



**County Commissioners' Hearing Room**  
**400 High Street**  
**Chestertown, Maryland**

**AGENDA**

July 17, 2023  
6:00 p.m.

Members of the public are welcome to attend meetings in person or via conference call.

Public participation and audio-only call-in number:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **572 355 626#**

Members of the public are asked to mute their phones/devices, until the Commission Chair opens the floor for comment.

**Minutes – February 21, 2023**

**FY24 Easement Application Rankings – Recommendation to County Commissioners**

**General Discussion**

**Adjourn**

Meetings are conducted in Open Session unless otherwise indicated. Meetings are subject to audio and video recordings. Other business without assigned times may be discussed during the course of this meeting as time allows.



**MINUTES - DRAFT**

The Kent County Agricultural Preservation Advisory Board met on Tuesday, February 21, 2023, in the County Commissioners' Hearing Room. The following members were in attendance: Chair David Hill, Bradley Morris, Tyler Gale, and Ernest "Tot" Strong. Staff in attendance were William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; and Campbell Safian, Planning Specialist.

The meeting was called to order at 5:31 p.m.

**MINUTES:**

The minutes of the meeting on June 23, 2022, were approved as written and distributed.

**AG PRESERVATION DISTRICT APPLICATIONS:**

Ms. Gerber presented the following applications. After discussion, the Board voted on each application and recommended approval of all the applications for Agricultural Preservation Districts. Chair Hill recused himself from the vote on his farm.

22-01 Jack Coleman -- Lambs Meadow Road, Lynch

A motion for approval was made by Mr. Strong. The motion was seconded by Mr. Gale, and the motion passed 4-0.

22-02 Fry Cooper Farm LLC -- 11471 Augustine Herman Hwy, Kennedyville

22-03 Fry Cooper Farm LLC -- 28151 Comegys Road, Kennedyville

A motion for approval was made by Mr. Morris. The motion was seconded by Mr. Strong, and the motion passed 4-0.

22-04 David Hill -- 12192 Kennedyville Road, Kennedyville

A motion for approval was made by Mr. Strong. The motion was seconded by Mr. Gale, and the motion passed 4-0.

22-05 Chris Jackman -- 12986 Augustine Herman Hwy, Kennedyville

A motion for approval was made by Mr. Strong. The motion was seconded by Mr. Gale, and the motion passed 4-0.

22-06 Lester C. Jones and Sons, Inc -- 13121 Massey Road, Massey

22-07 Lester C. Jones and Sons, Inc -- Speer Road, Millington

A motion for approval was made by Mr. Strong. The motion was seconded by Mr. Morris, and the motion passed 4-0.

22-08 Owings and Sons Business Trust -- 29960 Morgnec Road, Kennedyville, Lots 1 and 2

A motion for approval was made by Mr. Strong. The motion was seconded by Mr. Morris, and the motion passed 4-0.

22-09 Rich Levels at Mill Creek LLC -- 32269 Galena Sassafras Road, Galena

A motion for approval was made by Mr. Strong. The motion was seconded by Mr. Morris, and the motion passed 4-0.

22-10 Thomas Wiltbank -- 10187 Augustine Herman Hwy, Chestertown

A motion for approval was made by Mr. Strong. The motion was seconded by Mr. Morris, and the motion passed 4-0.

**RECERTIFICATION REPORT:**

Ms. Gerber stated one advantage of certification of County Agricultural Land Preservation programs is that the County retains 75% percent of the agricultural transfer tax that is collected. It was noted that the County must finance 9% of the total amount that is collected from other funding sources to agricultural preservation.

Mr. Strong made a motion to send a favorable recommendation to the County Commissioners for the recertification process. Mr. Morris seconded the motion, and the motion passed with all in favor.

**GENERAL DISCUSSION:**

Ms. Gerber noted that the Agricultural Preservation Advisory Board is required to meet annually with the forest conservation district boards. The boards are encouraged to work cooperatively to promote the retention of farmland and woodland in their respective jurisdictions.

**ADJOURN**

The meeting was adjourned at 6:20 p.m.

\_\_\_\_\_  
David Hill

\_\_\_\_\_  
/s/ Campbell Safian  
Campbell Safian



**Agricultural Preservation Advisory Board**  
Department of Planning, Housing, and Zoning

**To:** Agricultural Preservation Advisory Board  
**From:** Carla Gerber  
**Subject:** FY 2024 Easement Applications - Rankings and Recommendation  
**Date:** July 17, 2023

## Memorandum

### **FY2024 Easement Applications and Rankings**

We received 24 applications to sell an easement, and all applications were submitted to MALPF for appraisal. We received two Round 1 full offers and two insufficient fund offers. Only the full offers were accepted by the owners. I anticipate the possibility of receiving multiple Round 2 offers, which will likely reduce the number of applications that are ultimately appraised. All applications have been scored and ranked using our Easement Prioritization Formula.

I have included a blank copy of the Easement Prioritization Formula and a spreadsheet with the calculated rankings for your review. For your information, the Land Evaluation score is weighted so that it counts for 20% of the total points. There is also a map showing the 24 farms.

Please note that state law requires that these rankings remain **confidential** until the easement acquisition cycle is officially closed, probably about 12-18 months from now. I will send out a letter to let landowners know if their farm will be submitted to MALPF, but other than that you are not allowed to disclose any other information.

FY 2024 Easement Prioritization Formula Scores/Rankings

Code	Rank	LE	20%	F1	F2	F3	F4	F5	F6	40%	P1	P2	P3	P4	P5	P6	30%	TOTAL
		100	20.00	25	25	15	20	10	5	40.00	25	25	20	15	5	10	40.00	100.00
A	1	68.46611	13.69	18	25	15	20	0	1	31.6	25	20	0	0	5	10	24.0	69.29
B	2	62.90989	12.58	22	17	15	20	5	1	32.0	24.1	15	0	5	5	10	23.6	68.22
C	3	72.62251	14.52	13	25	15	20	5	0	31.2	25	25	0	2	0	0	20.8	66.52
D	4	<b>64.36677</b>	<b>12.87</b>	<b>14</b>	<b>23</b>	<b>15</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>28.8</b>	<b>25</b>	<b>20</b>	<b>0</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>23.6</b>	<b>65.27</b>
E	5	62.07756	12.42	15	21	15	20	5	1	30.8	25	10	0	5	5	10	22.0	65.22
F	6	61.91788	12.38	22	19	15	20	0	3	31.6	25	15	0	10	0	0	20.0	63.98
G	7	<b>66.11077</b>	<b>13.22</b>	<b>24</b>	<b>15</b>	<b>15</b>	<b>10</b>	<b>0</b>	<b>1</b>	<b>26.0</b>	<b>25</b>	<b>5</b>	<b>0</b>	<b>10</b>	<b>5</b>	<b>10</b>	<b>22.0</b>	<b>61.22</b>
H	8	81.24758	16.25	6	25	15	20	0	0	26.4	25	20	0	0	0	0	18.0	60.65
I	9	<b>50.13178</b>	<b>10.03</b>	<b>24</b>	<b>7</b>	<b>15</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>20.4</b>	<b>25</b>	<b>25</b>	<b>0</b>	<b>10</b>	<b>5</b>	<b>8</b>	<b>29.2</b>	<b>59.63</b>
J	10	48.85182	9.77	13	11	15	20	5	1	26.0	23.9	15	0	5	5	10	23.6	59.33
K	11	50.07327	10.01	8	17	15	20	0	3	25.2	25	25	0	7	0	2	23.6	58.81
L	12	51.00398	10.20	11	5	15	20	0	1	20.8	3.5	25	13.3	10	5	10	26.7	57.72
M	13	60.59963	12.12	19	15	15	20	0	0	27.6	25	15	0	5	0	0	18.0	57.72
N	14	61.42014	12.28	20	17	15	20	5	0	30.8	25	5	0	5	0	0	14.0	57.08
O	15	52.10956	10.42	22	15	15	20	0	3	30.0	1.8	20	7.1	10	0	2	16.4	56.78
P	16	<b>51.75565</b>	<b>10.35</b>	<b>5</b>	<b>9</b>	<b>15</b>	<b>15</b>	<b>0</b>	<b>1</b>	<b>18.0</b>	<b>23.8</b>	<b>25</b>	<b>0</b>	<b>5</b>	<b>5</b>	<b>10</b>	<b>27.5</b>	<b>55.87</b>
Q	17	<b>37.13015</b>	<b>7.43</b>	<b>10</b>	<b>3</b>	<b>15</b>	<b>20</b>	<b>0</b>	<b>1</b>	<b>19.6</b>	<b>25</b>	<b>25</b>	<b>0</b>	<b>7</b>	<b>5</b>	<b>10</b>	<b>28.8</b>	<b>55.83</b>
R	18	53.00887	10.60	13	13	15	20	0	0	24.4	25	15	0	10	0	0	20.0	55.00
S	19	<b>60.63229</b>	<b>12.13</b>	<b>7</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>0</b>	<b>3</b>	<b>22.0</b>	<b>0.6</b>	<b>25</b>	<b>2.2</b>	<b>10</b>	<b>5</b>	<b>8</b>	<b>20.3</b>	<b>54.46</b>
T	20	66.83504	13.37	16	19	15	20	0	0	28.0	1.1	20	4.6	5	0	0	12.3	53.65
U	21	46.22819	9.25	7	9	15	20	0	1	20.8	25	25	0	5	0	0	22.0	52.05
V	22	64.09167	12.82	6	13	15	5	0	0	15.6	4.1	15	18.1	5	5	10	22.9	51.30
W	23	79.98019	16.00	10	25	15	10	0	0	24.0	5.8	10	0	0	5	0	8.3	48.32
X	24	<b>38.73493</b>	<b>7.75</b>	<b>25</b>	<b>7</b>	<b>15</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>20.8</b>	<b>1.9</b>	<b>5</b>	<b>0</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>8.4</b>	<b>36.91</b>

## MALPF EASEMENT PRIORITIZATION FORMULA

OWNER NAME(S) \_\_\_\_\_ NUMBER OF ACRES \_\_\_\_\_ Kent ALP FILE# \_\_\_\_\_

LAND EVALUATION SCORE \_\_\_\_\_ SITE ASSESSMENT SCORE \_\_\_\_\_ TOTAL POINTS THIS CYCLE \_\_\_\_\_

RANK \_\_\_\_\_ DATE \_\_\_\_\_

### Land Evaluation Site Assessment (LESA) Ranking Guidelines for the Maryland Agricultural Land Preservation Foundation

LAND EVALUATION (LE)	SITE ASSESSMENT (SA)			
<b>Soil Productivity &amp; Capability Index 100 pts (20%)</b>	<b>Farm Quality &amp; Potential 100 points (40%)</b>		<b>Priority Preservation Area Status 100 points (40%)</b>	
Capability Class Score (100 points) = Land Evaluation Score	F1	Farm Size (compared to median size farm) <b>25 points, 10%</b>	P1	Protection of Surrounding Area <b>25 points, 10%</b>
	F2	On-Site Production <b>25 points, 10%</b>	P2	Priority Preservation Area (PPA) and Distance from a Priority Funding Area (PFA) <b>25 points, 10%</b>
	F3	Stewardship/Conservation of Land <b>15 points, 6%</b>	P3	New block of Protected Lands <b>20 points, 8%</b>
	F4	Farm Ownership and Operation <b>20 points, 8%</b>	P4	Historic, Scenic, or Habitat Value of Site <b>15 points, 6%</b>
	F5	Value-added Production <b>10 points, 4%</b>	P5	Re-application <b>5 points, 2%</b>
	F6	Length of Ownership <b>5 points, 2%</b>	P6	Date of Application <b>10 points, 4%</b>
	↓	↓		↓
<b>20%</b>	<b>40%</b>		<b>40%</b>	

## AGRICULTURAL SITE ASSESSMENT

No.	<b>Farm Quality and Potential of Property</b>										Points: _____ (100 pts. max.)				
F1	<p><b>Farm Size (compared to the median size farm)</b>  <i>How large is the proposed easement site compared to the average sized farming unit in the County? (Median size is based on the latest available Census of Agriculture).  <b>Median farm size in Kent County is 123 acres. (Source: 2017 Census of Agriculture).</b></i></p>										Points: _____ (25 pts. max.)				
	> 270%	25		220.01-230	20		170.01-180	15		120.01-130		10		70.01-80	5
	260.01-270	24		210.01-220	19		160.01-170	14		110.01-120		9		60.01-70	4
	250.01-260	23		200.01-210	18		150.01-160	13		100.01-110		8		50.01-60	3
	240.01-250	22		190.01-200	17		140.01-150	12		90.01-100		7		40.01-50	2
	230.01-240	21		180.01-190	16		130.01-140	11		80.01-90		6		< 40%	1
F2	<p><b>On-Site Production</b>  <i>What percentage of the site is being farmed for income (managed for a scheduled commercial harvest) or managed as woodland with a forest management plan that emphasizes wood product production? This land includes crop fields, pastureland, livestock operations, forest, agricultural buildings, etc.) <u>This does not</u> include lawns, home areas, or wetlands.</i></p>										Points: _____ (25 pts. max.)				
	> 95%	25		75.01-80	17		55.01-60	9							
	90.01-95	23		70.01-75	15		50.01-55	7							
	85.01-90	21		65.01-70	13		45.01-50	5							
	80.01-85	19		60.01-65	11		<45%	3							
F3	<p><b>Stewardship/Conservation of Land, Water, and Natural Resources</b>  <i>To promote the protection of the Chesapeake Bay and its tributaries, MALPF requires that all easement properties have an implemented soil and water conservation plan. Does the landowner have an up to date Soil and Water Conservation Plan? Or, has the NRCS or local SWCD determined that the farm does not need any conservation plan? Does the landowner have an up to date Nutrient Management Plan?</i></p>										Points: _____ (15 pts. max.)				
	<ul style="list-style-type: none"> <li>• SWCP and Nutrient Management Plan are up to date. <span style="float: right;">15 points</span></li> <li>• SWCP is up to date. <span style="float: right;">7.5 points</span></li> <li>• Nutrient Management Plan is up to date. <span style="float: right;">7.5 points</span></li> </ul>														

F4	<p><b>Farm Ownership and Operation</b></p> <p>Is the landowner a resident, full-time farmer, retired with the farm operated by family members, or <i>does the landowner live on the farm and lease to a full-time farmer or does a part-time resident farmer operate the farm?</i></p> <ul style="list-style-type: none"> <li>• Applicant lives in the County and the applicant or a family member is actively farming the subject property 20 points</li> <li>• Applicant lives in the County and the farm is leased to a non-family member 15 points</li> <li>• Applicant does not live in the County and the applicant or a family member is actively farming the subject property 10 points</li> <li>• Applicant does not live in the County and the farm is leased to a non-family member 5 points</li> </ul>	<p>Points: _____ (20 pts. max.)</p>
F5	<p><b>Value-added Production</b></p> <ul style="list-style-type: none"> <li>• Farming operation includes animal production such as a dairy, poultry, beef cattle, or hogs with direct sales to consumers 5 points</li> <li>• Farming operation does direct sales to consumers from the farm or from local markets of non-animal products 5 points</li> <li>• Farm offers agritourism opportunities 5 points</li> </ul>	<p>Points: _____ (10 pts. max.)</p>
F6	<p><b>Length of Ownership</b></p> <p><i>How long has the landowner, or his family, owned the farm?</i></p> <ul style="list-style-type: none"> <li>• Applicant, or his family, has owned the farm for at least 25 years 1 point</li> <li>• Applicant, or his family, has owned the farm for at least 40 years 3 points</li> <li>• The farm has been designated as a Century Farm 5 points</li> </ul>	<p>Points: _____ (5 pts. max.)</p>



No.	Priority Preservation Area Status	Points: _____ (100 pts. max.)
P1	<p><b>Priority Preservation Area (PPA) and Protection of Surrounding Area</b>            State and county policies have always emphasized the need to preserve large blocks of farmland for the continuance of agricultural operations. <i>How well is the subject property protected by surrounding lands that are permanently protected by easements or protective zoning, or temporarily protected as agricultural districts?</i></p> <p>The points credited for proximity to permanent easements will carry three times the weight of points credited for Districts. The size of the applicant farm is given credit by including it in the easement acreage.  <b>No points will be awarded if the property is not within the County's PPA.</b></p> <ul style="list-style-type: none"> <li>• <b>Easements</b> - The combined total acreage of the applicant property and all properties subject to an easement to the Maryland Agricultural Land Preservation Foundation, the Maryland Environmental Trust, or other easement(s) with similar restrictions, which are located within an adjacent block will be calculated. State or Federal Resource Lands will be considered as equivalent to easements. The applicant will receive one (1) point for each 200 acres, or portion thereof, of the total acres calculated in this subsection.</li> <li>• <b>Districts</b> - The total acreage of all non-easement properties subject to a District Agreement with the County which are located within an adjacent block of the applicant's property will be calculated. The applicant will receive one (1) point for each 300 acres, or portion thereof, of the total acres calculated in this subsection.</li> </ul>	Points: _____ (25 pts. max.)
P2	<p><b>Distance from a Priority Funding Area (PFA)</b>  <i>Is the property near a PFA such that it serves as a buffer between a PFA and a conservation zone; or is it sufficiently distant from a PFA or designated growth area to form part of a larger contiguous block of farmland?</i></p> <p>Identify the correct distance and assign the indicated points. The application can receive points for only one distance range.</p> <ul style="list-style-type: none"> <li>• The applicant property is adjacent to a community with sewer and/or water. 5 points</li> <li>• The applicant property is less than ½ mile, but is not adjacent to a community with sewer and/or water 10 points</li> <li>• The applicant property is more than ½ mile, but less than 1 mile from a community with sewer and/or water 15 points</li> <li>• The applicant property is more than 1 mile, but less than 2 miles from a community with sewer and/or water 20 points</li> <li>• The applicant property is more than 2 miles from a community with sewer and/or water 25 points</li> </ul>	Points: _____ (25 pts. max.)

P3	<p><b>Starting New Block of Protected Lands</b>  <i>In order to encourage landowners in areas of the County that are less protected, points will be given for smaller/newer blocks of protected lands. Farms can only qualify for these points if they received 5 or fewer points in P1 above.</i>  <b>No points will be awarded if the applicant property is not within the County’s PPA.</b></p> <ul style="list-style-type: none"> <li>• Easements - The combined total acreage of the applicant property and all properties subject to an easement to the Maryland Agricultural Land Preservation Foundation, the Maryland Environmental Trust, or other easement(s) with similar restrictions, which are located within an adjacent block will be calculated. State or Federal resources lands will be considered as equivalent to easements. The applicant will receive one (1) point for each 50 acres, or portion thereof, of the total acres calculated in this subsection.</li> <li>• Districts - The total acreage of all non-easement properties subject to a District Agreement with the County which are located within an adjacent block of the applicant's property will be calculated. The applicant will receive one (1) point for each 100 acres, or portion thereof, of the total acres calculated in this subsection.</li> </ul>	Points: _____ (20 pts. max.)
P4	<p><b>Historic, Scenic, or Habitat Value of Site</b>  <i>Does the subject property have non-agricultural site-specific attributes highly valued by the County?</i></p> <p>A property shall receive the points indicated for each of the qualifying designations below. If a property contains several of the designations, the points for each shall be added together for a total score which shall not be greater than 15 points. Do <u>not</u> count historic designations more than once. To verify if a site contains these attributes, an evaluator may need to consult with the appropriate State or County representative or agency, such as the designated local Historic Preservation Planner, the Maryland Historical Trust, or the Department of Natural Resources.</p> <ul style="list-style-type: none"> <li>• Contains structure/s listed in the National Register of Historic Places or the County Historic Sites Listing 2 points</li> <li>• Contains Rare, Threatened or Endangered Species Habitat or is in an Area of Critical State Concern 2 points</li> <li>• Is part of a contiguous forested area (25 acres or greater) 5 points</li> <li>• Located along a National or State Scenic Byway 5 points</li> <li>• Borders tidal waters 5 points</li> </ul> <p><b>TOTAL POINTS</b> (add the point totals above together – not to exceed 15 points) = _____points</p>	Points: _____ (15 pts. max.)
P5	<p><b>Re-application</b>  Has an application for this specific property been submitted to the County previously that has not resulted in an easement offer.</p>	Points: _____ (5 pts. max.)

P6	<b>Date of Application from District Establishment</b> Current calendar year minus 5 Current calendar year minus 4 Current calendar year minus 3 Current calendar year minus 2 Current calendar year minus 1 Current calendar year	10 points 8 points 6 points 4 points 2 points 0 points	Points: _____ (10 pts. max.)
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