

*Queen Anne's County – November 2005*

**Certification of County Agricultural Land Preservation Programs**  
**Re-Certification Request – Queen Anne's County**  
**(Report Summary dated October 25, 2005)**

**COUNTY AGRICULTURAL PRESERVATION GOALS**

- Queen Anne's County's goal is to preserve 30,000 acres by 2010 and 50,000 by 2030. The County has already surpassed its 2010 goal. More than 35,336 acres have been preserved through a combination of MALPF, Rural Legacy, MET, and through the efforts of local land trusts, including the Eastern Shore Land Conservancy.
- As of June 30, 2004, Queen Anne's County had preserved 21,604 acres through permanent agricultural preservation easements with MALPF, and another 11,756 acres through five-year district agreements with MALPF.
- Queen Anne's County has agreed to participate in the Eastern Shore 2010 Regional Vision to protect 50% of lands outside of the designated growth areas. Queen Anne's County has already reached 29% of the 50% goal.

**ATTRIBUTES OF LOCAL PROGRAM**

- The County participates in MALPF's Matching Funds Program.
- The County consistently supplements the MALPF program by augmenting funding available to the County.
- The County proposed a County PDR program to purchase easements independently from MALPF. Proposal includes dedicated funding. The program will emphasize protection of large farms, farms with the best soils, and farms located adjacent or close to preserved farms. The proposal is under consideration by the County Board of Commissioners.
- The County uses cluster subdivision as a mechanism to secure deed-restricted open space on 85% of a residential subdivision. The deed restriction on the open space limits use of the land to agricultural uses, accessory buildings, forestry, nurseries, commercial and private stables, and public recreation facilities.

**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 \$326,770 in agricultural land transfer tax. Actual amount spent on easements was \$535,081.02. The County received \$214,600.00 from the Federal Farm and Ranch Land Protection Program.
- For FY 2004, the County collected \$426,363.50 in agricultural land transfer tax. The actual amount spent on easements was \$148,817.02. The County received \$355,800.00 from the Federal Farm and Ranch Land Protection Program.
- Agricultural transfer tax revenues over the reporting period have been used for the purchase of easements.

**PROGRAM ACCOMPLISHMENTS DURING THE REPORTING PERIOD**

FY 2003

- Thirteen MALPF easements on 1,518 acres were purchased in FY 2003.
- Two MALPF agricultural districts were established totaling 259.3 acres.

FY 2004

- No MALPF easement program for FY 2004.
- Two MALPF agricultural districts were established totaling 237.64 acres.

Other highlights

- The Queen Anne's County Commissioners adopted a resolution in 2003 to create a Preservation Task Force. The Commissioners charged the Task Force with preparing recommendations on preserving farmland and scenic vistas. The Task Force drafted a report, "Working Farms, Scenic Vista Preservation Programs." The report included several

recommendations that would improve the County's program. The report includes a recommendation to create a County Purchase of Development Rights (PDR) program that will pay farm property owners close to the market value of the easement. The Task Force also recommended that the easement applications should be processed quickly by using a scoring system to estimate the easement value instead of appraising the properties.

- A zoning ordinance adopted in January 2004, requires a 50-foot buffer where development occurs in the agricultural district to protect agriculture.
- The County passed right-to-farm legislation.

## **EVALUATION OF COUNTY'S ANNUAL REPORT**

- During the reporting period, FY 2003-2004, the County permanently preserved 1,518 acres of agricultural land and woodlands through MALPF.
- In the past, preservation activities have kept pace with conversion of land to non-agricultural purposes. During the period 1980-2004, 10,021 acres of land were converted to non-agricultural purposes. The County has permanently preserved 35,336 acres. In the period 2003-2004, 1,518 acres were preserved; 1,488 acres were converted to nonagricultural uses.
- During the certification period 2003-2004, 86.5% of the new building lots approved were located outside of designated growth areas.
- The report produced by the County Commissioner's appointed Preservation Task Force recommended several improvements to the County's program, including a county purchase of development rights program, a more proactive approach to bolstering the local farm economy, scenic vista buffer incentives in the rural areas, and an increase in the recordation tax to provide a dependable income source for land preservation. Additionally, the Task Force encouraged the creation of an installment purchase agreement program as an alternative payment system for landowners.

## **PROGRAM DEVELOPMENT STRATEGY**

### **A. Evaluation**

- *Strengths:*
  - Ongoing strong financial commitment to easement purchases.
  - Movement towards establishing a County PDR program with dedicated funding.
  - Preservation of agricultural land is an overarching theme in the County's Comprehensive Plan, adopted in May 2002.
  - The Comprehensive Plan recommends reevaluation of the County's TDR program to improve implementation techniques to enhance the program.
  - The Comprehensive Plan recommends including a public outreach program to promote land preservation.
  - The County passed right to farm legislation.
  - New legislation requires buffer from development around agricultural land for new rural subdivisions.
- *Weaknesses:*
  - During the reporting period (2003-2004), 86.5% of the new building lots approved were located outside of the designated growth areas.
  - Recent trends indicate a slowing of preservation as compared to development, especially concerning the MALPF program. The number of applicants for the MALPF program for FY 2005 decreased considerably (five applicants in FY 2005, as compared with 25 applicants in FY 2003, with no program in 2004). The total farmland acreage preserved for FY 2005 through the MALPF program is anticipated to be 390 acres. SDAT indicates a conversion rate of 683 acres. The negative trend does not improve for FY 2006. Only one applicant, for a total of 114.3 acres, has applied for the MALPF FY 2006 easement application program.
  - Non-contiguous cluster subdivision allows non-contiguous parcels to file a development plan as if they were one parcel. The development potential is consolidated onto one parcel, where the open space requirement is reduced to 50%. The 85% open space requirement is maintained overall. These subdivisions, which would qualify for a proposed fee-in-lieu of open space requirement, are used infrequently. However, the County's request for re-certification states that such requests are "getting popular over time." It is

not clear that such a process would contribute to preservation of land for viable agricultural use.

- There has recently been instability in staffing the agricultural land preservation program administrator position.

#### B. Description of Updated Program Development Strategy

Achieving objectives depends on the following:

- Reversing a recent trend (2005-2006) that shows a decline in the number of landowners applying to the MALPF Program.
- Addressing the issue of increased residential development outside the designated growth areas.
- Continued participation in MALPF's matching funds program.
- Establishing a local PDR program with dedicated funding.
- Implementing improvements to the transfer of development rights (TDR) program.
- Implementation of recommendations of the Preservation Task Force, including a more proactive approach toward bolstering the local farm economy through the agricultural economic development program; research into the feasibility of tax credits that would provide additional incentives for landowners to invest in businesses that use local agricultural products to create new products; install conservation measures to improve soil and water conservation, and participate in the Working Farm and Scenic Vista Preservation Program.
- Implementation of an Installment Purchase Agreement program.

#### **COUNTY'S FOCUS ON PRESERVING AGRICULTURAL LAND**

- The County adopted a resolution of the Board of County Commissioners to establish a goal to preserve 30,000 acres by 2010 and 50,000 by 2030.
- The County has already surpassed the 2010 goal. Queen Anne's County had preserved over 35,336 acres through permanent easements. The County has made progress toward the 2010 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). Additionally, the number of applicants for the MALPF program, which is the principal land preservation program used by the County, indicates a sharp decline in the number of applicants. The County must address this issue if it is to attain its 2030 acreage goal.

#### **FOUNDATION STAFF RECOMMENDATION**

- The County program continues to appear to be 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.
- There are three concerns about future trends. The first is the large amount of residential development (89%) located outside designated development areas. It appears that a major contributor to this development is the lack of sewer facilities in designated growth areas. The second is the dramatic reduction in applications for easement sale to MALPF. This does not seem to be an issue in surrounding counties. A third concern is the increasing use of non-contiguous cluster subdivision, which is not contributing to the preservation of land for viable agricultural use.
- Nonetheless, the efforts to establish a funded local PDR program, the movement to establish a more effective TDR program, the continued financial commitment to easement purchases and support activities such as the economic development of the agricultural sector, the recommendations contained in the Preservation Task Force's "Working Farms, Scenic Vista Preservation Programs" report, and the more systematic incorporation of preservation goals in the Comprehensive Plan indicate that the County is placing a strong emphasis on agricultural preservation.