

FREDERICK COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM

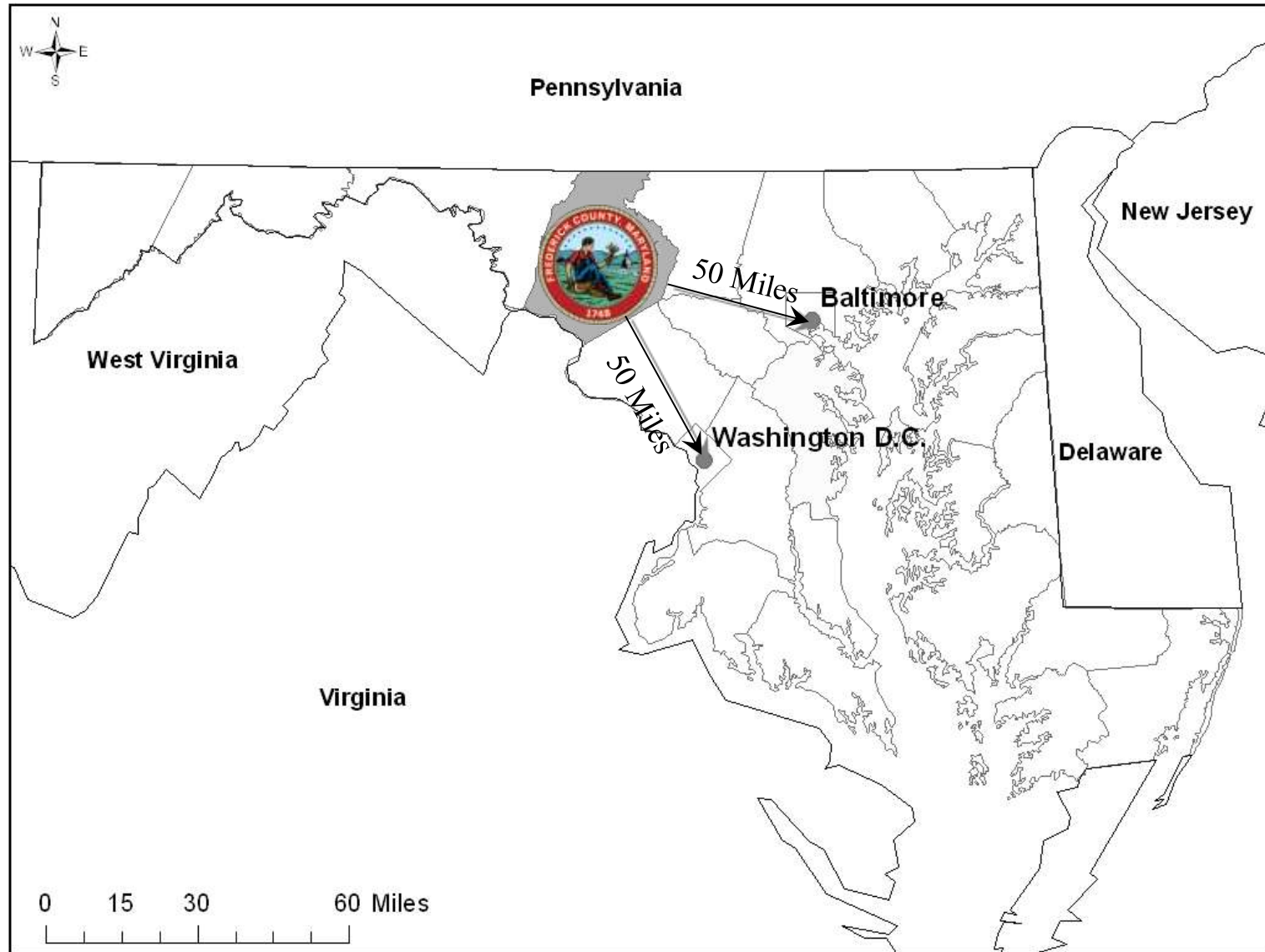
ANNE BRADLEY

**AGRICULTURAL LIAISON- BUSINESS DEVELOPMENT & RETENTION
LAND PRESERVATION ADMINISTRATOR- PLANNING**

FREDERICK COUNTY COMMUNITY DEVELOPMENT DIVISION

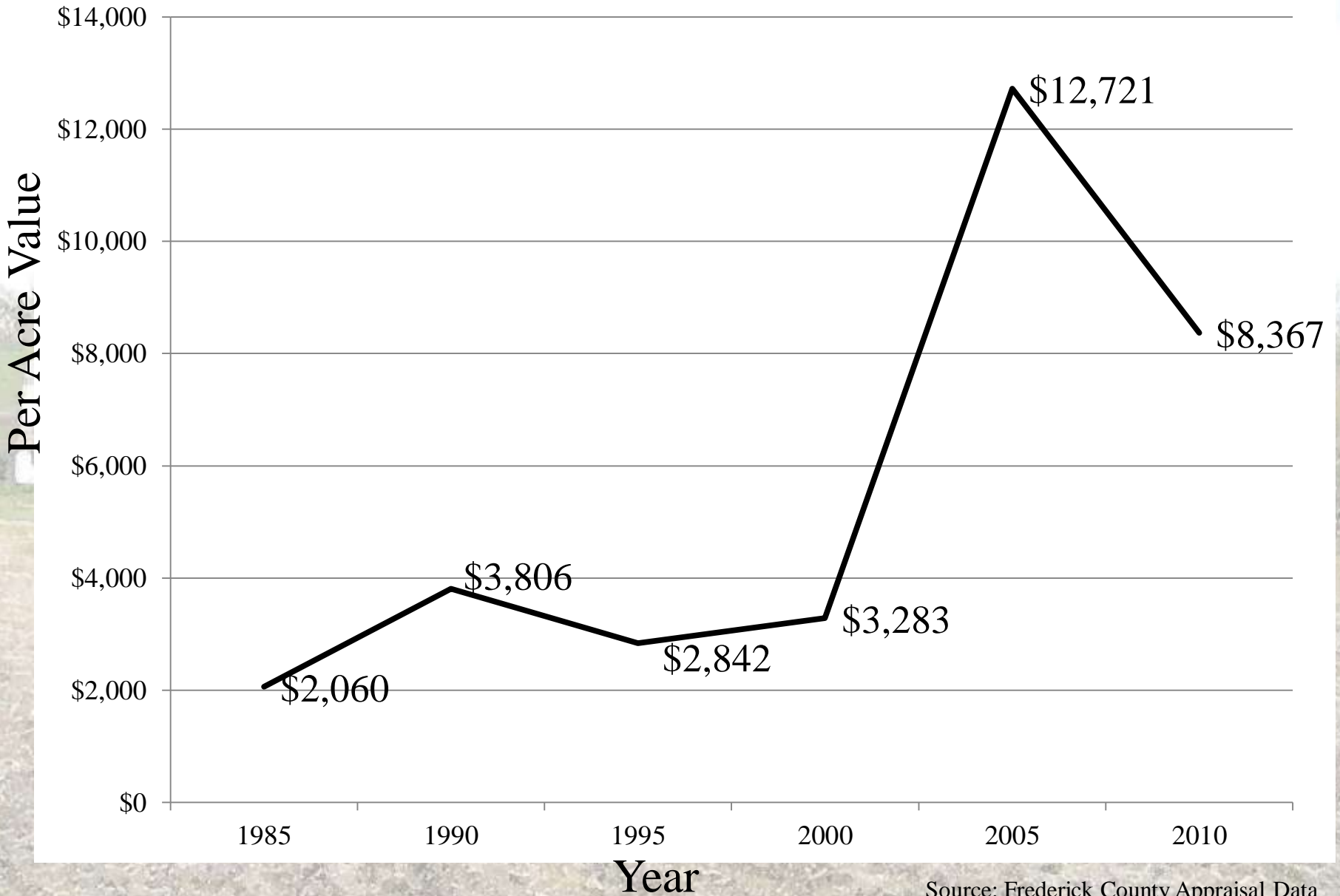


FREDERICK COUNTY, MARYLAND



Farmland Values (Land Only)

— Average per acre Fair Market Value



Source: Frederick County Appraisal Data

Nation's Top 12 Locally Operated Farmland Preservation Programs, 2011

Rank	County	Total Preserved Acres	Ag Program Acres ¹	Ag Program Gain	Last Year's Gain	Other Program Ag Acres ²	Local Funding Available (millions) ³	Market Value of Ag Products ⁴ (millions)	Land in Farms ⁵ (acres)	Percent land in farms preserved
1	Lancaster (PA)	90,280	69,107	3,850	2,368	21,173	4.25	1.07 billion	425,336	20.1
2	Montgomery (MD)	71,865	64,904	243	153	6,961	4	33.1	67,613	100
3	Berks (PA)	69,227	63,709	1,929	2,172	5,518	1.08	367.8	222,119	30.2
4	Carroll (MD)	61,807	55,530	1,875	4,178	5,744	11	87.4	141,934	41.5
5	Chester (PA)	60,493	28,917	1,732	1,367	31,576	3	553.2	166,891	35.1
6	Baltimore (MD)	54,620	26,880	189	2,464	27,740	2	68.4	78,282	69.3
7	Burlington (NJ)	52,287	29,168	758	574	23,118	10	86.3	85,790	60.0
8	Marin (CA)	46,640	44,182	2,290	375	2,458	4.20	57.8	133,275	33.2
9	York (PA)	46,187	37,908	254	714	8,279	0.10	212.6	292,507	15.5
10	Frederick (MD)	45,869	37,958	1,285	650	7,911	3	127	202,087	21.6
11	Harford (MD)	45,404	40,442	175	82	4,962	4	42.8	75,166	59.7
12	Sonoma (CA)	43,128	41,119	n/a	887	2,009	6	647.5	530,895	6.8
TOTALS:		687,807	539,824	14,580	15,984	147,449	52.63	3.2 billion	2,421,895	

Frederick County Agricultural Land Preservation Program

Frederick
County
Critical Farms
Program

Frederick
County
Installment
Purchase
Program
(IPP)

Maryland
Agricultural
Land
Preservation
Program
(MALPF)

Rural
Legacy

Other

Maryland
Environmental
Trust (MET)

ISTEA

FFP
Federal
Farmland
Protection

County-
Held

CREP

TYLER NOWELL- FARMER



- 28 years old
- Born in Frederick County and raised on a dairy farm.
- Called Ag Pres office in 2013 and wanted to explore purchasing his first farm.

FREDERICK COUNTY CRITICAL FARMS PROGRAM

- Adopted locally in 1994
- Program provides up-front funding to full-time farmers to purchase farmland.

FREDERICK COUNTY CRITICAL FARMS PROGRAM

- Goals:
 - Protect agricultural properties from subdivision or other development
 - Preserve the Family Farm
 - Transition farmland to Full-time Farmers

CRITICAL FARMS PROGRAM – *DO I QUALIFY TO APPLY?*

Criterion (Land):

- **Minimum of 50 acres unless adjoins another permanent easement property.**
- **Soil quality for agriculture**
- **Open contract of sale or ownership of land for less than 6 months**
- **Development potential (subdivision rights)**

CRITICAL FARMS PROGRAM-

DO I QUALIFY TO APPLY?

Criterion (Applicant)

- Full-time Farmer - earn a majority of income from farming during past 3 years.

Tyler has been
a full time
farmer since
2010.

Meets Applicant Criterion



CRITICAL FARMS PROGRAM-

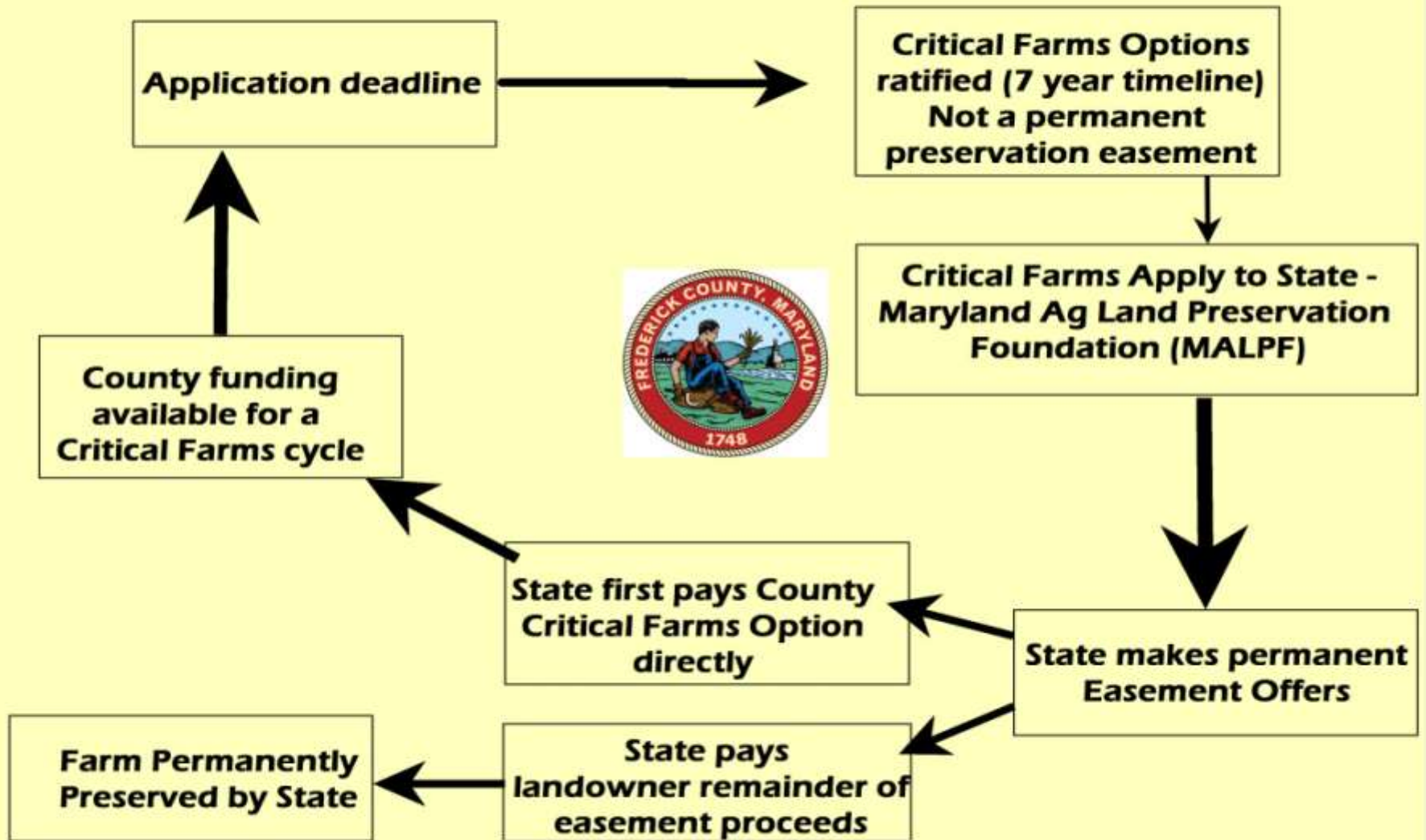
HOW DOES IT WORK?

- 1. Applications collected by County and assigned rank**
- 2. Boards recommend which applications to appraise (based on funding available)**
- 3. Appraisals are contracted by the County to determine Critical Farms Option Value**
- 4. Applicants given appraisals and asked to submit a bid for Option Value**
- 5. Boards review bids to make offers (preference can be given to those submitting a discounted bid)**
- 6. Offers Made- 30 days to accept or reject**
- 7. If accepted, settlement scheduled**

CRITICAL FARMS OPTION AGREEMENT

- Legal document recorded at settlement (temporary preservation agreement)
- Option agreement requires landowner to apply to other permanent land preservation programs (Maryland Agricultural Land Preservation Foundation -MALPF) for 7 years
- When landowner receives offer from MALPF, first pays back Option value to County
- MALPF Easement recorded (permanent preservation)

Critical Farms Program Process



TYLER ENTERED CONTRACT AND APPLIED TO CRITICAL FARMS

- **Critical Farms deadline - August 16, 2013**
- **County received 7 applications on 860 acres**
- **Funding- the County had about \$2.1 Million available for offers**
- **County review/Approval**
- **Appraisals Ordered on all 7 applications**
- **Bids Accepted**
- **Offers on all 7 applications**

BK 09975 PG 0515

NO TAX PAYMENT REQUIRED

Recorder of
Frederick County, Maryland

Date 3/10/14

OPTION TO PURCHASE AGRICULTURAL LAND PRESERVATION EASEMENT

WHEREAS, the Board of County Commissioners of Frederick County, Maryland ("County"), adopted the Local Program For the Preservation of Critical Agricultural Land, Frederick County Code, §1-13-34 effective April 5, 1994 and as Amended effective February 1, 2002 (hereinafter referred to as "Program");

OFFICE USE	4
RECORDING FEE	7
TOTAL	11
REST FUND	Ret \$ 64
STAMP	Stk \$ 68
TOTAL	\$ 132

WHEREAS, this Ordinance provides that an applicant for the Program may sell to the County an Option to Purchase (hereinafter referred to as "Option") an agricultural land preservation easement, prohibiting any development of the property (hereinafter referred to as "easement), while at the same time attempting to establish an agricultural preservation district on the property and convey this easement to the State Agricultural Land Preservation Foundation (hereinafter referred to as "Foundation") or other Governmental Land Preservation Programs as approved by the Board of County Commissioners, pursuant to the provisions of the Annotated Code of Maryland, Agricultural Article, Section 2-501 and following, as amended; and

WHEREAS, under the Program, the Option is to be purchased from the applicant for no more than seventy-five percent (75%) of the agreed upon value of the development rights (agricultural land preservation) easement. The Option is intended to remain in effect for a term of seven (7) years unless sooner terminated by the Seller in accordance herewith. If the Foundation or other Governmental Land Preservation Program purchases the easement during the term of the Option and the amount received by the applicant as payment for the Option is returned to the County, along with the notice required pursuant hereto, this Option



CRITICAL FARMS PROGRAM- *HOW LONG DOES IT TAKE?*

- 6 months under perfect conditions
- Need for flexible contract of sale
- Tyler applied August 16, 2013 and settled on the farm February 19, 2014.

VALUE INFORMATION

- The Critical Farms Option Value is a maximum of 51% of Fair Market Value (Land Only) based on 2 appraisals.
- Boards will also be reviewing the Contract Purchase Price

EXAMPLE:

Contract Purchase Price:	\$1,250,000
Appraised Fair Market Value (land only)	\$1,000,000
Max.Critical Farms Option Value:	\$510,000
Applicant's Discounted Bid/Offer:	\$475,000
Max. State Easement Offer:	\$750,000

OPTION AGREEMENT

If after Seven years no offer is obtained from MALPF the landowner has two choices:

1.) Pay back the Option Value to the County plus interest and all restrictions are removed from the property.

OR

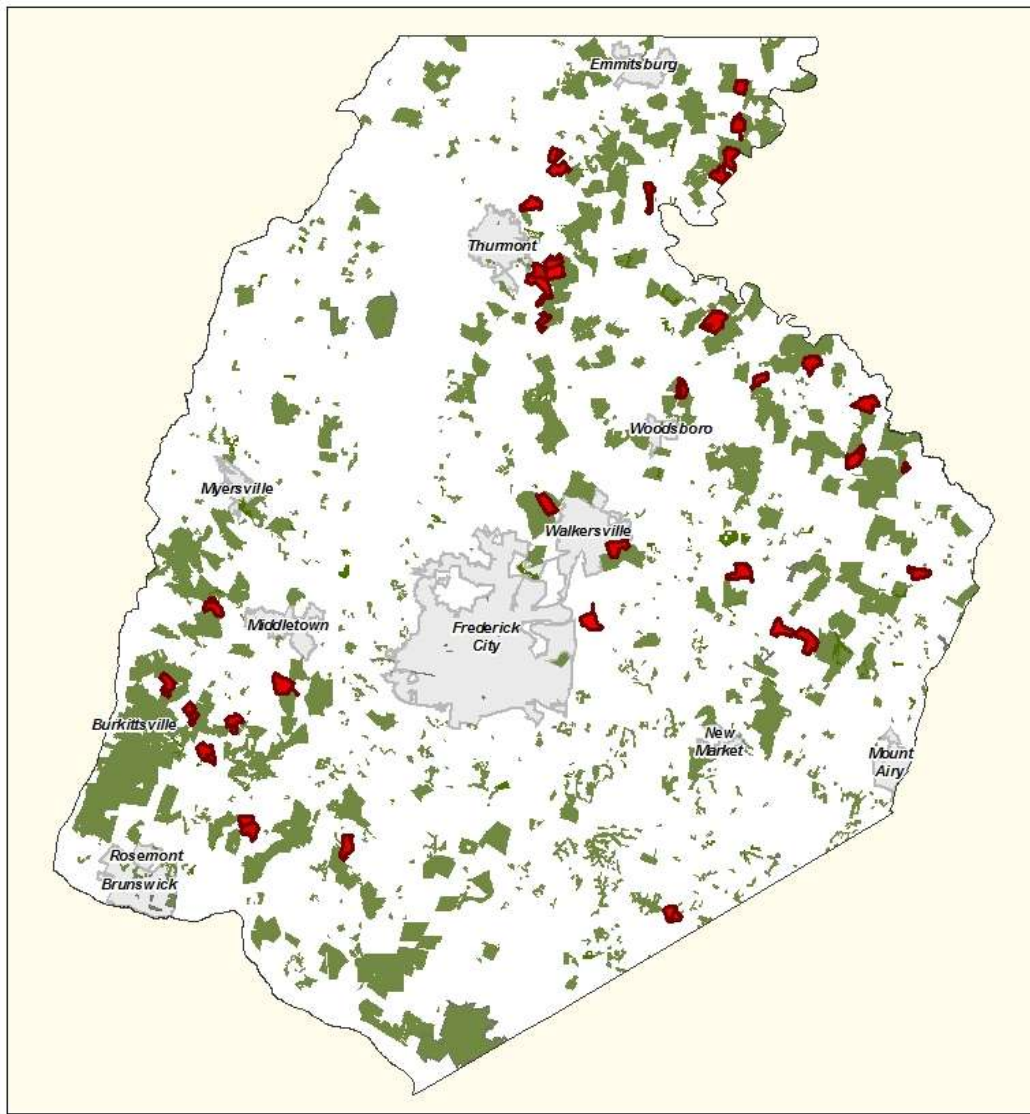
2.) Allow the County to record a permanent Easement with no further payment.

CRITICAL FARMS PROGRAM- ACCOMPLISHMENTS

- **Completed 37 transactions to assist Full-time Farmers in acquiring farms**
- **Over 3,700 acres transitioned into permanent program and 1,049 acres in options today**
- **Revolving loan fund replenished as Option properties transition into permanent easements**

PROGRAM ACCOMPLISHMENTS

- **Exceeded 50,000 acres preserved in 2014**
- **Short Term Goal of 100,000 acres protected**
- **Long Term Goal of 200,000 acres**
- **\$9 Million Annual Budget for Ag Land Preservation in Frederick County (FY-2015)**



■ Critical Farms Property
■ Land Preservation Easement
Frederick County, Maryland



October 15, 2014
 Frederick County GIS



Projection: NAD 1983 State Plane Maryland FIPS 1600 Feet
 While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or portions inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis.

THANK YOU FOR YOUR TIME!

Anne Bradley

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