AGRICULTURAL LAND PRESERVATION

Overview

Development has expanded the urban and suburbanized areas in Maryland and throughout the nation, therefore many land preservation efforts revolve around farmland. Often, this increase in developed areas is at the expense of once productive farmland. To preserve the rural landscape and the agricultural industry, the State of Maryland and Wicomico County (County) have developed and implemented programs designed to promote the sustainability of conserving farmland. The following chapter presents State and County programs, as well as discusses the effectiveness of these preservation programs.

Land preservation is a priority for public and private organizations and all levels of government. Programs at the federal, state, and county levels offer methods, such as conservation easements, and tax incentives, to entice property owners to consider preservation as a viable alternative to development. Land trusts and conservancies also offer incentives for land preservation.

Chapter 5 of the 2027 *Land Pres and Park Plan* (2027 LPPRP or 2027 Plan) identifies and compares the goals of the State and County programs and evaluates the effectiveness of the agricultural preservation efforts in the County.

Background and Goals

Agriculture is the major industry in the County; therefore, emphasis on preservation of farmland is an integral component to the concept of sustainability. According to the 2022 Census of Agriculture, 384 farms encompassing 69,906-acres (or 28.9% of the total land area) are located in the County. From 1978 to 2022, the market value of agricultural products produced in the County increased by roughly $288 million or 267% from $108 million to $397 million, respectively (Table 5.1).

Urbanization, suburbanization, and land development for renewable energy development collectively have caused a decline in the supply of agricultural land within Wicomico County. From 1978 to 2022, the total acreage of farmland decreased by 37,196-acres or 34%. During the same time frame, the number of farms declined from 920 to 384, which represents a decrease of 536 farms or 58%. In contrast, the average farm size increased from 116-acres in 1978 to 182-acres in 2022, which is an increase of 66-acres per farm or 56%.

The 1998 Comprehensive Plan recommended the Agricultural-Rural (A-1) Zoning District be revised to eliminate incompatible uses, as well as reduce the residential development density. In June 1998, the County Zoning Code was revised to permit a base density of one equivalent

DRAFT - 2027 LPPRP

dwelling unit (EDU) per 15-acres or under a cluster provision, a density of one EDU per three acres. Both types of residential subdivision require a minimum of at least 50% of the parcel to be set aside for preserving open space. Prior to the County Zoning Code amendment to the A-1 Zoning District, residential development density was one equivalent dwelling unit per 20,000 square feet subject to meeting the Wicomico County Health Department regulations for septic systems. As part of the 2004 amendments to the County Zoning Code, incompatible non-agriculture related commercial and industrial uses were removed from the permitted uses of the A-1 Zoning District.

Table 5.1
Wicomico County Agricultural Characteristics, 1978-2022

											Change, 1978-2022	
	1978	**1982**	**1987**	**1992**	**1997**	**2002**	**2007**	**2012**	**2017**	**2022**	**Number**	**Percent**
Number of farms	920	842	774	684	624	512	508	510	494	384	-536	-58%
Acres of farmland	107,102	111,109	95,542	91,254	92,057	88,470	92,852	83,739	88,559	69,906	-37,196	-34%
Avg. farm size (ac.)	116	132	123	133	148	173	183	164	179	182	66	56%
Market value of products ($000)	$108,125	$121,512	$134,061	$164,101	$205,514	$174,594	$197,828	$236,321	$303,984	$396,840	$288,715	267%
Average market value of produ	$117,527	$144,318	$173,205	$240,763	$329,350	$341,003	$389,426	$463,375	$615,352	$1,033,437	$915,910	779%

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cts per farm (dollars)												

[Source: United States of Agriculture, 2022 Census of Agriculture[

The County recognized another crucial component to preserving farmland was to provide flexibility for agricultural related uses permitted in the A-1 Zoning District in an effort to maintain and / or increase a farmer's income potential. In addition, the County adopted a Transfer of Development Rights (TDR) program in 2004 for the purpose of protecting farmland by permitting the transfer of development potential from a location in the A-1 Zoning District to one in a receiving district ideally located in an area where growth is encouraged.

The County also created the Quantico Creek Rural Legacy Area as a primary agricultural preservation area. Since the inception of this Rural Legacy Area in 2000, 14 easements totaling 4,725-acres have been preserved in perpetuity using Rural Legacy funding from the State's Program Open Space, as well as other funding sources. In 2017, the Quantico Creek Rural Legacy Area was expanded by 21,131-acres to include lands along Rewastico Creek and over the Paleochannel. In recent years, the Lower Shore Land Trust (LSLT) has provided public outreach and contract assistance within the Rural Legacy Area. This public-private partnership has aided preservation efforts and provided landowners a conservation management resource.

The need to preserve the Quantico Creek Rural Legacy Area was for the following reasons:

- Large tracts being farmed;
- The lack of large-scale development;
- Soils well-suited for agriculture; and
- Several properties participating in the County or State agricultural preservation program.

The Wicomico County 2017 Comprehensive Plan (2017 Comprehensive Plan) contains recommendations for local actions to preserve agricultural land and encourage local participation in State programs, as well.

Statewide, the Maryland General Assembly passed a resolution in 2002, and amended in 2021, that established a statewide goal of preserving 1,030,000-acres of productive farmland by 2030, roughly the amount of land necessary to "support a reasonable diversity of agricultural production" throughout the State. According to the Maryland Department of Planning, approximately 435,510-acres or 42% of the goal has been permanently preserved in the State (108,860 Rural Legacy and 326,650 Maryland Agricultural Land Preservation Foundation). Therefore, an additional 594,490-acres or 58% of the goal will need to be preserved in the next

DRAFT - 2027 LPPRP

four years to achieve the state-wide goal through a variety of preservation programs. The State goals for agricultural land preservation are as follows:

- Permanently preserve agricultural land capable of supporting a reasonable diversity of agricultural production.
- Protect natural, forestry, and historic resources and the rural character of the landscape associated with Maryland's farmland.
- To the greatest degree possible, concentrate preserved land in large, relatively contiguous blocks to effectively support long-term protection of resources and resource-based industries.
- Limit the intrusion of development and its impacts on rural resources and resource-based industries.
- Preserve approximately 1,030,000-acres of productive agricultural land by 2030.
- Ensure good return on public investment by concentrating State agricultural land preservation funds in areas where the investment is reasonably well supported by both local investment and land use management programs.
- Work with local governments to:
    - Establish preservation areas, goals, and strategies through local comprehensive planning processes that address and complement State goals.
    - In each area designated for preservation, develop a shared understanding of goals and the strategy to achieve them among rural landowners, the public-at-large, and State and local government officials.
    - Protect the equity interests of rural landowners in preservation areas by ensuring sufficient public commitment and investment in preservation through easement acquisition and incentive programs.
    - Use local land use management authority effectively to protect public investment in preservation by managing development in rural preservation areas.
    - Establish effective measures to support profitable agriculture, including assistance in production, marketing, and the practice of stewardship, so that farming remains a desirable way of life for both the farmer and the public-at-large.

At the local level, agricultural land preservation activities in the County are based on three critical elements:

- Public commitment to investment in land preservation indicated by the local legislation and the availability of State and local funding to support the County's Agricultural Land Preservation Program to purchase easements;

DRAFT - 2027 LPPRP

- Supportive local plans, zoning, regulations, and procedures, such as the *2017 Comprehensive Plan*, Wicomico County Zoning Code, *Wicomico County Comprehensive Water and Sewerage Plan*, and agricultural preservation initiatives; and,
- Community support for the preservation strategy, indicated by a property owner's voluntary willingness to sell development rights consistent with the requirements and intent of the County's Transfer of Development Rights Program.

The 2017 *Comprehensive Plan* contains goals, objectives, and policies pertaining to many topics pertinent to County planning. The Plan begins with three major goals that apply generally to the entire County:[1]

- Concentrate intense development and infrastructure in designated growth areas with existing or planned services;
- Preserve and protect environmentally sensitive and rural lands and resources; and,
- Cooperatively work with the eight municipalities and rural villages to ensure a sustainable and high quality of life in communities and rural areas.

Also, the Plan contains the following implementation strategies specifically for the areas targeted for agricultural preservation, termed Agricultural/Resource

- Continue on-going efforts by the County to effectively stabilize the agricultural land base and to support working farms;
- Maintain the land base necessary to support the agricultural industry, preserve rural character, and protect natural resources by conserving land and encouraging growth to locate within designated growth areas, while providing opportunities for appropriate-scale growth in the Agriculture Resource areas of the County; and,
- Prioritize preservation efforts in areas adjacent to County designated growth areas, as well as protected areas, to better define a transition/buffer between Agriculture Resource and designated growth areas.

Goals, objectives, and policies of the Wicomico County agricultural preservation effort are consistent with applicable State goals. Both sets of guidance focus on preserving land, protecting resources, delineating priority preservation areas for the purpose of purchasing easements, and minimizing the impacts of residential uses on agricultural uses. The County guidance is necessarily more precise and deals with specific programs and tools. State goals are more general and frame the primary roles of the State as guidance, policy directives, and assistance. grams and

DRAFT - 2027 LPPRP

tools. State goals are more general and frame the primary roles of the State as guidance, policy directives, and assistance.

Contrary to State goals, the 2017 Comprehensive Plan goals do not include a numerical target for preserved acreage. However, in subsequent applications to the State after the adoption of the 2017 Comprehensive Plan, the County established the following two objectives:

- Preserve 1,000-acres of farmland within five (5) years (200-acres per year); and,
- Preserve 3,000-acres of farmland within fifteen (15) years (200-acres per year).

These two measurable objectives pertain only to the County's local agricultural preservation program. As a result of the economic downturn and a decrease in funding from the agricultural transfer tax, the ability to meet the preservation objectives is challenging. Agricultural land in the County is preserved through other means including but not limited to the Maryland Agricultural Land Preservation Foundation (MALPF), Rural Legacy Program, and through the County's Subdivision and Zoning Code provisions. In addition to the preservation objectives of the County's Agricultural Preservation Program, the following objective represents the County's Rural Legacy Area preservation:

- Preserve 6,000-acres in the Quantico Creek Rural Legacy Area within ten years (600-acres per year).

Based on the measurable and identified objectives for the County's local agricultural land preservation program and the Rural Legacy Program, the County is attempting to preserve 800-acres of undeveloped land and productive farmland annually. Establishing an objective for the amount of land to be preserved through the County's zoning and subdivision codes, (and more specifically the cluster regulations for residential development in the A-1 Zoning District) is more challenging and lacks certainty since the effectiveness of the codes depends on the size and number of subdivision requests received, which is difficult to predict.

The state does not allocate the goal for the statewide farmland preservation program by county. However, using the state goal of preserving 66,054-acres annually to meet the objective of preserving 1,030,000-acres statewide by 2030, and based on the County's percentage of the State's land area (3.9%), and assuming further the County would preserve a similar proportion of land, then the County would meet a proportional share of the State objective if 2,720-acres were preserved annually by 2030.

In an effort to meet the Statewide objective, the County will need to preserve 302-acres annually utilizing funding from the following four programs/mechanisms:

- MALPF;

DRAFT - 2027 LPRP

- Rural Legacy;
- Wicomico County's Agricultural Preservation Program; and,
- Wicomico County's development regulations.

Using an estimate of $3,750 per acre, based on the cost of purchasing easements in the County through local and State programs over the past six years, meeting the County goal of preserving an average of 800-acres per year (County preservation and Quantico Creek Rural Legacy Area goals) would cost an average of more than $2.6 million per year. As a result of declining program funding, the land preservation goal for the County should be studied in more detail.

Current Implementation Program

Wicomico County uses many tools to preserve agricultural land, as discussed above. Combined, the programs preserve land throughout the rural areas of the County (Table 5.2 and Map 5.1). The following section describes the various elements of the County's agricultural land preservation effort.

The Wicomico County Zoning Code identifies most land outside of the County's Growth Areas are contained within the Agricultural-Rural (A-1) Zoning District. Also, the areas immediately adjacent to municipalities or rural villages are County designated growth areas, which are zoned Town Transition or Village Conservation, respectively. The Comprehensive Plan and supporting implementation ordinances direct and encourage new development into these designated growth areas. Code provisions for the A-1 Zoning District support the creation of agricultural districts and the preservation of farmland through purchase of development rights.

In evaluating applications for agricultural districts, the County gives preference to parcels adjacent to a current agricultural district to create large areas of preserved farmland or forests. As part of the 2017 Comprehensive Plan, the entirety of the A-1 Zoning District was designated as the Priority Preservation Area (PPA). Therefore, the PPA consists of approximately 185,000-acres (Map 5.2).

Easement Acquisition Mechanisms

Four preservation programs are currently used to acquire conservation easements in the County:

- Wicomico County Agricultural Preservation Program;
- MALPF – State program;
- Maryland Environmental Trust (MET) – State program; and,
- Rural Legacy – State program.

DRAFT - 2027 LPRP

In addition, the Lower Shore Land Trust (LSLT) is a private, non-profit organization dedicated to land preservation in the Lower Shore counties of Somerset, Wicomico, and Worcester. LSLT provides advice on land preservation techniques and helps interested landowners apply for conservation easements.

Wicomico County Agricultural Land Preservation Program

The County's Agricultural Land Preservation Program (County Program) preserves farmland in two ways:

- *Agricultural Districts* – The County's agricultural district program was established concurrently with the easement program in 1999. To participate in the district program, a farm must:

    - Minimum 50-acres in size;
    - Have at least 50% of the land in prime agricultural soils (Class I, II, and III) or woodlands (Group I and II); and,
    - Be located in the A-1 Zoning District.

    Property owners placing land in the district program receive a 50% credit toward the County portion of annual real estate taxes on the property for up to ten (10) years. Currently, there are 21 agricultural districts encompassing approximately 2,953-acres in the County.

- *Agricultural Easements* – In 1999, the adopted an easement purchase program to promote farmers to sell the development rights on farms established as agricultural districts, as described above. The Program is an alternative for farmers who prefer working with local program administrators rather than State administration. County funds for the program come from the State agricultural transfer tax, which is collected when farmland is sold and converted to another land use. If the County had a State-certified local program, the County would be able to retain 75% of the tax collected, instead of only 33% because the County does not have a local program. To obtain certification from MALPF, the State requires a county to include a Priority Preservation Area Element in their Comprehensive Plan, which the 2017 *Wicomico County Comprehensive Plan* has met the requirement.

    Interested farm owners submit an application to the County, and the applications are ranked on seven factors:

    - Soil capability;
    - Size;

DRAFT - 2027 LPPRP

- Contiguity to other agricultural districts;
- Agricultural use;
- Consistency with the County Comprehensive Plan;
- Owner-operation; and,
- Rural Legacy Area designation.

The first easements acquired under the County program were settled in 2004. The easements affected three properties and totaled 286.13-acres with a value of $434,200, or about $1,520 per acre. Additional easements were purchased in 2006, 2007, and 2008 totaling approximately 497-acres at a cost of $2,074,326, or an average cost of $4,174 per acre. Although participation in the County program is entirely voluntary on the part of landowners, the County has adopted a goal of preserving an average of 200-acres per year. The cost of achieving the goal depends on many factors, including the criteria listed above, property location, and market forces, but a conservative estimate to achieve the goal is $650,000 annually, based on preserving 200-acres annually with an easement value of $3,250 per acre. Since the inception of the program, the County has acquired 7 easements totaling 782.8-acres of land.

The County provided initial funding for the program through the sale of $400,000 in General Obligation bonds in 1997. The initial funding has been exhausted, and with the adoption of the revenue cap in 2000 the sale of bonds will probably not be utilized for future funding.

Funding for the program is currently dependent on the amount of agricultural transfer tax received by the County. During the last six fiscal years (FY 2022 – FY 2026), the County has retained an average of approximately $18,000 annually to be used for agricultural preservation efforts. The funding retained annually by the agricultural transfer tax can preserve roughly 5-acres per year. Therefore, since the estimate above cites $650,000 annually to meet the goal, the proceeds of the agricultural transfer tax are not sufficient to meet the goal of preserving 200-acres annually under the County program. As a result of decreased funding levels from the agricultural transfer tax, alternative sources of funding should be explored to ensure the County's annual preservation goal is achieved.

Maryland Agricultural Land Preservation Program

The Maryland Agricultural Land Preservation Foundation (MALPF) was established in 1978 to provide funds as an incentive to preserve private farmland. Individual farmers sell an easement to MALPF, which restricts further development of the property. The Governor and General Assembly allocate MALPF funds from the state transfer tax and agricultural transfer tax revenues. MALPF allocations are divided into two parts. The first part of the allocation consists of 50% of all available MALPF funds and is divided evenly among the 23 counties. The second part of the allocation consists of the remaining 50% of total available funds, which is used to match County

DRAFT - 2027 LPRP

funds. State MALPF funds from the matching allocation can be used for up to 60% of total project cost, with a maximum of $1 million. Any funds unencumbered from the allocation procedures are used on a statewide basis according to the ratio of asking price to easement value.

Enrollment applications are submitted to the county program administrator, who forwards the application and recommendations of the local agricultural advisory board to the State. Easement values are established by appraisal, and property owners are encouraged to voluntarily discount the easement value (i.e., accept a lower amount of compensation than the appraisal indicates) in return for potential tax benefits.

Since the inception of the MALPF Program, 9,454-acres have been preserved in perpetuity in the County as of 2026.

Maryland Rural Legacy Program

The State of Maryland established the Rural Legacy Program in 1997 to encourage local governments and private land trusts to identify specific Rural Legacy Areas and competitively apply for funds to complement existing land preservation efforts or to develop new ones. Easements or fee-simple estate purchases are sought from willing landowners to protect areas vulnerable to sprawl development that can weaken an area's natural resources, thereby reducing the economic value of farming, forestry, recreation, and tourism. Rural Legacy Areas help preserve contiguous parcels, including forested and meadow areas, as well as farmlands. The Maryland General Assembly allocates funding annually for the Rural Legacy Program.

In 2000, the Quantico Creek Rural Legacy Area (RLA) was established. At the time of this publication, the Quantico Creek Rural Legacy Area encompasses 35,818-acres or approximately 56-square miles in the western part of the County on both sides of Quantico Creek, which is a tributary of the Nanticoke River (Map 5.1). In 2017, the County expanded the Quantico Creek RLA by 21,131-acres to include lands over the Paleochannel and along Rewastico Creek. The Quantico Creek area is known for its rural character, abundant open lands, cultural significance, natural wildlife habitat, and water quality impact on the Nanticoke River Watershed. Approximately 5,280-acres in the RLA are developed, and an additional 12,680-acres have some level of protection (i.e. Chesapeake Bay Critical Area, tidal wetlands, protective easement, or private protection measures). Wicomico County has identified the remaining 17,678-acres as unprotected and targeted for preservation efforts. The County estimates preserving the stated goal of 6,000-acres within the next ten years, assuming the preservation rate of 600-acres per year in the Rural Legacy Area. The cost to preserve the stated goal of unprotected land is estimated at $19.5 million (6,000 acres at $3,250 per acre) over the next ten years. The entire Quantico Creek Rural Legacy Area is included within the Priority Preservation Area, as well as

DRAFT - 2027 LPPRP

identified on the Growth Tier Map as Tier IV consistent with the mapping expectations outlined in the State's Sustainable Growth and Agricultural Preservation Act of 2012.

From FY 2000 through FY 2025, the County spent about $12.3 million in funding (Rural Legacy, Wicomico Forest Conservation, CREP, County Ag. Preservation program, and U.S. Navy's Readiness and Environmental Protection Integration Program to purchase easements on 5,723.4 acres in the Quantico Creek RLA.

The need to concentrate efforts to preserve large contiguous tracts of land is the best approach to protect our natural resources and preserve our rural quality of life. To assist in targeting and prioritizing land acquisition and easement sites, the Priority Preservation Areas map will serve as a road map to guide future preservation efforts. See Map 5.2. At the time of this publication, the State-wide allocation to the Rural Legacy Program in FY 2025 was $15.3M. Since the inception of this program in 1997, over 130,419 acres of valuable farmland, forest, and natural areas have been preserved across the State.

Maryland Environmental Trust

Land preservation efforts in Maryland began in the 1970s when the Maryland Environmental Trust (MET) was established. MET accepts conservation easement donations from property owners. Donations are strictly voluntary and are utilized by landowners to protect natural resources and preserve scenic open space. The landowner who donates an easement limits the right to develop and subdivide the land, now and in the future, but still remains the owner. Easements are binding on future owners. Therefore, an easement assures that the land will never be used in a way contrary to the current owner's intent. Financial benefits in the form of tax deductions are also associated with easements. Easements often facilitate transferring land to family members without paying large estate taxes. MET may accept conservation easements on farmland as well as environmentally sensitive areas. Since 1987, MET has assembled 13 easements (donated or purchased) encompassing 2,683-acres in the County.

Easement Acquisition Funding

The County dedicates the portion of the revenue retained from the State agricultural transfer tax to the local agricultural preservation program. State certification of the County program would entitle the County to receive 75% of the total amount of the agricultural transfer tax collected in the County. As a result of losing certification, the County receives 33% of the agricultural transfer tax.

DRAFT - 2027 LPPRP

The amount of funding received depends on the number and size of agricultural properties in the A-1 Zoning District being sold and converted to a different land use. Between FY 2006 and FY 2007, the County portion of the agricultural transfer tax was $923,377. Between FY 2011 through FY 2016, the County portion of the agricultural transfer tax was $60,684. From FY 2017 through FY 2021, the agricultural transfer tax for the County was $108,316.85. From FY 2022 through FY 2025, the agricultural transfer tax for the County was $63,084.70. As a result, County preservation efforts have been significantly impacted, and the number of acres preserved each year is declining.

Additional revenue for easement acquisition comes from the State in the MALPF and Rural Legacy programs. MALPF funding for easement purchases is difficult to anticipate by county because the allocation and program is statewide. Funding for the Rural Legacy Program is also statewide and is obtained through a competitive process, with requests for funding submitted annually. To date, the County has received $12.3 million from the Rural Legacy Program to purchase easements.

DRAFT - 2027 LPPRP

Table 5.2
Preserved Land by Program, 1987-2025

Year	Purchased Easements									MET	Total
	MALPF		Wicomico County		Rural Legacy		TOTALS			Acres	Preserved
	Acres	Cost	Acres	Cost	Acres	Cost	Acres	Cost	Cost/Acre	Donated	Acres
1987	394.13	$283,952	0	$0	0	$0	394.13	$283,952	$720.45	0	394.13
1988	306.54	$233,906	0	$0	0	$0	306.54	$233,906	$763.05	0	306.54
1989	159.99	$224,000	0	$0	0	$0	159.99	$224,000	$1,400.09	0	159.99
1990	0	$0	0	$0	0	$0	0	$0	$0.00	25.5	25.5
1991	455.31	$402,391	0	$0	0	$0	455.31	$402,391	$883.77	0	455.31
1992	0	$0	0	$0	0	$0	0	$0	$0.00	0	0
1993	0	$0	0	$0	0	$0	0	$0	$0.00	0	0
1994	754.78	$489,778	0	$0	0	$0	754.78	$489,778	$648.90	525.52	1280.3
1995	359.22	$257,603	0	$0	0	$0	359.22	$257,603	$717.12	0	359.22
1996	214.79	$162,236	0	$0	0	$0	214.79	$162,236	$755.32	0	214.79
1997	330.6	$180,544	0	$0	0	$0	330.6	$180,544	$546.11	0	330.6
1998	225.41	$173,536	0	$0	0	$0	225.41	$173,536	$769.87	18	243.41
1999	119.06	$76,287	0	$0	0	$0	119.06	$76,287	$640.74	93.03	212.09
2000	415.4	$617,585	0	$0	0	$0	415.4	$617,585	$1,486.72	0	415.4
2001	241.84	$178,166	0	$0	0	$0	241.84	$178,166	$736.71	67.5	309.34
2002	602.61	$587,662	0	$0	0	$0	602.61	$587,662	$975.19	687.22	1289.83

DRAFT - 2027 LPRP

2003	503.95	$438,881	0	$0	750.57	$779,666	1254.52	$1,218,547	$971.33	120.19	1374.71
2004	51.35	$102,700	286.1	$434,200	0	$0	337.45	$536,900	$1,591.05	0	337.45
2005	21.36	$65,551	0	$0	0	$0	21.36	$65,551	$3,068.87	163.77	185.13
2006	135.77	$406,474	364	$1,029,680	0	$0	499.77	$1,436,154	$2,873.63	0	499.77
2007	0	$0	67.32	$528,902	177.91	$447,735	245.23	$976,637	$3,982.53	0	245.23
2008	515.45	$1,834,099	64.76	$516,461	135.19	$334,654	715.4	$2,685,214	$3,753.44	0	715.4
2009	206.16	$848,000	0	$0	344.94	$889,177	551.1	$889,177	$1,613.46	75	626.1
2010	253.66	$1,172,895	0	$0	110.62	$334,795	364.28	$1,507,690	$4,138.82	0	364.28
2011	118	$413,000	0	$0	607.14	$1,507,888	725.14	$1,920,888	$2,648.99	0	725.14
2012	123.2	$458,778	0	$0	771.72	$2,208,798	894.92	$2,667,576	$2,980.80	177.42	1072.34
2013	0	$0	0	$0	785.09	$1,450,000	785.09	$1,450,000	$1,846.92	48.27	833.36
2014	429.32	$1,697,315	0	$0	0	$0	429.32	$1,697,315	$3,953.50	0	429.32
2015	0	$0	0	$0	0	$0	0	$0	$0.00	0	0
2016	131.1	$596,250	0	$0	472.96	$1,322,459	604.06	$1,918,709	$3,176.35	527.53	1131.59
2017	0	$0	0	$0	0	$0	0	$0	$0.00	0	0
2018	153	$722,250	0	$0	396.98	$1,050,461	549.98	$1,772,864	$3,223.51	154.06	704.04
2019	63	$185,772	0	$0	0	$0	63	$185,772	$2,948.76	0	63
2020	59	$267,750	0	$0	171.5	$204,485	230.5	$472,235	$2,048.72	0	230.5
2021	149	$609,444	0	$0	602.67	$1,721,358	751.67	$2,330,802	$3,100.83	0	751.67
2022	405.49	$886,725	0	$0	0	$0	405.49	$886,725	$2,186.79	0	405.49

DRAFT - 2027 LPRP

2023	490.18	$1,474,263.50	0	$0	85.82	$251,081	576.00	$1,725,344	$2,995.39	0	576.00
2024	456.97	$1,505,430.30	0	$0	0	$0	456.97	$1,505,430	$3,294.37	0	456.97
2025	608.90	$2,499,809.74	0	$0	310.84	$1,042,616	919.74	$3,542,425	3,851.55	0	919.74
Totals	9454.81	$20,053,005	782.18	$2,509,234	5,723.94	$13,545,353	14785.67	$35,259,601	$2,032.43	2,683.01	17,468.68

[Source: Wicomico Department of Planning, Zoning, and Community Development and the Maryland Agricultural Land Preservation Foundation]

Land Use Management Authority

The County uses a full complement of land use management tools for farmland preservation, including:

- The *Wicomico County Comprehensive Plan* establishes policies related to agricultural preservation;
- The *Wicomico County Zoning Code* includes regulations for the A-1 Zoning District. Recent changes to the code added some home-based business uses that maintain the character of the district and expand opportunities to supplement farmers' income. The code of revisions also deleted a number of uses in the A-1 district that were incompatible with agriculture, such as industrial and non-agricultural commercial uses;
- Clustering provisions, which are available in both the Zoning and Subdivision sections of the Code allows for higher density development in contrast to the density requirement of a non-cluster subdivision, which is one equivalent dwelling unit per 15-acres. Both conventional and cluster types of residential subdivision require a minimum 50% open space set aside of the total acreage of the tract. In addition to the disparity in densities between the two aforementioned types of subdivisions permitted in the A-1 Zoning District, another distinction is how the open space is platted. Conventional subdivisions can include the 50% open space set aside on the deeded lots when there is no interior infrastructure (roads) or on an individual parcel if interior infrastructure exists. In contrast, cluster subdivisions require the open space set aside be deeded as a separate parcel;
- Clustering is allowed in several zoning districts, but clustering in the A-1 zone requires the largest amount of open space: 50% of the tract. Within the A-1 zone, maximum density without clustering is 1 unit per 15-acres, while maximum density with clustering is 1 unit per 3-acres. Prior to 1998, when the code changes were enacted, residential development in the A-1 district could occur at a density of two units per acre. The open space portion

DRAFT - 2027 LPPRP

of the site must be recorded on the plat/deed and, therefore, remain open in perpetuity; and,

- The changes to the zoning code (September 2004) include provisions for transferring development rights (TDR)[2]. Rights can be sent from agricultural districts to either a designated growth area (town, village, or designated areas surrounding cities) at a rate of one dwelling unit in the receiving area for every two (2) acres preserved in the sending area or to another parcel in the A-1 district at a rate of one dwelling unit in the receiving area for every six (6) acres preserved in the sending area. As part of this Plan and the County Comprehensive Plan, it is strongly recommended to evaluate the effectiveness of the existing TDR Program, as well as modifying the allocation rate for A-1 to A-1 transfers at one TDR (deemed to be a buildable lot) per equivalent dwelling unit. Additionally, provisions should be consistent amongst this Plan, County Comprehensive Plan, and County Water and Sewerage Plan for the use of TDR in support of new residential subdivisions located in the unincorporated portion of the County and connected to a public, community, or shared wastewater treatment plant.

Program Evaluation

According to the Maryland Department of Agriculture, productive and profitable farming is the best method of agricultural land preservation. Therefore, a successful program should provide farmers with the opportunity to be both productive and profitable. The components of Wicomico County's agricultural land preservation program provide landowners with options from which to choose the most appropriate means to retain land for agricultural uses while receiving a reasonable return. The following sections offer insights into the program strategy, funding, land use management tools, program performance, effects of potential development on land markets, and farming assistance.

Funding

From 1987 through 2025, the major land preservation programs implemented within the County (MALPF, County program, Rural Legacy, and MET) have preserved more than 17,468.68-acres at a total cost of $35,259601. Approximately 14,786-acres of land have been preserved through the State and County administered programs. Revenues from the State agricultural transfer tax provide County matching funds to leverage MALPF funding for purchasing easements. The State revenues that fund MALPF and Rural Legacy Program are also intended as a dedicated revenue source for land preservation efforts. However, State law permits transfer tax revenue to be diverted into the General Fund during the annual budget process.

DRAFT - 2027 LPPRP

Land Use Management Tools

The current land use management tools in the County are helpful in preserving agricultural land. Farming remains a viable land use within the A-1 zoning district, which encompasses much of the land outside of designated growth areas and incorporated jurisdictions. This Plan encourages the County's implementation of land use management tools for land preservation including, but not limited to the following:

- Aggressively identify lands targeted for preservation for agricultural and other purposes. (Map 5.1). The degree of protection will depend on the program through which the land is protected and the specific method of protection;
- Focus development in the incorporated jurisdictions, and County's Locally Designated Growth Area (Growth Area), (Map 2.4);
- Partner with federal, State, adjacent county, local governments, or non-governmental organizations owning or managing land for purposes such as recreation (e.g., State parks, County parks) or natural resource conservation (e.g., State forests) or agricultural preservation efforts including fee-simple acquisition and easement purchases;
- Strategically target large areas of unprotected and contiguous rural areas for agricultural preservation and potentially expand the Quantico Creek RLA and/or establish a new Rural Legacy Area; and,
- Target acquisition of parcels located within Sensitive Species Project Review Areas (SSPRA) where plant and/or animal species are listed as threatened or endangered by either the federal or State government.

Preservation Program Performance

The four major land preservation programs in use in the County (MALPF, County Program, Rural Legacy, and MET) have preserved a total of more than 17,468-acres since 1987 (Table 5.2). Two of the programs, MALPF and the County Program, have financed easements on roughly 10,236-acres, which represents approximately 14% of the County's total farmland identified in the 2022 Census of Agriculture.

From 2022 to 2025, 2,358.20-acres of agricultural land was preserved, an approximate annual average of 589-acres, exceeding the County's goal of preserving 200-acres annually. Rural Legacy and MALPF were the two primary programs responsible for financing easements in the County, as Rural Legacy preserved 396-acres of land and MALPF preserved 1,961-acres during the aforementioned timeframe.

Over the previous 5-year period from 2017 to 2021, a total of 1,595.15-acres were preserved, an annual average of 319-acres, also exceeding the County's 200-acre goal. Moving forward, the

DRAFT - 2027 LPPRP

County will continue to utilize the four major land preservation programs to meet the County's long term preservation goals.

As farmland has been converted or no longer active, the amount of preserved farmland has increased. If current funding levels persist, it is unlikely that the County funded agricultural preservation program goal of 3,000 acres will be achieved by 2037. Additionally, the ability to achieve preserving 6,000 acres of unprotected land over the next ten years in the Quantico Creek Rural Legacy Area will depend on the amount of State Program Open Space funds allocated to the County. The cost to achieve the RLA goal of 6,000 acres within ten years would cost an estimated $19.5 million. From 2003 through 2025, the County received $12.3 million in Rural Legacy funding, which roughly translates to an annual average of $612,574 from Program Open Space for preserving land in the Quantico Creek Rural Legacy Area. Additional funding sources were provided within the RLA by interested governmental and non-governmental stakeholders.

Although not a "program" per se, the County is also preserving land through the County's Zoning Code that include two land preservation requirements:

- Fifty percent (50%) of the land in a cluster subdivision must be set aside in a separate parcel as open space and maintained by a homeowners' association; and,
- Fifty percent (50%) of the land in a conventional subdivision must be maintained in open space as part of the lots.

The County also supplements the land development codes (e.g., existing zoning and subdivision ordinances) by imposing specific regulations for the retention of forests, reforestation, and afforestation of land uses within the County. As a result of the Forest Conservation Act, over 2,700-acres of land have been preserved in perpetuity as easements within the County. From 2022 to 2026, roughly 398-acres of forest were preserved in perpetuity as easements resulting from the Forest Conservation Act.

Effects of Potential Development on Land Markets

The current zoning and development procedures in the County help direct development in and around the designated growth areas and municipalities. One of the results of increased development pressure is the rising price of land, not only for development, but for preservation, as well. The cost per easement acre fluctuates, depending on a variety of circumstances, including agricultural yield, availability of vacant land, and individual landowner circumstances. Since 2000, the cost of conservation easements through the MALPF program has ranged from $345 to $6,865 per acre. The analysis used in the 2027 LPPRP assumes an average cost of $3,750 per acre to achieve the County's preservation goal. A higher cost will greatly reduce the County's "buying power" and will reduce the amount of agricultural land that the County can preserve.

DRAFT - 2027 LPPRP

Farming Assistance Programs and Resources

For agriculture to remain a viable business in the County, land preservation efforts must be coupled with services, "state of the art" farming opportunities, and other mechanisms. The Maryland Cooperative Extension Service (MCES) provides services and programs in support of agricultural and horticultural activities in Wicomico. MCES offerings in support of crops, livestock, and nurseries include:

- Small Farm Institute;
- Commodity Marketing;
- Maryland Forages Program;
- Nutrient Management for Maryland; and,
- Agricultural Nutrient Management Program.

Several local sources of assistance support the County's agricultural community with a variety of services, including the following:

- The Wicomico County Zoning Code has been modified to increase the allowable ancillary uses on agricultural property, thus allowing farmers more opportunities to supplement farm income and maintain the farm during less profitable years. Future land use policies for the rural areas of the County should be sensitive to the effects that "downzoning" or limiting the use of individual septic systems serving residential development may have on the ability of farmers to use land equity to maintain farming operations;
- The Natural Resources Conservation Service is the arm of the United States Department of Agriculture that assists property owners in conserving soil, water, and other natural resources. The service provides technical assistance as well as cost-sharing and financial incentives. Most work is done with local partners, such as local conservation districts;
- The University of Maryland Cooperative Extension, an agency of the university, provides educational and information resources from the university to Maryland citizens. Information and programs are available in a broad range of topics, including crops, livestock, and nursery; 4H and Youth volunteers; lawn, garden, and home; family life and community; natural resources and water quality; and food, nutrition, and health; and,
- The Maryland Department of Agriculture is the agency of State government charged with providing leadership and support to agriculture and the citizens of Maryland by conducting regulatory, service, and educational activities that assure consumer confidence, protect the environment, and promote agriculture.

DRAFT - 2027 LPPRP

Summary

The County's strategy for agricultural land preservation includes several components. The County enacted an easement acquisition program to offer landowners a local alternative to the State easement acquisition program. The strengths of the local program are speed and flexibility. Preservation actions can take place relatively quickly.

Public services are subject to constant pressure to provide more services with fewer resources. The Wicomico agricultural preservation program must learn to compete with the development industry for the landowner's interest. Easement value alone may not provide an adequate level of compensation for certain landowners compared to the development value of the property. County staff should help local landowners make the decision to preserve land by illustrating the total value of preservation, including:

- Direct payment;
- Tax deductions for reduced value donation;
- Property tax credits;
- Land resale;
- Future owner/family lots; and
- Continued ownership and use.

DRAFT - 2027 LPPRP