

St. Mary's County – January 2007

Certification of County Agricultural Land Preservation Programs
Re-Certification Request – St. Mary's County
(Report Summary dated January 23, 2007)

COUNTY AGRICULTURAL PRESERVATION GOALS

- St. Mary's County's goal is to preserve 60,000 acres. This number represents over 53% of the total land in the county that is used for agriculture. More than 10,509 acres have been preserved through a combination of MALPF, Rural Legacy, MET, Maryland Historical Trust, and other easement programs.
- As of August 2004, St. Mary's County had preserved 11,667 acres through five-year district agreements with MALPF. Of these, 7,040 acres have been preserved with permanent agricultural preservation easements with MALPF.
- The County's Comprehensive Plan states as one of its land management goals that it will "direct growth in rural areas to existing population centers and protect resource areas."

ATTRIBUTES OF LOCAL PROGRAM

- The County participates in MALPF's Matching Funds Program.
- In 2001, the County increased the recordation tax, dedicating a portion to "conserve and protect rural lands."
- The County contributes funds from its general fund, local transfer tax, and the sale of bonds to supplement the MALPF program funding available to the County.
- St. Mary's County operates a County Agricultural District Program that offers a 100% credit on the County portion of its tax bill for agriculturally-assessed land and for farm buildings. The districts require a five-year commitment and provide for no children's lots or agricultural subdivisions. There are 4,985 acres in 144 County districts (some of which are also MALPF districts).
- The County's zoning regulations contain general right-to-farm provisions for landowners in the Rural Preservation District (RPD).

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 2005, the County collected \$1,249,553 in agricultural land transfer tax. The County received \$370,691 in Tobacco Funds.
- For FY 2006, the County collected \$761,616 in agricultural land transfer tax. The County received \$212,809 in Tobacco Funds.
- Agricultural transfer tax revenues over the reporting period have been used for the purchase of easements.

PROGRAM ACCOMPLISHMENTS DURING THE REPORTING PERIOD

FY 2005

- Eight offers to purchase MALPF easements on 837 acres were made in FY 2005.
- Eight MALPF agricultural districts were established totaling 643 acres.

FY 2006

- Five offers to purchase MALPF easements on 467 acres were made in FY 2006.
- Twenty-two MALPF agricultural districts were established totaling 1,482 acres.

Other highlights

- St. Mary's County has three (3) retail farmers' markets, with at least one more in the planning stages.
- Regional conferences are held in the County providing educational opportunities for farmers interested in diversifying or changing their operations.
- To date, 2,702 acres have been preserved in the Rural Legacy Program, approximately 1/3 of

- which is in agricultural use.
- Over \$13,557,454 have been spent to preserve farmland in the County from all sources, between 1984 and 2004.
- Since 1998, the County has received \$154,030 from the Federal Farmland Protection Program that was applied to three conservation easement acquisitions.
- 1,313 acres have been protected through the County's TDR program.
- In St. Mary's County, almost \$16.5 million have been spent to enter into contracts with 260 growers (45,301 acres) through the Tobacco Buyout Program.

EVALUATION OF COUNTY'S ANNUAL REPORT

- During the reporting period, FY 1999-2006, the County permanently preserved 5,631 acres of agricultural land and woodlands through MALPF.
- The County's zoning was changed from 1:3 to 1:5, which may actually accelerate rather than slow down the conversion of agricultural land. However, as TDRs may be purchased in the RPD, 1:3 zoning can still be achieved.
- The rate of land converted to non-agricultural purposes surpasses the rate of preservation, with St. Mary's rate being much higher than Maryland's average rate per county.

PROGRAM DEVELOPMENT STRATEGY

A. Evaluation

Strengths:

- The County has an ongoing strong financial commitment to easement purchases.
- The County has a Right-to-Farm Ordinance.
- The County has established a TDR program.

Weaknesses:

- The RPD can be used as a receiving area for development rights sent from other parts of the same district. This greatly undercuts the potential of TDRs to completely remove density from the area to avoid incompatible land uses and to protect public investments in the land base for agriculture.
- The amount of land that can potentially be placed under easement is expected to fall below the number the County proposes to preserve by the year 2013.
- Down-zoning from 1:3 to 1:5 missed the desired effect because the TDR program allows density to be transferred within the RPD area.

B. Description of Updated Program Development Strategy

Achieving objectives depends on the following:

- Continue with the restoration of Program Open Space funding and implementing the funding recommendations of the MALPF Task Force.
- Continued participation in MALPF's matching funds program.
- Re-vamp the TDR program to discontinue the practice of allowing the RPD to be a receiving area as well as the County's sending area for transfer development rights, and eliminate the ability to transfer density to Rural Legacy Areas.
- Change the County's preservation goal from 60,000 acres of currently active agriculture to 60,000 acres of "farmable land."
- Designate a true agricultural preservation area.
- Consider down-zoning the RPD from 1:5 to 1:20.

COUNTY'S FOCUS ON PRESERVING AGRICULTURAL LAND

- In 2001 the County increased the recordation tax.
- The County offers a tax credit to landowners who enroll in the County Agricultural District Program.
- The RPD covers approximately 178,000 acres, including the vast majority of the County's permanently protected lands.
- Landowners who participate in the Tobacco Buyout program are given a 10% bonus if they choose to permanently protect the land.

- MALPF is the most heavily used tool for the permanent preservation of agricultural land (53% of the total lands preserved).

FOUNDATION STAFF RECOMMENDATION

- While some changes are necessary, 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.