



Agricultural Land Preservation

PROGRAM DESCRIPTION AND OBJECTIVES

The County's Agricultural Land Preservation Capital Program is administered by the Montgomery County Office of Agriculture (OAG). The program includes one ongoing capital project, Agricultural Land Preservation Easements, with the objective to protect and preserve agricultural land from development and the goal of retaining a significant farming sector throughout Montgomery County.

During FY09, the County achieved the goal of protecting 70,000 acres of agricultural land through easements. As of June 30, 2021, the County has permanently preserved 71,594 acres for agricultural use. Montgomery County leads the State of Maryland in the number of acres preserved and has the highest percentage of farmland under agricultural land preservation easements of any county in the nation. Within this total, 47,903 acres are protected by Transferable Development Rights (TDR) easements which allow for densities as high as one unit per twenty-five acres. It will be important for the County to continue to pursue higher levels of protection for these properties to reduce the potential for future development in the Agricultural Reserve. The implementation of the Building Lot Termination (BLT) Program will be integral to this effort. The number of total acres is adjusted to reflect the land preserved through BLT that were placed over TDR.

Currently, preservation of agricultural land is accomplished under six separate agricultural land preservation programs: the Montgomery County Agricultural Easement Program (AEP); the Maryland Agricultural Land Preservation Foundation (MALPF); Montgomery County's local Transferable Development Rights (TDR); the Maryland Environmental Trust (MET); the Montgomery County Rural Legacy Program (RLP) and the Building Lot Termination Program (BLT). The acres preserved under each program are displayed in the chart below, and each program is described in the narrative that follows.

	MALPF	AEP	MET	BLT	RLP	TDR	Total
Protected thru June FY2022	5,107	8,464	2,532	2,286	5,302	47,903	71,594

Note: The number of total acres is adjusted to reflect the land preserved through BLT that were placed over TDR.

Through the Agricultural Easement Program (AEP), the County purchases easements on farmland using Agricultural Transfer Tax collections to meet acreage acquisition targets. Agricultural easements acquired through the AEP may range in value from \$1,600 to \$9,000 per acre, depending on location, land quality, and amount of the road frontage. The County has protected 8,464 acres through the AEP.

Through the Maryland Agricultural Land Preservation Foundation (MALPF), the State purchases development rights easements directly from landowners to protect agricultural land from development. Since 1980, 5,107 acres have been protected.

Montgomery County's local Transferable Development Rights (TDR) program, established by the functional Master Plan for the Preservation of Agriculture and Rural Open Space, accounts for a major portion of the County's preserved land (47,903). The program, administered by the Maryland National Capital Park and Planning Commission (M-NCPPC), allows Upcounty landowners to transfer development rights from the 93,000-acre Agricultural Reserve, in the western and northern portions of the County, at the rate of one TDR per five acres, to developers with projects in areas that can accept the higher development density, designated as "TDR receiving areas." Lands protected by TDR easements also represent additional opportunities for the County to further protect agricultural lands through easements by reducing the allowable housing density that is reserved on those lands.

The Maryland Environmental Trust (MET) program encourages landowners to donate an easement on their property to protect scenic open areas, including farm and forest land, wildlife habitats, waterfront, unique or rare areas, and historic sites. This program is associated with the Maryland Department of Natural Resources and requires no monetary participation by the County. Montgomery County has protected 2,532 acres through the MET program.

The Rural Legacy Program (RLP) was enacted in 1997 as part of the Governor's Smart Growth and Neighborhood Conservation initiative to protect natural resources. The program is designed to protect areas rich in multiple agricultural, forestry, natural and cultural resources in order to protect resource-based economic development, protect green areas, and maintain rural life. Montgomery County acts as a conduit for these funds, and no monetary participation is required of the County. The County has protected 5,302 acres through RLP.

The Building Lot Termination Program (BLT) was approved by the County Council through Council Bill 39-07 in December of 2008. This program provides another tool to permanently protect agricultural lands, especially where development potential is achievable through the approval of on-site waste disposal systems. In 2009, five million dollars was approved by the County Council through a supplemental appropriation to this project to fund the BLT program. Since FY12, 1,257 acres of agricultural land and 30 BLTs have been acquired through County BLT easements and an additional 1,029 acres and 31 BLTs have been acquired through private/developer purchased BLT easements, totaling 2,286 acres.

PROGRAM CONTACTS

Contact Jeremy Criss of the Office of Agriculture 301.590.2830 or Derrick Harrigan of the Office of Management and Budget at 240.777.2759 for more information regarding this capital budget.

CAPITAL PROGRAM REVIEW

The Executive's recommended FY23-28 program expenditure total is \$3.201 million. Total six-year program funding includes Agricultural Transfer Tax, contributions, M-NCPPC contributions (listed as Developer Payments) and investment income. An FY22 supplemental appropriation was approved to recognize the availability of Contributions from M-NCPPC (\$953,055) and an FY22 Rural Legacy State grant (\$2,722,761).



Ag Land Pres Easements

(P788911)

Category	Conservation of Natural Resources	Date Last Modified	01/13/22
SubCategory	Ag Land Preservation	Administering Agency	Agriculture
Planning Area	Countywide	Status	Ongoing

EXPENDITURE SCHEDULE (\$000s)

Cost Elements	Total	Thru FY21	Est FY22	Total 6 Years	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	Beyond 6 Years
Planning, Design and Supervision	5,217	1,831	1,205	2,181	356	359	362	365	368	371	-
Land	14,768	8,695	5,053	1,020	170	170	170	170	170	170	-
Other	37	37	-	-	-	-	-	-	-	-	-
TOTAL EXPENDITURES	20,022	10,563	6,258	3,201	526	529	532	535	538	541	-

FUNDING SCHEDULE (\$000s)

Funding Source	Total	Thru FY21	Est FY22	Total 6 Years	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	Beyond 6 Years
Agricultural Transfer Tax	3,821	1,244	1,377	1,200	200	200	200	200	200	200	-
Contributions	1,499	-	953	546	-	42	332	172	-	-	-
Developer Payments	6,359	4,982	535	842	-	-	-	163	338	341	-
Federal Aid	545	479	43	23	23	-	-	-	-	-	-
G.O. Bonds	308	308	-	-	-	-	-	-	-	-	-
Investment Income	1,275	392	395	488	201	287	-	-	-	-	-
State Aid	6,215	3,158	2,955	102	102	-	-	-	-	-	-
TOTAL FUNDING SOURCES	20,022	10,563	6,258	3,201	526	529	532	535	538	541	-

APPROPRIATION AND EXPENDITURE DATA (\$000s)

Appropriation FY 23 Request	526	Year First Appropriation	FY89
Appropriation FY 24 Request	529	Last FY's Cost Estimate	15,351
Cumulative Appropriation	16,821		
Expenditure / Encumbrances	10,611		
Unencumbered Balance	6,210		

PROJECT DESCRIPTION

This project provides funds for the purchase of agricultural and conservation easements under the County Agricultural Land Preservation legislation, effective November 25, 2008, for local participation in Maryland's Agricultural and Conservation programs and through Executive Regulation 3-09 AM, adopted July 27, 2010. The County Agricultural Easement Program (AEP) enables the County to purchase preservation easements on farmland in the agricultural zones and in other zones approved by the County Council to preserve farmland not entirely protected by Transferable Development Rights (TDR) easements or State agricultural land preservation easements. The Maryland Agricultural Land Preservation Foundation (MALPF) enables the State to purchase

preservation easements on farmland jointly by the County and State. The Rural Legacy Program (RLP) enables the State to purchase conservation easements to preserve large contiguous tracts of agricultural land. The sale of development rights easements are proffered voluntarily by the farmland owner. The project receives funding from the Agricultural Transfer Tax, which is levied when farmland is sold and removed from agricultural status. Montgomery County is a State-Certified County under the provisions of State legislation, which enables the County to retain 75 percent of the taxes for local use. The County uses a portion of its share of the tax to provide matching funds for State easements. In FY10, the Building Lot Termination (BLT) program was initiated. This program represents an enhanced farmland preservation program tool to further protect land where development rights have been retained in the Agricultural Reserve-AR zone. This program utilizes a variety of revenue sources that include: Agricultural Transfer Tax revenues, Contributions, Developer Payments, Investment Income, and State Aid.

COST CHANGE

Costs for FY27 and FY28 have been added to the project, as well as FY22 funds related to a \$2,722,761 Rural Legacy Program State grant, and contributions from Maryland National Capital Park and Planning Commission of \$953,055.

PROJECT JUSTIFICATION

Annotated Code of Maryland Agriculture Article 2-501 to 2-515, Maryland Agricultural Land Preservation Foundation; Annotated Code of Maryland Tax-Property Article 13-301 to 13-308, Agricultural Land Transfer Tax; and Montgomery County Code, Chapter 2B, Agricultural Land Preservation; and Executive Regulation 3-09 AM.

OTHER

FY23 estimated Planning, Design and Supervision expenditures are \$356,000, with \$30,000 of these annual costs funded by Agricultural Transfer Tax revenues as authorized by State law. The amount includes funding for 1.0 FTE Business Development Specialist; \$25,000 for the Deer Donation Program; \$15,000 for the Montgomery Weed Control Program; and \$75,000 for the Cooperative Extension Partnership. Appropriations are based upon a projection of Montgomery County's portion of the total amount of Agricultural Transfer Tax which has become available since the last appropriation and State Rural Legacy Program grant funding. Appropriations to this project represent a commitment of Agricultural Transfer Tax funds and State Aid to purchase agricultural easements, contributions from the Crown Farm Annexation Agreement, and partial BLT payments made by developers for additional density in BLT receiving areas. The Agricultural Transfer Taxes are deposited into an investment income fund, the interest from which is used to fund direct administrative expenses, the purchase of easements, and other agricultural initiatives carried out by the Office of Agriculture. The program permits the County to take title to the TDRs. These TDRs are an asset that the County may sell in the future, generating revenues for the Agricultural Land Preservation Fund. The County can use unexpended appropriations for this project to pay its share (40 percent) of the cost of easements purchased by the State. Since FY99, the County has received State RLP grant funds to purchase easements for the State through the County. The State allows County reimbursement of three percent for direct administrative costs such as appraisals, title searches, surveys, and legal fees. Easement acquisition opportunities will be considered on a case-by-case approach while alternative funding sources are identified.

FISCAL NOTE

Land costs are for the purchasing of easements. An FY20 supplemental appropriation was approved to recognize the availability of additional FY19 Agricultural Transfer Tax revenue (\$744,000) and an FY20 Rural Legacy State grant (\$2,705,000). The Office of Agriculture was able to settle easements from the Rural Legacy State grant received in FY21, of which, \$2,497,047.65 has been spent. An FY22 supplemental was approved to recognize contributions from Maryland National Capital Park and Planning Commission for the acquisition of a farm encumbered by a County Agricultural Preservation easement (\$953,000), as well as a Rural Legacy Program grant (State Aide) for the amount of \$2,722,761.

DISCLOSURES



Expenditures will continue indefinitely. The County Executive asserts that this project conforms to the requirement of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.

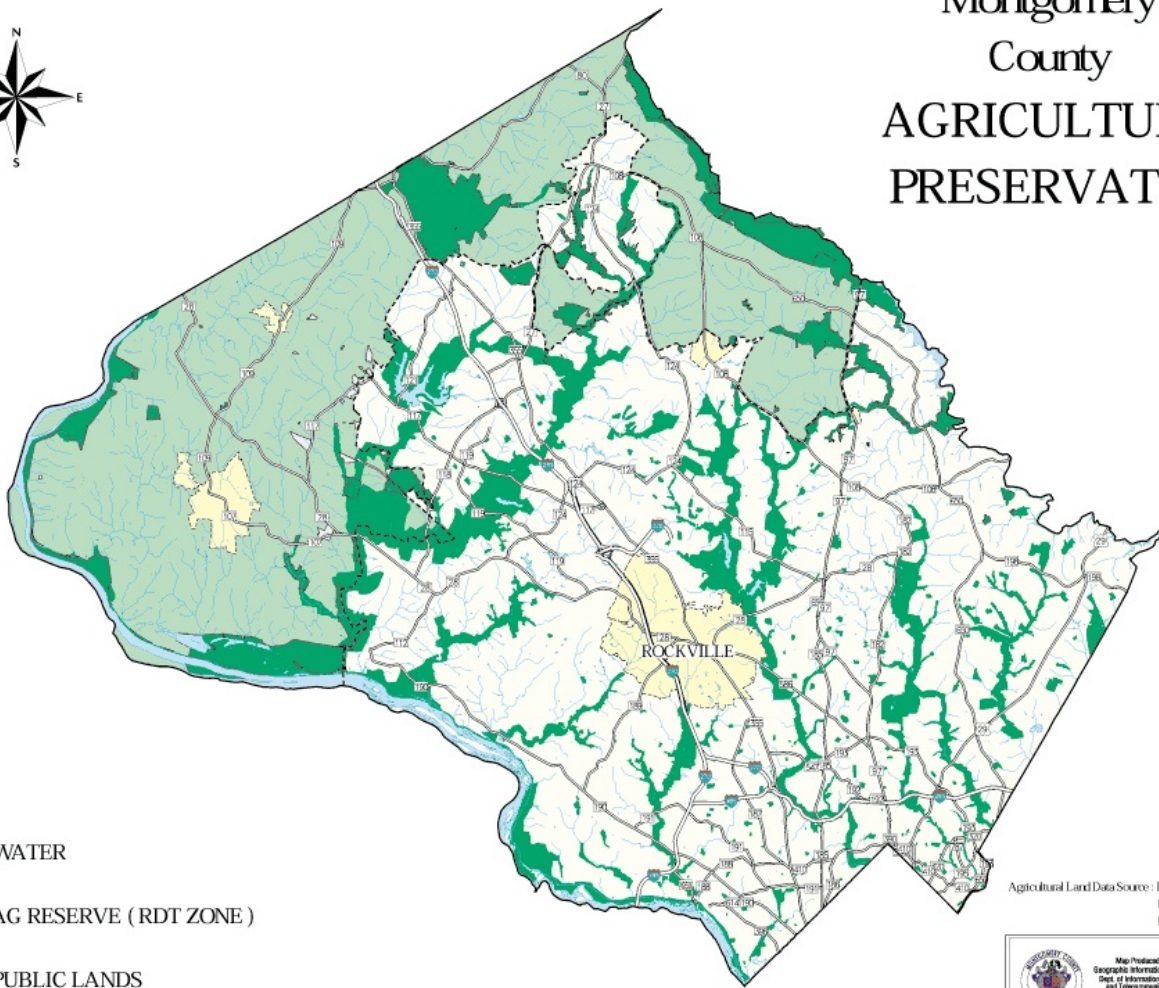
COORDINATION

Montgomery County Office of Agriculture, State of Maryland Agricultural Land Preservation Foundation, State of Maryland Department of Natural Resources, Maryland-National Capital Park and Planning Commission, and Landowners.

Montgomery County AGRICULTURAL PRESERVATION



-  WATER
-  AG RESERVE (RDT ZONE)
-  PUBLIC LANDS



Agricultural Land Data Source : DED Agricultural Services
MNCP& PC
MD Office of Planning

