

Open Work Session

May 4, 2021

Discussion on the Sale of the following Land Preservation Easements to the Maryland Agricultural Land Preservation Foundation (MALPF):

- Gary Breeding #1 – Property located southeast of Fruitland on the westerly side of Pocomoke Road – 150.49 acres., tax map 58, parcel 110
- Gary Breeding #2 – Property located southeast of Fruitland on the westerly side of Pocomoke Road – 58.84 acres, tax map 58, parcel 111
- Scrimgeour’s Farm All, LLC – Property located northwest of Pittsville on both sides of Pittsville Road – 108.44 acres, tax map 31, parcel 139, grid 6

Mr. Keith Hall, Deputy Director of Planning, Zoning and Community Development, and Mr. Brian Soper, Planning Manager, came before Council.

Mr. Hall introduced Mr. Soper and said he is their newest hire and it is his first time in front of Council. He said they brought him on approximately 13 months ago and his third day on the job was when COVID set in and they all got sent home, so they have not had the time to do an introduction. He said Mr. Soper is the Planning Services Manager, and as part of that he will be looking after ag preservation, so with Ms. Smith’s retirement, Mr. Soper has picked up the heavy load. He said Mr. Soper has also been doing a great job working with the Planning Commission as well as the Ag Board.

Mr. Soper said they have a request for the sale of three easements, and two are located on Pocomoke Road owned by Gary Breeding and are adjacent to each other. He said the other request is from Scrimgeour Farm All, LLC, which is located in Pittsville on both sides of Pittsville Road. He said, as required by the MALPF program, they have been to the Planning Commission for a favorable recommendation for compliance with the comprehensive plan. He said they have also been before the Agricultural Land Preservation Advisory Board for a favorable recommendation based upon the farm size, location, and soil suitability for the sale of an easement.

Mr. McCain said he knows Wicomico is not a certified County. He then asked what they have to do to get certified so they can get additional funds for their conservation easements, to which Mr. Soper responded, they are currently in the process of reviewing their application to get recertified, so they are working on that. He said they have had some small discussions with the Maryland Department of Planning about how to become certified again, which would increase their return from the agricultural transfer tax compared to what they have now. Mr. McCain asked what the percentage is when they are not certified, to which Mr. Hall responded, 33 percent, and once they are certified it is approximately 75 percent, but the total allocation can vary any given year. He said he has not looked over the past two years’ numbers, but a few years ago they talked about that being a difference of leaving approximately \$20,000 on the table, and while that does not sound like a lot, they can use that money to leverage. He clarified, there are times the State makes an offer that is not acceptable to a landowner, so maybe the County could leverage their funds to try to make the deal go through for the preservation efforts for Wicomico County. He said they have been without their preservation certification since 2008, and at the time they were hitting that market bubble with development and State law was very intense as far as wanting to restrict development in the agricultural zoning district. He said he thinks at that time MALPF and the Maryland Department of Planning were really looking for very strong land use management tools to be implemented by the County. He said, at such time they had those considerations, and

subsequently he thinks since they have seen the septic bill go through and be implemented, as well as the stormwater management ordinance in 2011, it has changed the character of development in the rural areas of Wicomico County. He said they feel they will have a strong application and will work that through the Planning Commission and then ultimately back to the Executive's Office and to this Council. He said then hopefully they can get something submitted before the end of this calendar year.

Mrs. Acle asked if the certification did not come in front of the Council at that time, to which Mr. Hall responded, actually, the certification is under the authority of the Maryland Agricultural Land Preservation Foundation, so they make the ultimate ruling whether a County gets certified or recertified. He said he started in 2007, so he is not sure what previous versions or a previous Director might have done at that time and whether or not it came through the Council, but he thinks it is good housekeeping when they are trying to get certifications that are going to bring money into the County that they keep the County informed, meaning Administration as well as the Council.

Mr. Cannon asked, when these properties are approved, is there already a list of properties already in the order as far as who is next, or is it just someone who happens to get the approval, to which Mr. Hall responded, this is two-prong. He explained, the first thing Mr. Soper brought to Council today is new applications they have for consideration for State funding in FY22. He said there are other applications that have previously come in front of Council for the same approval seeking to send it off to the State for consideration. He said, in addition to the three new ones they have this year that have been processed, there are six additional ones from last year that will also be advanced for a total of nine for State consideration. He said another role of the Agricultural Land Preservation Advisory Board is to actually rank those evaluations and it is set on very strict State criteria, and not arbitrary. He said subsequently that information gets sent to the State as well, so that is how they will justify their offers, they will look at the local ranking as well as the available dollars.

Mr. Cannon said he guesses the preservation needs change as zoning changes and is mandated by the State of Maryland as well because, over the last ten years, the State has had an awful lot of influence, to which Mr. Hall responded, there is going to be that ebb and flow balance. He said, at the State level they have not seen a decrease in funding for preservation efforts even though other land use management tools are helping do just that.

Mr. Cannon said he is not familiar with this Pittsville property, but the other two properties appear to be very close to what he would say are developable areas without question, to which Mr. Hall responded, that helps also with the prioritization. He clarified, going back to the concept of creating a buffer around the densely developed areas versus their less densely developed areas.

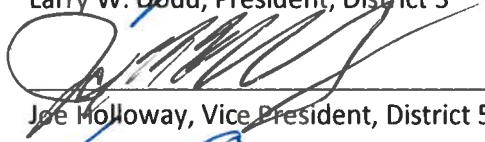
Mr. Hastings said he appreciates them going through this process now, and when he originally ran for County Council this was actually one of his platforms, to do a MALPF recertification, as he thinks it is so very important. He said, if they combine that with the other programs, they can make sure that agriculture has a future in Wicomico County and groups like Perdue feel like they can stay here because this is something the County prioritizes. He said, for a very, very long time in much of the 1980s and into the 1990s and 2000s, Wicomico County did not prioritize agriculture or preservation, and this is something that is really important that helps a lot of farmers, so he thanks them. Mr. Hall responded, it is important, and he thinks as part of the 2017 census they were the second ranked County out of 23 Counties and Baltimore City as far as the commodity value of their ag products; therefore, anything they can try to do to help supplement State preservation efforts goes a long way for the County.

Mr. Dodd said this will require a Public Hearing, which can be done on June 1 at 6:00 p.m.

There was no further discussion.



Larry W. Dodd, President, District 3



Joe Holloway, Vice President, District 5



John T. Cannon, At-Large



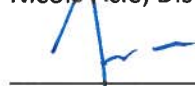
William R. McCain, At-Large



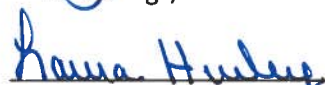
Ernest F. Davis, District 1



Nicole Aclé, District 2



Josh Hastings, District 4



Laura Hurley, Council Administrator