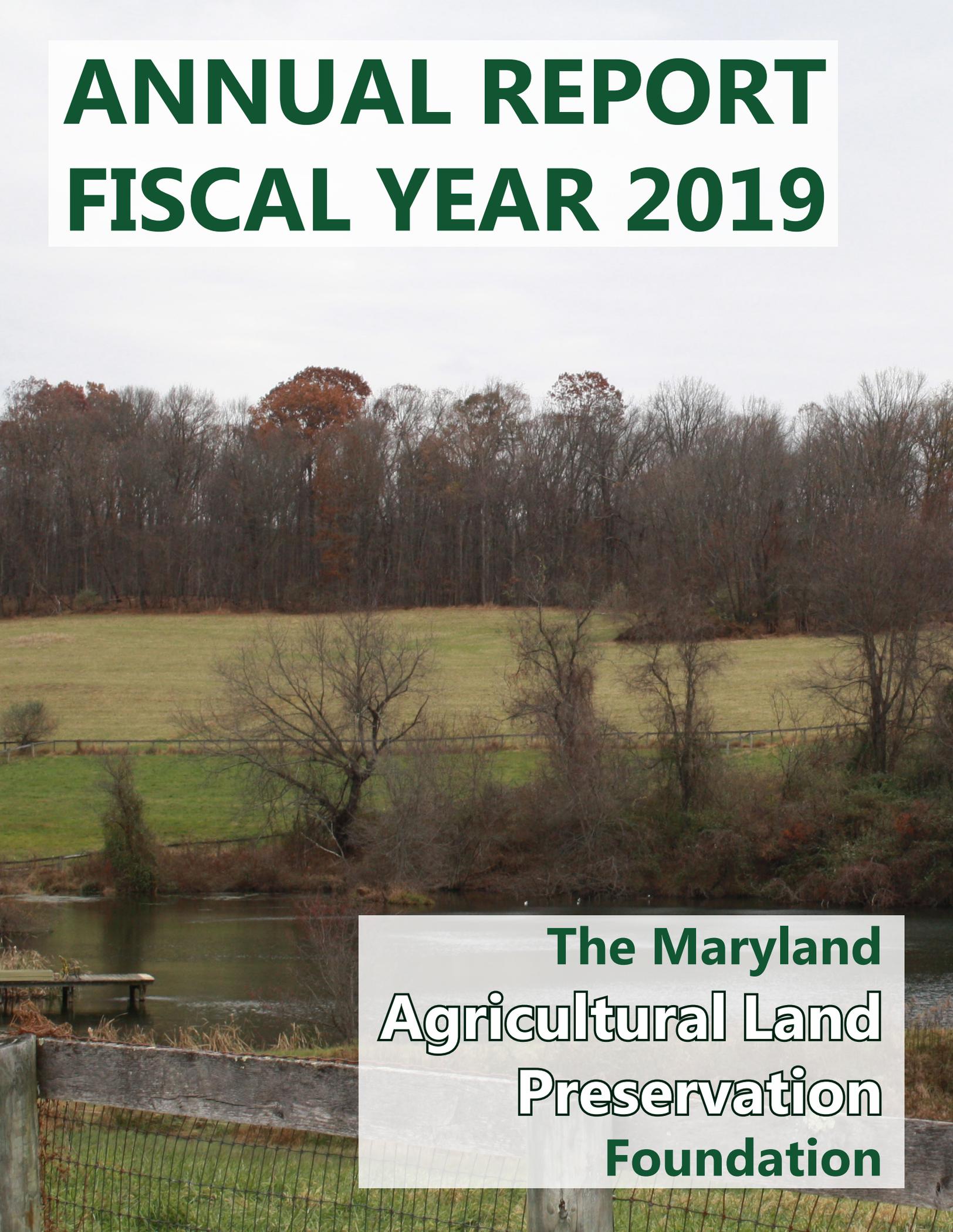


# **ANNUAL REPORT FISCAL YEAR 2019**

A photograph of a rural landscape. In the foreground, there is a wooden fence and a wire mesh fence. Behind them is a pond with a small wooden dock. The middle ground features a green field with a line of trees, some of which have autumn-colored leaves. The background is a dense forest of trees under a cloudy sky.

**The Maryland  
Agricultural Land  
Preservation  
Foundation**

# A Message from the Executive Director

Dear Stakeholders,

After a decade, the Maryland Agricultural Land Preservation Foundation (MALPF) returned to a single year easement application cycle in FY19. The return to a single year application cycle has brought new opportunities as well as new challenges that MALPF staff has had to tackle.



The biggest impact of returning to a single year application cycle is the increase in volume of new easement projects that are working through the application and acquisition process. MALPF, our sister agencies, and our county partners have worked side-by-side to handle this increased workload. During this reporting period, MALPF has: settled all the FY17 and FY18 easement offers; entered into contracts to purchase almost 90 easements out of the 189 applicants in the FY19 cycle; and is well underway in the appraisal process for the 186 new applications that were accepted and forwarded to the Maryland Department of General Services for the FY20 application cycle. As of the end of FY19, MALPF has preserved 2,347 farms across Maryland, totaling 318,215 acres at a public investment of over \$752 million.

I would be remiss not to mention the critical role that the Hogan-Rutherford Administration and our Assistant Attorneys General have played in the overall success of MALPF. Specifically, Assistant Attorney General Nancy Russell-Forrester has been with MALPF for almost 20 years. She has personally settled over 1,000 easement transactions – that’s close to half of all the easements MALPF holds! Ms. Russell-Forrester, pictured below holding the “Preserved Farm” sign alongside MALPF staff and county partners, retired in December 2019. Her dedication and commitment to excellence will be greatly missed.

It has been an honor to serve as MALPF’s executive director since July 2018. I look forward to reporting on MALPF’s accomplishments for years to come.

Sincerely,

*Michelle Cable*

Michelle Cable  
Executive Director



# ABOUT MALPF

## What is MALPF?

MALPF stands for the Maryland Agricultural Land Preservation Foundation. The program has been in existence since 1977. It is one of the most successful programs of its kind in the country.

MALPF's 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. In other words, the program pays landowners to continue what they have done for years, decades, or sometimes a century or more – farm their land.

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 still be eligible to apply and should visit our website to review Fact Sheet 12, "Small Properties in the Agricultural Land 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 U.S. Department of Agriculture's (USDA) Soil Conservation Service Land Classification System is a major criterion. Soil requirements for the property to qualify to participate in the program are:

- At least 50% of the land is classified 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 10-year water and sewer service area plan is generally ineligible unless it has extraordinary productive capability and is of significant size.

**DEVELOPMENT RIGHTS:** A property must have at least one unused development right associated with the property to sell an easement.

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

# 2019 CERTIFICATION REPORT

## Report on the Program for Certification of Local Agricultural Land Preservation Programs for FY19

The Program for Certification of Local Agricultural Land Preservation Programs, also known as the Certification Program, was created by the Maryland General Assembly in 1990 and is jointly administered by the Maryland Department of Planning (Planning) and MALPF.

The goals of the Certification Program are to:

- **Preserve the important role agriculture plays in maintaining the state's high environmental quality;**
- **Encourage development of county agricultural preservation programs which complement MALPF's preservation efforts; and**
- **Employ agricultural land preservation as a tool to manage growth.**

Counties able to demonstrate that they have an effective program to preserve productive farmland and forests are eligible to participate in the Certification Program. Local preservation programs consist of a combination of preservation tools such as low-density agricultural zoning, purchase or transfer of development rights programs, right-to-farm policies, support for agricultural businesses, the designation of agriculture as the best use of certain lands, etc.

To qualify for and retain certified status, counties are required to designate a Priority Preservation Area (PPA). Counties concentrate their preservation efforts and program funding into their PPAs in order to preserve large contiguous blocks of agricultural and forested land.

Participation in the Certification Program by interested counties is voluntary. Certified counties enjoy the benefit of retaining 75% of their locally generated agricultural transfer tax revenue, while non-certified counties retain 33%. All retained revenue must be spent or encumbered for qualifying land preservation expenditures within three years of collection, or those collected funds revert to MALPF. The increase in participating counties' share of the agricultural land transfer tax helps to support and enhance their preservation programs in ways that best meet local goals and needs.

**As of June 30, 2019, 16 counties are certified: Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Cecil, Frederick, Harford, Kent, Montgomery, Prince George's, Queen Anne's, St. Mary's, Talbot, Washington, and Worcester.**

# 2019 LEGISLATIVE UPDATE

## **SB 25 – Real Property – Conservation Easements, Covenants, Restrictions, and Conditions – Recording Notice**

With passage of this law, state preservation agencies now have the ability to periodically update land records with notices referencing the original deed of easement or other perpetual encumbrances. The state's interest in MALPF-eased and other state-preserved property is perpetual, however, landowners' interest in land is finite. Over time, and as properties are conveyed from owner to owner, the state's interest in these eased properties may not be picked up by a title search. The older the easement recording date, the greater the chance that public notice of the state's interest in eased properties may not be captured in title searches.

Updating county land records with notices of the state's perpetual interest in eased properties will assist prospective purchasers in making informed decisions, and alleviate potential violations that may occur had they been unaware of the existence of the encumbrance.

## **SB 57 – Agriculture – County Agricultural Land Preservation Programs**

This legislation has updated MALPF's and Planning's statutes to be consistent with the provisions of HB 620, a 2018 bill that became effective June 30, 2018. The highlights of the 2018 legislation are 1) definition and creation of a recertification process; 2) extension of the time that counties can retain collected agricultural land transfer tax from three to six years; and 3) giving discretion to MALPF and Planning to rescind recertification of a county if the county makes changes to its comprehensive plan or zoning that would negatively affect the integrity of the county's PPA.

This legislation updates certain sections of Agriculture Article of the Code, MALPF's Statute, to be consistent with the provisions of HB 620, which became effective July 1, 2018.

## **SB 58 – Maryland Agricultural Land Preservation Foundation – Elimination of District Agreements**

When MALPF was established, the application process for landowners to sell a conservation easement to the state was twofold - a landowner first had to apply to the county and MALPF for approval to establish an agricultural preservation district for the property; only after the property was in district status could the landowner apply for approval to sell the easement. When the district application was made, the county, in conjunction with MALPF, evaluated whether the property qualified for the program. By signing the district agreement, landowners agreed to the same general covenants, conditions, and restrictions as those contained in the deed of easement, except for the term of agreement. If the landowner decided not to pursue selling an easement to the state, the district could be terminated at the landowner's request after a minimum of five years from the date of the recording of the district agreement.

Districts made property eligible for sale of an easement; however, the dual application process proved unwieldy. To streamline the process, the two application processes were combined, therefore eliminating the need for creating a district.

The abolishment of the district process became effective July 1, 2007, as recorded in Chapter 650 of the Acts of 2007, however, the law was never codified. As certain terms affecting district status remain active under certain circumstances, this legislation is now codified for better public access.

### **SB 344 – Agricultural Land Transfer Tax – Alteration of Nonagricultural Use Reduction and Exemption**

MALPF is partially funded by a percentage of the state's collected real estate transfer tax, including the agricultural transfer tax (ATT). The ATT is collected on agriculturally-assessed property when it is conveyed to a transferee that either does not intend or fails to use the property for agricultural purposes, as statutorily defined. This new law alters the formula by which the ATT is calculated.

### **HB 1350 – Property Tax Assessments – Conservation Property – Alteration of Definitions**

The State Department of Assessments and Taxation (SDAT) requires that agricultural properties be actively farmed in order to maintain valuation at an agricultural tax assessment rate. Before passage of this bill, an exception to this requirement was made for properties defined as "conservation property," however, that definition did not include MALPF properties or other preservation and/or conservation properties that would appropriately fit under this definition.

With passage of this bill, "conservation property" has been redefined to include easements sold or donated to land trusts as defined in the Natural Resources Article, or under any other public land conservation or preservation program; and makes no distinction between whether a conservation easement is sold or donated to MALPF, the Maryland Environmental Trust (MET), or a land trust or other public land conservation or preservation program as defined above.

Adding these distinctions to the conservation property definition will allow landowners of MALPF-eased properties to benefit from the agricultural tax assessment regardless of whether the land is actively farmed.

# TOTAL EASEMENTS ACQUIRED

COUNTY	TOTAL EASEMENTS ACQUIRED			PERCENT OF TOTAL
	NUMBER	ACREAGE	COST	
Allegany	13	1,679	\$3,549,416	0.53%
Anne Arundel	44	5,519	\$22,817,783	1.73%
Baltimore	241	24,719	\$89,525,188	7.77%
Calvert	35	4,715	\$12,267,678	1.48%
Caroline	226	33,063	\$34,665,982	10.39%
Carroll	371	43,888	\$94,335,733	13.79%
Cecil	102	15,225	\$37,294,437	4.78%
Charles	66	9,704	\$36,598,725	3.05%
Dorchester	94	14,789	\$19,962,645	4.65%
Frederick	143	21,755	\$52,060,357	6.84%
Garrett	58	7,292	\$10,574,964	2.29%
Harford	140	15,461	\$49,450,010	4.86%
Howard	32	4,059	\$7,733,591	1.28%
Kent	107	20,333	\$43,635,073	6.39%
Montgomery	31	4,754	\$18,465,408	1.49%
Prince George's	18	1,651	\$14,286,706	0.52%
Queen Anne's	179	30,416	\$54,009,683	9.56%
St. Mary's	123	12,327	\$50,222,630	3.87%
Somerset	50	5,728	\$8,336,419	1.80%
Talbot	79	12,174	\$30,553,605	3.83%
Washington	83	13,520	\$34,951,875	4.25%
Wicomico	60	7,426	\$13,172,480	2.33%
Worcester	52	8,019	\$14,152,811	2.52%
<b>TOTALS</b>	<b>2,347</b>	<b>318,216</b>	<b>752,623,198</b>	<b>100%</b>

**AS OF JUNE 30, 2019**

# EASEMENT SETTLEMENTS - FY19

COUNTY	NUMBER OF EASEMENTS	TOTAL NUMBER OF ACRES	ACQUISITION COST		AVERAGE FARM SIZE IN ACRES
			AVERAGE PER ACRE	TOTAL	
Allegany	1	89	2,191	195,000	89
Anne Arundel					
Baltimore	10	725	7,440	5,396,853	73
Calvert					
Caroline	2	333	2,831	942,152	166
Carroll					
Cecil					
Charles	6	644	3,698	2,381,230	107
Dorchester	3	313	3,080	964,309	104
Frederick					
Garrett	1	339	2,690	912,033	339
Harford	4	1,006	5,949	5,983,410	251
Howard					
Kent					
Montgomery					
Prince George's					
Queen Anne's	5	635	4,213	2,673,723	127
St. Mary's	5	380	3,968	1,507,673	76
Somerset					
Talbot	1	92	4,198	385,522	92
Washington	1	46	2,782	128,022	46
Wicomico	1	63	2,936	185,772	63
Worcester	5	766	2,458	1,882,422	153
<b>TOTALS</b>	<b>45</b>	<b>5,430</b>	<b>4,334</b>	<b>23,538,120</b>	<b>121</b>

**AS OF JUNE 30, 2019**

# EASEMENT ACQUISITION COSTS - FY19

<b>FISCAL YEAR</b>	<b>NO. OF FARMS</b>	<b>ACQUISITION COST</b>	<b>ACRES</b>
FY77-06	1,708	\$342,578,700	236,259
FY07	70	\$40,297,919	9,592
FY08	106	\$78,270,208	13,810
FY09	79	\$68,588,962	9,787
FY10	68	\$52,814,641	8,816
FY11	14	\$6,783,740	1,527
FY12	41	\$21,217,570	4,692
FY13	16	\$7,925,597	1,773
FY14	52	\$26,302,733	6,117
FY15	33	\$19,569,931	4,324
FY16	31	\$17,719,957	4,219
FY17	28	\$17,062,423	4,481
FY18	56	\$29,561,084	7,402
FY19	45	\$23,538,120	5,430

**AS OF JUNE 30, 2019**

# MALPF BOARD & STAFF

## Appointed Board Members:

Michael Calkins, Chair, Young Farmer Representative  
William Allen, Vice Chair, Member At-Large  
J. Bruce Yerkes, Maryland Grange Representative  
Taylor B. Huffman, Maryland Agricultural Commission Representative  
Bernard L. Jones, Sr., Member At-Large  
Catherine Cosgrove, Member At-Large  
Joseph W. Wood, Member At-Large  
Vacant, Maryland Farm Bureau Representative  
Vacant, Member At-Large

## Ex-Officio Board Members

Honorable Nancy K. Kopp, State Treasurer  
Honorable Peter Franchot, State Comptroller  
Honorable Joseph Bartenfelder, Secretary, Maryland Department of Agriculture  
Honorable Robert McCord, Secretary, Maryland Department of Planning

## Foundation Staff

Michelle Cable, Executive Director  
Diane Chasse, Administrator  
Chana Turner, Administrator  
Sarel Cousins, Administrator  
Kim Hoxter, Administrative Officer  
Amanda C. Wilson, Administrative Specialist  
Robert Day, Office Secretary

# MALPF IN ACTION



**"I'm so grateful for this program for giving me the chance to honor my parents. I come from farm/dairy families, and I've seen most of those family farms sold and now developed...which is heartbreaking for me. I can't thank you enough for all you have done."**

**— Becky Harmon, Charles County landowner**

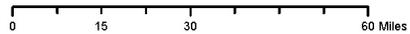
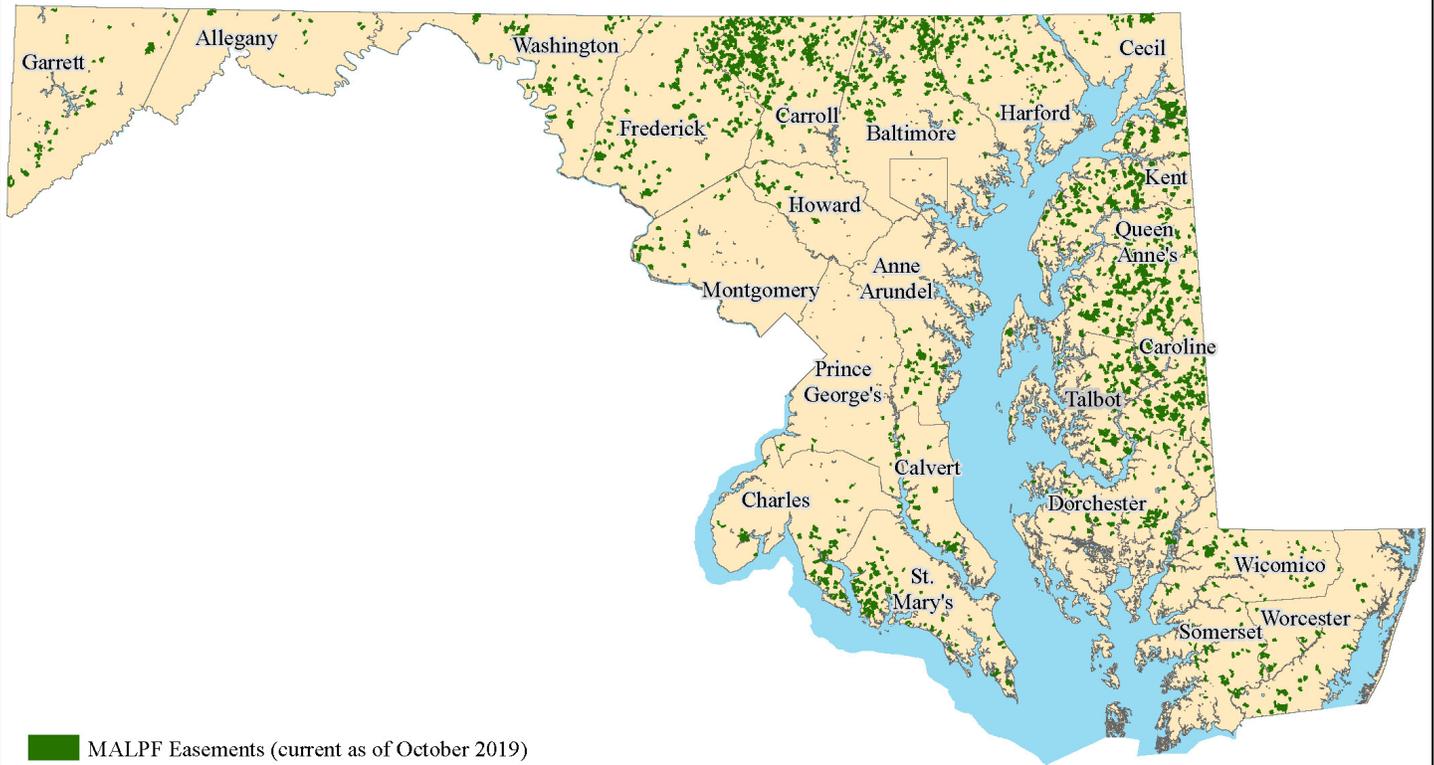


**"Ben and his older brother Wes are the 6th generation on our family farm. MALPF allows future generations to continue to farm Maryland's productive farmland."**

**— Bob Miller, Cecil County landowner**

# MALPF STATE MAP

## Maryland Agricultural Land Preservation Foundation Easements



# COUNTY PROGRAMS

## **ALLEGANY**

Siera Wigfield  
Dept. of Public Works  
701 Kelly Road, Suite #300  
Cumberland, MD 21502  
(301) 876-9546  
Chair: Ben Sansom

## **ANNE ARUNDEL**

Barbara Polito  
Dept. of Recreation &  
Parks  
1 Harry S Truman Pkwy,  
Suite #3225  
Annapolis, MD 21401  
(410) 222-7317  
Chair: Maureen Heimbuch

## **BALTIMORE**

Wally Lippincott, Jr.  
Balt. Co. Dept. of Planning  
105 West Chesapeake Ave,  
Suite #101  
Towson, MD 21204  
(410) 887-3480  
Chair: Gail Ensor

## **CALVERT**

Ronald Marney  
Dept. of Planning & Zoning  
150 Main Street,  
Suite #304  
Prince Frederick, MD 20678  
(410) 535-1600 x-2336  
Chair: Stephen Oberg

## **CAROLINE**

Beth Beales  
Dept. of Planning & Codes  
403 South 7th Street,  
Suite #210  
Denton, MD 21629  
(410) 479-8100  
Chair: Beth Carmean

## **CARROLL**

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

## **CECIL**

Devyn King  
Dept. of 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  
200 Baltimore Street  
La Plata, MD 20646  
(301) 645-0651  
Chair: Charles E. Bowling

## **DORCHESTER**

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

## **FREDERICK**

Anne Bradley  
Dept. of Planning &  
Permitting  
30 North Market Street,  
3rd Floor  
Frederick, MD 21701  
(301) 600-1474  
Chair: Samuel G. Tressler III

## **GARRETT**

Gary Aronhalt  
Office of Planning & Land  
Management  
203 South 4th Street,  
Room 210  
Oakland, MD 21550  
(301) 334-1923  
Chair: Gary Berkebile

## **HARFORD**

William Amoss  
Dept. of Planning & Zoning  
220 South Main Street  
Bel Air, MD 21014  
(410) 638-3235  
Chair: John Stump

## **HOWARD**

Joy Levy  
Dept. of Planning & Zoning  
3430 Courthouse Drive  
Ellicott City, MD 21043  
(410) 313-4382  
Chair: Mickey Day

## **KENT**

Robert Tracey  
Dept. of Planning, Housing  
& Zoning  
400 High Street  
Chestertown, MD 21620  
(410) 810-2220  
Chair: David Hill

## **MONTGOMERY**

Mike Scheffel  
18410 Muncaster Road  
Derwood, MD 20850  
(301) 590-2856  
Chair: Michael Jamison

## **PRINCE GEORGE'S**

Jeanine Nutter  
SCD Field Service Center  
5301 Marlboro Race Track  
Road  
Upper Marlboro,  
MD 20772  
(301) 574-5162 x-3  
Chair: Stephanie DeVille-  
Eugene

## **QUEEN ANNE'S**

Donna K. Landis-Smith  
Queen Anne's County  
SCD Office  
211 E. Water Street  
Centreville, MD 21617  
(443) 988-4178  
Chair: David Denny

## **ST. MARY'S**

Donna Sasscer  
Dept. of Econ. & Com. Dev.  
P.O. Box 653  
Leonardtown, MD 20650  
(240) 309-4021  
Chair: Steve Reeves

## **SOMERSET**

Adam Gibson  
Dept. of Planning & Zoning  
Somerset County Office  
Complex  
11916 Somerset Ave  
Princess Anne, MD 21853  
(410) 651-1424  
Chair: Vacant

## **TALBOT**

Martin Sokolich  
Dept. of Planning &  
Permits  
215 Bay Street, Suite #2  
Easton, MD 21601-2782  
(410) 770-8032  
Chair: Robert Saathoff

## **WASHINGTON**

Chris Boggs  
Washington Co. Dept. of  
Planning & Zoning  
100 W. Washington Street  
Hagerstown, MD 21740  
(240) 313-2447  
Chair: Jeremiah Weddle

## **WICOMICO**

Gloria Smith  
Gov't Office Bldg,  
Room #203  
Post Office Box 870  
Salisbury, MD 21803-0870  
(410) 548-4860  
Chair: Eugene Lowe, III

## **WORCESTER**

Katherine Munson  
Natural Resources Division  
Worcester County  
Environmental Programs  
One West Market Street,  
Room #1302  
Snow Hill, MD 21863-1070  
(410) 632-1220 x-1302  
Chair: Vacant

# Maryland Department of Agriculture

Wayne A. Cawley Building  
50 Harry S Truman Parkway  
Annapolis, MD 21401  
[mda.maryland.gov](http://mda.maryland.gov)

# Maryland Agricultural Land Preservation Foundation

Maryland Department of Agriculture  
50 Harry S Truman Parkway  
Annapolis, MD 21401  
[mda.maryland.gov/malpf](http://mda.maryland.gov/malpf)



**Governor Larry Hogan**  
**Lt. Governor Boyd K. Rutherford**  
**Secretary Joseph Bartenfelder**  
**Dep. Secretary Julianne A. Oberg**