Easement Termination Review Process

Owner submits application to MALPF

MALPF's Role

- Reviews application for completeness;
- If incomplete, returns application to owner;
- If complete, notifies county of termination request; and conducts inquiry re: feasibility of profitable farming on land (MALPF must approve/not approve termination request w/i 180 days from receipt of completed application unless parties agree to extend period or owner requests a contested-case hearing)

County's Role

County Governing Body
Within 90 days from the date that MALPF conducts the public hearing in county, the county governing body, after receiving the recommendation of the local ag land preservation advisory board, shall notify MALPF of its decision to approve/disapprove termination request.

MALPF's Inquiry includes:

- Public hearing in county (county must issue its decision w/i 90 days from the date of hearing);
- On-site inspection of farm;
- Determination re: productive capacity of land;
- Consideration of effect of any nonagricultural development contiguous to farm;
- Assessment of extent of markets for any ag product that can be produced on land;
- Determination of profitability of nearby farms;
- Consideration of expert opinion re: feasibility of profitable farming on land; and
- Consideration of other relevant information

Local Ag Board
Local ag land advisory board shall recommend approval/disapproval of termination request and, in making its recommendation, shall consider:

- Current land regulations;
- Local comprehensive planning; and
- Any local priorities for preserving ag land.

MALPF makes proposed decision re: feasibility of profitable farming.

Notice to landowner following receipt of the county's decision:
(1) MALPF shall inform the owner of its proposed decision and the county's decision.
(2) If the request is not approved, MALPF shall notify the owner that, **w/i 30 days from receipt of the MALPF's decision to deny the termination request**, he/she may request a contested-case hearing.

If no hearing is requested (or if a hearing request is not timely), MALPF issues a final decision.

If a hearing request is timely, MDA shall conduct a hearing and issue a final decision.

MALPF's Decision
MALPF may only approve the termination request if: (1) the county has approved it; and (2) MALPF, by an affirmative vote of the members at large, finds (and the Secretary of Agriculture and the State Treasurer approve) that profitable farming is not feasible on the land.

Approve Termination

Notice to Farmer

MALPF shall order an appraisal of the farm within 10 days from receipt of funds from landowner (as instructed by MALPF) to pay for the appraisal's cost.

The landowner may repurchase the easement within 180 days of the appraisal (which amount, as determined by the appraisal, shall be the difference between the land's current FMV and its agricultural value).

Deny Termination

The landowner may appeal to circuit court of the county where the land is located (the appeal is on the record).