



Agricultural Land Preservation Program Howard County, Maryland



COUNTY REVIEW OF MALPF 25-YEAR EASEMENT TERMINATION REQUESTS

Purpose

The purpose of this document is to clarify the process for reviewing properties that have applied to terminate a Maryland Agricultural Land Preservation Foundation (MALPF) easement. The Agricultural Preservation Advisory Board recommended approval to the County Executive, who approved the policy on April 4, 2007.

Regulatory Background of Easement Termination

The MALPF easements are governed by the Agriculture Article of the Annotated Code of Maryland (the "Code") and the Code of Maryland Regulations ("COMAR"). Each MALPF easement is of "perpetual duration and may be terminated only under extraordinary circumstances." (COMAR Section 15.15.05.01A) Chapter 15.15.05 of COMAR and Section 2-514 of the Code set forth the circumstances under which a landowner may request termination of the MALPF easement and the criteria used by MALPF to reach a decision on the request for termination. MALPF determines whether future profitable farming is feasible on the land. The County's role in evaluating a request for easement termination is to consider factors relating to local land use policies. The County's Agricultural Preservation Advisory Board is required to make a recommendation on the request for termination based on current land regulations, local comprehensive planning and any local priorities for the preservation of agricultural land to the County Executive who shall prepare a resolution for consideration by the County Council of Howard County. The signed resolution shall be forwarded to MALPF for its consideration in making a decision on the termination request.

Criteria for County's Evaluation of Request for Easement Termination

Based on COMAR and the Code, the following criteria for termination shall be considered:

- Effect of termination on County preservation policies and actions, including public investment by the County and State
- Effect of termination on County growth management policies and actions
- Effect of termination on County policies and actions supporting agricultural economic development
- Extent of vicinal protected land and effect of termination on properties that are protected and/or in agricultural land use
- Evaluation of the subject property to determine its desirability for acquisition as if it were currently being considered for easement purchase

Howard County Easements

This policy does not apply to any Howard County agricultural preservation easements, whether purchased or dedicated. All Howard County agricultural preservation easements are perpetual, and there is no provision for termination.

For More Information

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