

# Ag Land Pres Easements (P788911)

Category Conservation of Natural Resources  
 Sub Category Ag Land Preservation  
 Administering Agency Economic Development (AAGE06)  
 Planning Area Countywide

Date Last Modified 12/14/16  
 Required Adequate Public Facility No  
 Relocation Impact None  
 Status Ongoing

Total	Thru FY16	Rem FY16	Total 6 Years	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22	Beyond 6 Yrs
-------	-----------	----------	---------------	-------	-------	-------	-------	-------	-------	--------------

### EXPENDITURE SCHEDULE (\$000s)

Planning, Design and Supervision	2,821	583	58	2,180	350	360	360	360	370	380	0
Land	7,206	4,744	34	2,428	1,758	134	134	134	134	134	0
Site Improvements and Utilities	0	0	0	0	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Other	32	32	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>10,059</b>	<b>5,359</b>	<b>92</b>	<b>4,608</b>	<b>2,108</b>	<b>494</b>	<b>494</b>	<b>494</b>	<b>504</b>	<b>514</b>	<b>0</b>

### FUNDING SCHEDULE (\$000s)

Agricultural Transfer Tax	1,651	231	14	1,406	736	134	134	134	134	134	0
Contributions	1,668	1,000	10	658	510	10	10	10	10	108	0
Federal Aid	522	0	0	522	522	0	0	0	0	0	0
G.O. Bonds	308	308	0	0	0	0	0	0	0	0	0
Investment Income	802	0	0	802	0	70	200	200	210	122	0
M-NCPPC Contributions	4,423	3,471	52	900	150	150	150	150	150	150	0
State Aid	685	349	16	320	190	130	0	0	0	0	0
<b>Total</b>	<b>10,059</b>	<b>5,359</b>	<b>92</b>	<b>4,608</b>	<b>2,108</b>	<b>494</b>	<b>494</b>	<b>494</b>	<b>504</b>	<b>514</b>	<b>0</b>

### APPROPRIATION AND EXPENDITURE DATA (000s)

Appropriation Request	FY 18	494
Supplemental Appropriation Request		0
Transfer		0
Cumulative Appropriation		7,036
Expenditure / Encumbrances		5,383
Unencumbered Balance		1,542

Date First Appropriation	FY 89	
First Cost Estimate		
Current Scope	FY 17	10,059
Last FY's Cost Estimate		9,425

## 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, MNCPPC Contributions, Developer Contributions, and G.O. Bonds to purchase the development rights and the corresponding TDRs retained on these properties.

## Cost Change

Change in expenditures and funding schedule for FY17 to reflect higher than projected Agricultural Transfer Tax collection (\$112,000) and to reinstate \$522,000 in Federal Aid funding that was erroneously eliminated from the project.

## Justification

Annotated Code of Maryland 2-501 to 2-515, Maryland Agricultural Land Preservation Foundation; Annotated Code of Maryland 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

## Ag Land Pres Easements (P788911)

FY17 estimated Planning, Design and Supervision expenditures are \$316,000. The amount includes funding for 1.0 FTE Sr. Business Development Specialist; 1.5 FTE Principal Administrative Aides; \$20,000 - Deer Donation Program; \$10,000 - Montgomery Weed Control Program; and \$50,000 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, private 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 new 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. Given changes to the Federal Program, new Federal Aid funds are no longer programmed in this project. The traditional funding sources for this project are no longer sustainable. Easement acquisition opportunities will be considered on a case-by-case approach while alternative funding sources are identified.

### **Fiscal Note**

Expenditures do not reflect additional authorized payments made from the Agricultural Land Preservation Fund balance to increase financial incentives for landowners. FY17 supplemental of \$634,000 will be requested: \$112,000 in Agricultural Transfer Tax and \$522,000 reinstated in Federal Aid funding that was erroneously eliminated from the project.

### **Disclosures**

Expenditures will continue indefinitely.

The Executive asserts that this project conforms to the requirements 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.