- For FY 2003, the County collected \$293,849 in agricultural land transfer tax, remitting \$73,462 to the State while retaining \$220,386. The County also issued \$60,000 in general fund appropriation and received \$220,100 in Federal Farm and Ranch Land Protection Program funds.
- For FY 2004, the County collected \$276,652 in agricultural land transfer tax, remitting \$69,163 to the State while retaining \$207,489. The County also issued \$130,000 in general fund appropriation and received \$397,400 in Federal Farm and Ranch Land Protection Program funds.
- The County absorbed \$33,564 in tax credits on MALPF easements in FY 2004 and \$13,044 in FY 2003.
- Agricultural transfer tax revenues over the reporting period have been used for the purchase of development rights.

PROGRAM ACCOMPLISHMENTS DURING THE REPORTING PERIOD

FY 2003

- Five MALPF easements on 435 acres were purchased in FY 2003.
- Four MALPF agricultural districts were established totaling 259 acres.
- Cecil County received \$280,000 from Old Dominion Electric Co-op to purchase agricultural land preservation easements that was used for the Allred property.

FY 2004

- Eleven MALPF easements were purchased totaling 913 acres.
- Four MALPF agricultural districts were established totaling 378 acres.

- The County preserved another 582 acres with two easement purchased on properties in the Sassafras Rural Legacy Area.

Other highlights

- On September 21, 2004, the Agricultural Land Preservation Advisory Board presented to the County Commissioners recommendations for a local PDR program. The agenda for the next certification period calls for the establishment of a dedicated PRD fund in January 2005, with the first PDR applications to be requested in December. Proposed funding mechanisms for the local PDR program are a fee charged on lots created through the existing bonus density provisions, a county real estate transfer tax, and a fee-in-lieu of the required 15% common open space. The Agricultural Land Preservation Advisory Board recommends an installment purchase agreement program (IPA). Farms would not have to establish districts before selling easements to the County PDR program.

EVALUATION OF COUNTY'S ANNUAL REPORT

- During the reporting period, FY 2003-2004, the County permanently preserved 1,348 acres of agricultural land and woodlands through MALPF and another 969 acres through Rural Legacy for a total of 2,317 acres.
- Preservation activities have kept pace with conversion of land to non-agricultural purposes. Over the past 11 years, 10,847 acres of agricultural land were preserved while 10,111 acres were converted. In 2004, the ratio was almost 2:1: 913 acres preserved; 477 acres converted. However, no trend towards improvement in preservation over conversion can be identified over time.
- During the certification period, 42% of the new building lots approved were located in the RCD and RPD.
- Proposed amendments to the Comprehensive Plan include additions of an adequate public facilities and infrastructure vision, an element on agricultural preservation, an element regarding Rural Legacy areas, an element regarding the Urban Growth Boundary Plan, and an element regarding Smart Codes.
- The Master Water and Sewer Plan was adopted by the Board of County Commissioners on July 13, 2004. This will provide the mechanism for cooperation implementation of the Urban Growth Boundary and the Comprehensive Plan. Also, the goals listed in the Master Water and Sewer Plan address the importance of concentrating growth inside the Urban Growth Boundary while discouraging it in the predominately agricultural districts.

PROGRAM DEVELOPMENT STRATEGY

A. Evaluation

- *Strengths:*
 - Ongoing strong financial commitment to easement purchases.
 - Movement towards establishing a County PDR program with dedicated funding.
 - A County TDR program is in the process of implementation.
 - The County employs an agricultural coordinator in the Cecil County Office of Economic Development to promote the agricultural economic development of the agricultural sector, including the following.
 - Promoting agri-tourism.
 - Working with prospects to develop agricultural and/or agriculture-related businesses.
 - Updating the agriculture section of the EDC web site.
 - Working with the Legislative Delegation to support agriculture, especially the equine industry.
 - Working with the Chesapeake Fields Institute on researching, promoting, and developing alternative markets for agricultural products.
 - Support activities include two farmers' markets operating in the County.
- *Weaknesses:*
 - Fragmentation continues to occur due at least in part to high zoning densities in the RPD and RCD areas.
 - Cecil County considered amendments to the zoning ordinance that would have changed density in the Northern Resource Protection District (RPD) from 1:5 to 1:20 and from 1:8

to 1:30 in the Southern Rural Conservation District (RCD). However, it appears that the Commissioners did not approve the amendments. The County remains with its agricultural zoning in the "least protective" category in the State.

- Instability in staffing the agricultural land preservation program administrator position.

B. Description of Updated Program Development Strategy

- Achieving objectives depends on the following:
 - Reducing effective density (zoning changes were defeated).
 - Establishing a local PDR program with dedicated funding (presented to Commissioners on September 21, 2004).
 - Implementing a transfer of development rights (TDR) program (discussed only in the FY 2003 certification report, though approved by the County).
 - Continued participation in MALPF's matching funds program.
 - Hosting farmland preservation and estate planning workshops to market farmland preservation.
 - Continued partnership with local land trusts to sponsor Rural Legacy projects and seek funding from the State.
 - Continued implementation of the Urban Growth Boundary Plan.
 - Implementation of any approved amendments to the County Code, Zoning Ordinance, and/or Subdivision Regulations.

COUNTY'S FOCUS ON PRESERVING AGRICULTURAL LAND

- The County adopted a resolution of the Board of County Commissioners to establish a goal to preserve 45,000 acres by 2025. As of June 30, 2004, Cecil County had preserved over 18,000 acres through permanent easements.
- At the current pace, the County's acquisition of new easements can realistically reach its goal of 45,000 acres under permanent easement by 2025, with an aggressive land preservation program and planning and zoning policies that support that acreage goal.
- The County's ability to reach this acreage objective is certainly affected to some degree by the State's budget problems (MALPF and Rural Legacy), but this can be offset by funding an effective County PDR program in the short term until State funding returns.

FOUNDATION STAFF RECOMMENDATION

- The County program continues to appear to be highly likely to succeed in supporting viable agricultural operations and preserving agricultural land in perpetuity. Foundation staff recommends approval of recertification for another two-year period starting July 1, 2005.
- Reducing the effective density in the RPD and RCD areas could reduce the percentage of new building permits going to these areas designated for rural preservation.
- Easements could be better prioritized to establish a more concentrated and less dispersed pattern of distribution. Larger contiguous blocs of farmland help support successful long-term farmland preservation by sheltering farms from nuisance suits and helping maintain the agricultural infrastructure that enhances the economic viability of preserved farms.
- Nonetheless, the efforts to establish a funded local PDR program, the movement to establish an effective TDR program, the continued financial commitment to easement purchases and support activities such as the economic development of the agricultural sector, and the more systematic incorporation of preservation goals in the Comprehensive Plan and the Water and Sewer Service Plan bode well for the future of agricultural preservation in Cecil County.