

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 24-002

Introduced by Council President Vincenti at the request of the County Executive

Legislative Day No. 24-005 Date February 6, 2024


AN ACT to repeal and reenact, with amendments, Article II, Agricultural Land Preservation and Purchase of Development Rights Program, of Chapter 60, Agriculture, of the Harford County Code, as amended; to change the name of the program to the “Harford County Agricultural Land Preservation Program”; to repeal and reenact with amendments, Section 60-9 entitled, “Purpose and intent.” of the same Article II, Chapter 60 to amend the purpose and intent of the program with regard to the purchasing of development potential and the zoning of property eligible for the program; to repeal and reenact Section 69-10 entitled, “Definitions.” by revising the definition of “Agricultural Land” and using that definition throughout this section of the Harford County Code; by adding the definitions of “Density” and “Development potential”; to revise the definition of “Development Right/Density Value Cap” and “Easement Priority Ranking (EPR)”; to add a new definition of “Final Easement Offer,” “Formula Value,” “Homeowners’ Association,” “Major Stream,” “Minor Stream,” “Per Acre Value Cap,” and “Valuation Number”; to repeal and reenact Section 60-12, of the same Article and Chapter, entitled, “Agricultural preservation easement” to amend its title for consistency and to clarify what types of uses are not permitted on preserved property, to require all parcels and/or lots included within the easement be consolidated prior to settlement, to allow exemptions to the requirement for a soil and water conservation plan, to revise and clarify the size, soil, and ownership criteria, to revise the requirements necessary to exclude lots under the easement, to clarify the value of the easement, to revise the provisions and requirements regarding adding land to an existing easement, to revise the provisions and requirements regarding agricultural subdivision, to revise the use, location, size, soil, ownership and development potential criteria for agricultural preservation districts, to revise the requirements regarding inspections on property in the program, to allow for the enforcement of any violation of Chapter 60, and to add guidelines and standards for review; and, generally relating to Agricultural Preservation.

By the Council, February 6, 2024

Introduced, read first time, ordered posted and public hearing scheduled

on: March 5, 2024

at: 6:45 PM

By Order: , Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

As Introduced

Section 1. Be It Enacted By The County Council of Harford County, Maryland that Section 60-9 of Article II, Agricultural Land Preservation [and Purchase of Development Rights] Program, of Chapter 60, Agriculture, of the Harford County Code, as amended, be, and it is hereby, repealed and reenacted, with amendments, all to read as follows:

Chapter 60. Agriculture

Article II. Agricultural Land Preservation [and Purchase of Development Rights] Program

§ 60-9. Purpose and intent.

The purpose of the Harford County Agricultural Land Preservation [and Purchase of Development Rights] Program is to preserve productive agricultural land and woodland which provides for the continued production of food, [and] fiber, AND FOREST PRODUCTS for [the] ALL citizens of the County AND FOR FUTURE GENERATIONS IN EXCHANGE FOR EQUITY PAID TO LANDOWNERS FOR PRESERVING THEIR LAND. SECONDARILY, CITIZENS COUNTYWIDE BENEFIT FROM THE PROGRAM WITH A PERMANENT SOLUTION TO SUBURBAN SPRAWL; BY PROTECTING OPEN SPACE, WETLAND, STREAM AND RIVER BUFFERS, AQUIFER RECHARGE AREAS, FOREST CANOPY, WILDLIFE AND HABITAT CORRIDORS; AND LIMITING THE NEED FOR COMMUNITY SERVICES SUCH AS ADDITIONAL SCHOOLS, POLICE, LIBRARY AND OTHER SERVICES THAT WOULD BE REQUIRED IF THESE LANDS WERE DEVELOPED. This program is to be administered by the Department of Planning and Zoning and the Harford County Agricultural Land Preservation Advisory Board. LAND WITHIN INCORPORATED MUNICIPALITIES SHALL NOT BE ELIGIBLE FOR THIS PROGRAM.

The program focuses on the purchasing of development [rights and family conveyances] POTENTIAL, from agricultural landowners and retiring [those rights] THAT POTENTIAL in

perpetuity. If the development [rights] POTENTIAL [are] IS purchased by the program, an easement is placed on the property. Under this easement, all future residential subdivision of the property is restricted except for owner/child lots [as] OR AS OTHERWISE permitted under this program. ADDITIONALLY, FUTURE RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL USES ARE RESTRICTED BY THE EASEMENT EXCEPT THOSE ASSOCIATED WITH AN AGRICULTURAL USE AND AS PERMITTED BY SECTION 267-73 (AGRICULTURAL/COMMERCIAL) OF THE HARFORD COUNTY ZONING CODE, AS AMENDED. This is a voluntary program that permits any owner of agricultural land which meets the minimum qualifying criteria listed in Section 60-12 of this article to apply to sell their development [rights and family conveyances] POTENTIAL.

This program also allows any owner of agricultural land which meets the minimum qualifying criteria listed in [§]SECTION 60-12 of this article to apply to donate their development [rights and family conveyances] POTENTIAL and have an easement placed on their property under the same terms and provisions contained in this article.

Section 2. Be It Enacted By The County Council of Harford County, Maryland that Section 60-10 of Article II, Agricultural Land Preservation [and Purchase of Development Rights] Program, of Chapter 60, Agriculture, of the Harford County Code, as amended, be, and it is hereby, repealed and reenacted, with amendments, all to read as follows:

Chapter 60. Agriculture

Article II. Agricultural Land Preservation [and Purchase of Development Rights] Program

§ 60-10. Definitions.

As used in this article, the following words have the meanings indicated:

[AGRICULTURAL LAND

Land used primarily for agriculture with an agricultural zoning classification as identified on

the most recently approved Harford County Zoning Maps.]

AGRICULTURAL LAND

LAND WITH A PRIMARILY AGRICULTURAL USE, INCLUDING WOODLAND.

AGRICULTURAL USE

Any use of land which directly contributes to the production, processing or storage of agricultural products as defined by the United States Department of Agriculture, including uses currently permitted within the Agricultural District of the Harford County Zoning Code that are directly related to agricultural activities.

AGRICULTURAL PRESERVATION DISTRICT

A minimum 5 year conservation easement in which no monetary value has been exchanged for its placement on the land.

AGRICULTURAL OVERLAY DISTRICT

ANY PROPERTY ZONED OTHER THAN AG (AGRICULTURAL) THAT ENTERS INTO AN EASEMENT UNDER THIS PROGRAM SHALL BE SUBJECT TO ALL LAWS APPLICABLE TO AG (AGRICULTURAL) ZONED PROPERTIES UNTIL THE NEXT COMPREHENSIVE ZONING REVIEW, DURING WHICH SAID PROPERTY SHALL BE REZONED TO AG (AGRICULTURAL) AT THE REQUEST OF THE COUNTY.

BASE MULTIPLIER VALUE

A FACTOR UTILIZED IN THE VALUATION WORKSHEET TO CONVERT THE VALUATION NUMBER TO A DOLLAR VALUE.

[BASE MULTIPLICATION EASEMENT VALUE

A multiplication factor applied to the valuation worksheet results to produce a per acre price.]

CHILD

Natural or adopted child of the landowner.

CHILD'S LOT

A lot of 2 acres or less, designed for the exclusive residential use of a child of the landowner of record at the time [of easement sale]THE DEED OF EASEMENT IS RECORDED.

COMMITMENT LETTER

An offer made in writing, from the County to the applicant of record, specifying the ranking of the property and monetary value being offered for the proposed easement.

DENSITY

THE NUMBER OF DWELLING UNITS PERMITTED PER ACRE OF LAND REMAINING ON THE PROPERTY AS VERIFIED BY THE DEPARTMENT OF PLANNING & ZONING.

DEVELOPMENT POTENTIAL

THE ABILITY TO CONVERT LAND TO ANY NON-AGRICULTURAL USE, IN ACCORDANCE WITH THE ZONING CODE, BEYOND THE USES EXISTING AT THE TIME THE COUNTY MAKES AN OFFER TO PURCHASE AN EASEMENT. DEVELOPMENT POTENTIAL INCLUDES, BUT IS NOT LIMITED TO, DEVELOPMENT RIGHTS, FAMILY CONVEYANCES, DENSITY, COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL DEVELOPMENT.

DEVELOPMENT RIGHT

The ability to create a residential lot as permitted under the existing agricultural zoning classification.

[DEVELOPMENT RIGHTS] EASEMENT

An encumbrance upon the land which restricts the owner's rights to develop or otherwise use the land for purposes other than agricultural uses.

EASEMENT PRIORITY RANKING (EPR)

The criteria used to rank applications submitted to the Agricultural Land Preservation [and Purchase of Development Rights] Program.

FAMILY CONVEYANCE

A permitted lot for any member of the immediate family of the owner of record as of February 8, 1977. Immediate family shall be limited to fathers, mothers, brothers, sisters, sons, and daughters.

FINAL EASEMENT OFFER

VALUE OF THE EASEMENT OFFERED TO A LANDOWNER WHICH SHALL BE THE LESSER OF THE THREE VALUE CALCULATIONS INCLUDING THE FORMULA VALUE, RESIDENTIAL DENSITY VALUE CAP, PER ACRE VALUE CAP.

FORMULA VALUE

THE TOTAL VALUATION NUMBER MULTIPLIED BY THE BASE MULTIPLIER TO ESTABLISH A PRICE PER ACRE AS DERIVED FROM THE VALUATION WORKSHEET.

HARFORD COUNTY AGRICULTURAL LAND PRESERVATION ADVISORY BOARD

A 5 member board appointed by the County Executive and confirmed by the County Council.

HOMEOWNERS' ASSOCIATION

AN ASSOCIATION OR OTHER LEGAL ENTITY COMPRISED OF OWNERS OF LAND OR DWELLINGS, ORGANIZED TO OWN, OPERATE OR MAINTAIN OPEN

SPACE OR FACILITIES USED IN COMMON BY SUCH OWNERS.

INSTALLMENT PURCHASE AGREEMENT (IPA)

A written agreement between Harford County and the landowner of record at the time of easement sale that pays the landowner over a 10, 20, or 30 year time frame, as agreed upon by the County and landowner, for the placement of a conservation easement on their property.

LANDOWNER

An individual(s) who is the owner of record OF PROPERTY LOCATED IN HARFORD COUNTY AT THE TIME THE DEED OF EASEMENT IS RECORDED[, or any entity which is the owner of record]. IF THE OWNER OF RECORD AT THE TIME THE DEED OF EASEMENT IS RECORDED IS NOT AN INDIVIDUAL, THEN THE DEPARTMENT SHALL SPECIFY IN THE DEED OF EASEMENT THE INDIVIDUAL(S) WHO HAVE THE RIGHT TO CREATE AN OWNER'S LOT OR CHILD'S LOT HEREUNDER. [an entity shall include those individuals who were members of the entity at the time the deed of easement was recorded.]

LOCATION INCENTIVE PAYMENT

A ONE-TIME CASH INCENTIVE PAYMENT PAID TO THE LANDOWNER AT THE TIME OF SETTLEMENT, AS DEFINED UNDER SECTION 60-12.N HEREOF.

[MAXIMUM DEVELOPMENT RIGHT VALUE

The actual easement value paid to the landowner based on the number of development rights associated with the property, including family conveyance lots.]

MAJOR STREAM

A PERENNIAL STREAM WITH A DRAINAGE AREA OF MORE THAN 400 ACRES,

AS DEPICTED ON THE HARFORD COUNTY HYDROLOGY/ DRAINAGE AREA
MAP.

[MAXIMUM PER ACRE VALUE

An amount that is established by the Department of Planning and Zoning with the advice of
the Harford County Agricultural Land Preservation Advisory Board as the per acre value not
to be exceeded in any easement agreement.]

[MAXIMUM EASEMENT PER ACRE VALUE

The actual per are price paid to the landowner based on the total valuation number multiplied
by the base multiplication easement value.]

MINOR STREAM

A PERENNIAL OR INTERMITTENT STREAM AS DEFINED BY THE ZONING CODE
OF HARFORD COUNTY WITH A DRAINAGE AREA OF LESS THAN 400 ACRES.

OWNER'S LOT

A lot of 2 acres or less, designated for the exclusive residential use of the landowner of record
at the time THE DEED of easement IS RECORDED [sale].

PER ACRE VALUE CAP

AN AMOUNT THAT IS ESTABLISHED BY THE DEPARTMENT OF PLANNING
AND ZONING WITH THE ADVICE OF THE HARFORD COUNTY AGRICULTURAL
LAND PRESERVATION ADVISORY BOARD AS THE PER ACRE VALUE NOT TO
BE EXCEEDED IN ANY EASEMENT AGREEMENT.

PURCHASE

The acquiring of property, and title thereto or interest therein, in exchange for money, or the
acceptance of a donation of property, and title thereto and interest therein, for no

consideration.

RESIDENTIAL DENSITY VALUE CAP

THE ACTUAL EASEMENT VALUE PAID TO THE LANDOWNER BASED ON THE
NUMBER OF DEVELOPMENT RIGHTS OR DENSITY, AS APPROPRIATE,
ASSOCIATED WITH THE PROPERTY, INCLUDING FAMILY CONVEYANCE LOTS.

SALE OR SELL

The transfer of property, and title thereto or interest therein, for a sum of money, or the
acceptance of a donation of property, and title thereto and interest therein, for no
consideration.

SEVERE ECONOMIC HARDSHIP

A state of financial peril of a landowner, whether caused by a natural disaster, the disability
of the landowner or some other occurrence. Severe economic hardship can be evidenced by
bankruptcy proceedings or other documentation.

SOIL CONSERVATION DISTRICT

A federal, state and county funded organization in Harford County developed to conserve
and protect soil and water quality.

SUBDIVISION

The act of dividing property into smaller portions through the County residential subdivision
process as provided for in Section 2.59 of the Subdivision Regulations, as amended.

SURVEY

A legal metes and bounds description of acreage along with a recordable plat of the entire
property entering into the easement program, showing all easement encroachments,
driveways, streams, buildings, dwellings, fence lines and the demarcation of wood lines,

performed by a licensed surveyor in the State of Maryland. It shall include exceptions to any commitment for title insurance unless waived by the Department of Planning and Zoning, and the survey should be in such form and substance so that there is no survey exception to the title commitment or title insurance policy.

TENANT HOUSE

A dwelling unit located on agricultural property that is used either for occupancy by immediate members of the family owning or operating the agricultural use or by employees engaged in agricultural activities on the property.

VALUATION NUMBER

POINT SYSTEM SCORE CALCULATED ON THE VALUATION WORKSHEET FOR EACH APPLICANT TO DERIVE AN EASEMENT VALUE USING SUCH FACTORS AS PROPERTY SIZE, SOIL QUALITY, DEVELOPMENT POTENTIAL, APPLIED PRACTICES, AND NATURAL FEATURES.

WOODLAND

A biological community dominated by trees and other woody plants covering a land area of 1 acre or more.

Section 3. Be It Enacted By The County Council of Harford County, Maryland that Section 60-11 of Article II, Agricultural Land Preservation [and Purchase of Development Rights] Program, of Chapter 60, Agriculture, of the Harford County Code, as amended, be, and it is hereby, repealed and reenacted, with amendments, all to read as follows:

Chapter 60. Agriculture

Article II. Agricultural Land Preservation [and Purchase of Development Rights] Program

§ 60-11. Agricultural Land Preservation Advisory Board.

...

E. The Agricultural Land Preservation Advisory Board shall have the following responsibilities to the County Agricultural Land Preservation [and Purchase of Development Rights] Program:

- (1) To advise the County with respect to the establishment of agricultural preservation districts and the purchases of easements by the County.
- (2) To assist the County in reviewing the status of agricultural preservation districts and easements.
- (3) To advise the County concerning priorities for agricultural LAND preservation and to assist the County in development criteria for evaluating agricultural land applying to the Program.
- (4) To promote the preservation of agricultural land within the County by offering information and assistance to farmers with respect to the establishment of agricultural preservation districts and the purchase of easements.
- (5) To advise the County in review and approval of various requests as allowed by the conservation easements and districts in such matters as owner/child lots, allowed uses, etc.
- (6) To work with the Maryland Environmental Trust to promote the Trust in the County and to solicit donations to the Trust of conservation easements on land that meets the Trust's criteria.

Section 4. Be It Enacted By The County Council of Harford County, Maryland that Section 60-12 of Article II, Agricultural Land Preservation [and Purchase of Development Rights] Program, of Chapter 60, Agriculture, of the Harford County Code, as amended, be, and it is hereby, repealed and

reenacted, with amendments, all to read as follows:

Chapter 60. Agriculture

Article II. Agricultural Land Preservation [and Purchase of Development Rights] Program

§ 60-12. Agricultural LAND preservation easement.

A. Conditions for establishment. A landowner participating in the Harford County Agricultural Land Preservation [and Purchase of Development Rights] Program agrees:

(1) To maintain the land in agricultural use or in a properly managed state so that it is available for continued agricultural use from the date that the easement is recorded in the land records of Harford County.

(2) To not allow any subdivision of the land, other than that outlined in the easement as owner/child lots OR AS OTHERWISE PERMITTED BY THIS PROGRAM.

(3) TO NOT ALLOW ANY COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL USES, OTHER THAN THOSE ASSOCIATED WITH AN AGRICULTURAL USE, AS DEFINED IN SECTION 267- 4 (DEFINITIONS) OF THE HARFORD COUNTY ZONING CODE, AS AMENDED AND AS PERMITTED BY SECTION 267-73 (AGRICULTURAL/COMMERCIAL) OF THE HARFORD COUNTY ZONING CODE, AS AMENDED.

(4) PRIOR TO SETTLEMENT, TO CONSOLIDATE ALL PARCELS AND/OR LOTS INCLUDED WITHIN THE EASEMENT SUBJECT TO PURCHASE.

[(3)](5)To implement and maintain a soil and water conservation plan as prepared by the Soil Conservation District, EXCEPT WHEN THE LAND IS SUBSTANTIALLY WOODED, IN WHICH CASE, THE INCLUSION OF LAND IN THE AGRICULTURAL PRESERVATION EASEMENT SHALL BE SUBJECT TO

SECTION 60-12A(8).

[(4)](6)To establish an easement on the property which creates an encumbrance upon the lands and binds future owners, heirs, successors or assigns and which precludes the utilization of the land for [nonagriculturally] NON-AGRICULTURALLY related uses. Any agricultural uses currently permitted would be allowed to continue under the agreement. The easement agreement shall not provide for public access to any privately owned land.

[(5)](7)That construction of new buildings or structures on the land, other than farm buildings, that did not exist at the time of district or easement establishment is contingent upon the written application and approval by the Department of Planning and Zoning, subject to review by and recommendation of the Agricultural Land Preservation Advisory Board.

[(6)](8)[That] [f]For those landowner[']s whose property contains [25] 10 or more acres of contiguous woodlands, the landowner [may] SHALL maintain a [f]Forest [s]Stewardship [p]Plan prepared by a licensed forester.

B. [Location] USE criteria. [The focus of the Program will be on lands agriculturally zoned.] PROPERTIES QUALIFIED FOR THE PROGRAM SHALL CONSIST OF LAND WHICH IS EITHER USED PRIMARILY FOR THE PRODUCTION OF FOOD, FIBER OR FOREST PRODUCTS OR IS OF SUCH OPEN SPACE CHARACTER AND PRODUCTIVE CAPACITY THAT CONTINUED AGRICULTURAL PRODUCTION IS FEASIBLE.

C. Size Criteria. The County may not purchase an agricultural preservation easement of less than [50] 20 acres from a landowner unless:

- (1) It is contiguous to an easement that is [50] 20 acres or greater; or
- (2) The landowners on the adjoining property(s), which are less than [50] 20 acres but total at least [50] 20 acres, apply and accept the County's offer to purchase an easement; or
- (3) The property is [greater than 25 acres and is] contiguous with at least [50] 20 acres of land owned by a county, state or federal government agency that is compatible with agriculture.
- (4) IN NO INSTANCE SHALL THE COUNTY PURCHASE A CONSERVATION EASEMENT OF LESS THAN 10 ACRES OF LAND, EXCEPT AS OTHERWISE PERMITTED AS AN ADDITION TO AN EXISTING CONSERVATION EASEMENT PURSUANT TO SUBSECTION S. BELOW.

D. Soil Criteria.

- [(1) Properties qualified for the program shall consist of land which is either use primarily for the production of food, fiber or timber production or is of such open space character and productive capacity that continued agricultural production is feasible.
- (2) Exceptions to the soil criteria noted below include areas of existing, extensive, specialized production, including but not limited to dairying, livestock, poultry, turf, nursery, horse, fruit or berry production as recommended by the Agricultural Land Preservation Advisory Board]
- [(3)](1)[Soils criteria for lands equal to or greater than 50 acres.] At least 50% of the land area proposed for preservation, less the acreage contained within the 100 year floodplain as delineated on the Flood Hazard Boundary Maps, produced by the Federal Emergency Management Administration and state or federal designated wetlands, shall consist of U.S.D.A Soil Capability Classes I, II or III on cropland and Pasture or

Woodland Groups 1 and 2 on woodland areas.

[(4)](2)[Soils criteria for lands less than 50 acres. A minimum of 60% of the land area proposed for preservation shall consist of U.S.D.A Soil Capability Classes I, II, III or IV on cropland and Pasture and Woodland Groups 1 and 2 on wooded areas.]

EXCEPTIONS TO THE SOIL CRITERIA NOTED ABOVE INCLUDE AREAS OF EXISTING, EXTENSIVE, SPECIALIZED PRODUCTION, INCLUDING BUT NOT LIMITED TO, DAIRYING, LIVESTOCK, POULTRY, TURF, NURSERY, HORSE, FOREST PRODUCTS, FRUIT OR BERRY PRODUCTION AS RECOMMENDED BY THE AGRICULTURAL LAND PRESERVATION ADVISORY BOARD.

E. OWNERSHIP CRITERIA. THE COUNTY SHALL NOT PURCHASE EASEMENTS ON LAND OWNED BY A HOMEOWNERS' ASSOCIATION OR A PUBLIC UTILITY.

F. DEVELOPMENT POTENTIAL CRITERIA. THE COUNTY SHALL NOT PURCHASE EASEMENTS ON LAND THAT IS DESIGNATED AS OPEN SPACE OR OTHERWISE LACKS DEVELOPMENT POTENTIAL. LANDOWNERS MUST DEMONSTRATE THE DEVELOPMENT POTENTIAL OF SUCH LANDOWNER'S PROPERTY, AND THAT SUCH DEVELOPMENT POTENTIAL COMPLIES WITH ALL FEDERAL, STATE AND COUNTY LAWS TO ACHIEVE SAID POTENTIAL. SUCH DETERMINATION SHALL BE MADE AT THE DISCRETION OF THE DIRECTOR OF PLANNING AND ZONING, AND UPON THE REVIEW AND RECOMMENDATION OF THE AGRICULTURAL LAND PRESERVATION ADVISORY BOARD.

[E.]G. Permitted Uses. PROPERTIES ZONED OTHER THAN AG (AGRICULTURAL) AT THE TIME OF EASEMENT SETTLEMENT WILL BE TREATED AS AN AGRICULTURAL

1 OVERLAY DISTRICT. A[n] LANDowner whose land is in the Harford County
2 Agricultural Land Preservation [and Purchase of Development Rights] Program shall be
3 permitted to:

4 (1) Use the land for any agricultural use as defined herein and as permitted in the Harford
5 County Zoning Code, including those permitted in [§] SECTION 267-73
6 (Agricultural/commercial) of the Harford County Zoning Code, as amended.

7 (2) Maintain the land for future agricultural use.

8 (3) Operate at any time machinery used in agricultural production or the primary
9 processing of agricultural products. Such operations shall not be considered a nuisance,
10 either public or private, as a result of changed land uses in and around the preserved
11 property.

12 (4) Employ normal agricultural activities and operations in accordance with good
13 husbandry and agronomic practices.

14 (5) Sell agricultural products as is permitted under the Harford County Code.

15 [F.]H. Exclusion of lots under easement.

16 (1) Owner's Lot. The landowner of record at the time of easement sale may, at any time
17 after the easement sale, request the exclusion of 2 acres or less for the exclusive
18 residential use of that landowner. A letter must be provided to the Department of
19 Planning and Zoning requesting this exclusion and verifying the owner's intention to
20 live in this dwelling. This request is subject to review and recommendation by the
21 Agricultural Land Preservation Advisory Board. In addition, the INITIAL building
22 permit and [owner/occupancy permit] THE INITIAL CERTIFICATE OF
23 OCCUPANCY [must] SHALL be in the [owner's] LANDOWNER'S name. The

owner's lot may not be sold or transferred for a period of 5 years from the date of issuance of the [use and occupancy permit] INITIAL CERTIFICATE OF OCCUPANCY except in the event of the death or legal incompetence of the [owner] LANDOWNER or if the lot is part of bankruptcy proceedings; or with the approval of the Department of Planning and Zoning, subject to review and recommendation of the Agricultural Land Preservation Advisory Board.

- (2) Child's Lot. The landowner of record at the time of the easement sale may, at any time after the easement sale, request the exclusion of 2 acres or less for the exclusive residential use of the child. A letter must be provided to the Department of Planning and Zoning from both the landowner and the child requesting this exclusion and verifying that it is the intention of the child to live in this dwelling. This request is subject to review and recommendation by the Agricultural Land Preservation Advisory Board. In addition, the INITIAL building permit and [owner/occupancy permit] THE INITIAL CERTIFICATE OF OCCUPANCY [must] SHALL be in the child's name. The child lot may not be sold or transferred for a period of 5 years from the date of issuance of the [use and occupancy permit] INITIAL CERTIFICATE OF OCCUPANCY except in the event of the death or legal incompetence of the child or if the lot is part of bankruptcy proceedings; or with the approval of the Department of Planning and Zoning, subject to review and recommendation of the Agricultural Land Preservation Advisory Board.

- (3) Number of permitted lots. The total number of lot exclusions may not exceed 1 dwelling unit per 25 acres or 4 lots per easement property, whichever is less. Lots shall not exceed 2 acres in size and shall include all County right-of-way requirements. The

1 inclusion of County right-of-way requirements in the lot size calculation may be
2 waived by the Director of Planning and Zoning for good cause shown, with the review
3 and recommendation of the Agricultural Land Preservation Advisory Board. THE
4 TOTAL NUMBER OF LOT EXCLUSIONS SHALL NEVER BE MORE THAN
5 THE DEVELOPMENT RIGHTS OR DENSITY PURCHASED BY THE COUNTY
6 FROM THE LANDOWNER OF RECORD AT THE TIME OF EASEMENT SALE.

7 All costs associated with the establishment of the lot(S) shall be paid by the landowner.
8 In addition, any landowner of an easement requesting a lot exclusion shall be required
9 to repay the County for the lot excluded. This repayment shall be equal to the amount
10 paid per acre by the County.

11 [G.]I. Tenant Houses. The landowner may request in writing a tenant [home] HOUSE in
12 accordance with conditions established [within SECTION 267-27D(6)] IN SECTION 267-
13 27D(5) of the Harford County Zoning Code, as amended. This request shall be submitted to
14 the Department of Planning and Zoning. Prior to a decision by the Department, the request
15 will be subject to the review and recommendation of the Agricultural Land Preservation
16 Advisory Board, who will consider the documented need for such a structure. The tenant
17 [home] HOUSE may not be subdivided off [of] the [easement] property CONTAINED IN
18 THE EASEMENT.

19 [H.]J. Application to sell development [rights] POTENTIAL.

20 (1) The owner of agricultural land meeting the criteria for participating in this program
21 may, by written application, offer to sell to the County an easement on the entire
22 contiguous acreage of the agricultural land, SAVING AND EXCEPTING
23 THEREFROM ANY PROPERTY USED FOR NONAGRICULTURAL PURPOSES

EXISTING AT THE TIME OF APPLICATION.

(2) For each parcel being offered, the applicant shall include a general description of the parcel, including acreage and the current use of the land, and this shall be accompanied by a map or plat for each subject parcel at a scale no smaller than 1 inch equals 600 feet. In addition, a certified copy of the soil conservation plan, made or revised within 10 years of the date of the application, shall be provided. This plan shall list soil conservation and water quality problem areas on the land. THE APPLICATION FORM SHALL BE PUBLICLY AVAILABLE AND ON FILE WITH THE DEPARTMENT OF PLANNING AND ZONING.

(3) All applications to sell DEVELOPMENT POTENTIAL [easements] to the County shall be submitted to the Department of Planning and Zoning BY MAY 1ST. [The Department, with the advice of the Treasury Department, shall establish specific dates by which applications to sell development rights must be received by the Department of Planning and Zoning.] Within [60] 30 calendar days after this deadline, the Department shall forward all applications to sell development [rights] POTENTIAL to the Agricultural Land Preservation Advisory Board for [their] ITS review.

(4) Each application shall be reviewed and ranked by the Agricultural Land Preservation Advisory Board in accordance with the County's Easement Priority Ranking System (EPR). All applications will be ranked first to last with the first application being the application with the highest EPR score. [A maximum easement value or maximum development right value] A FINAL EASEMENT OFFER will then be determined for each application.

[I.]K. Easement priority ranking system (total number of possible points [300]335).

- 1 (1) THE EASEMENT PRIORITY RANKING SYSTEM (“EPR”) SHALL INCLUDE
- 2 QUANTIFIABLE EVALUATION OF SOIL PRODUCTIVITY, LAND FEATURES AND SIZE,
- 3 DEVELOPMENT POTENTIAL AND LOCATION, AND OTHER RELATED CRITERIA.

[(1) Soil Productivity Score (100 PTS. Max.)

	LESA Program	=____/100 PTS.
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(2) Farmland Capability (35 PTS. Max.)

(a)	Cropland and pasture	
	75%-100% cropland and pasture	=____/25 PTS.
	50%-74% cropland and pasture	=____/15 PTS.
	Less than 50% cropland and pasture	=____/5 PTS.
(b)	Hydric or hydric inclusion soils	
	Less than 20%	=____/10 PTS.
	20%-40%	=____/5 PTS.
	41% or greater	=____/0 PTS.

(3) Land Use Compatibility (90 PTS. Max.)

(a)	Development factors	
	Number of development rights/family conveyances remaining on property (minus 1 for main dwelling)	
	16+	=____/20 PTS.
	11-15	=____/15 PTS.
	5-10	=____/10 PTS.
	Less than 5	=____/0 PTS.
(b)	Proximity to priority areas (40 PTS. Max.)	
	[1] In a designated rural legacy area (within 2 miles)	=____/5 PTS.
	[2] In an agriculture designation on the land use plan	=____/5 PTS.
	[3] In a priority preservation area	=____/25 PTS.
	[4] Within 2 miles of development envelope	=____/20 PTS.
(c)	Farm size	
	200+ acres	=____/30 PTS.
	100-199 acres	=____/20 PTS.
	50-99 acres	=____/10 PTS.

(4) Protected Land Contiguous to Site (30 PTS. Max.)

	(a)	Site is contiguous to farmland which is protected by recorded conservation easement	=____/15 PTS.
	(b)	Site is contiguous to federal, state or county owned parkland	=____/10 PTS.
	(c)	Land is contiguous to interim protected land (e.g., 5-year AG Preservation District)	=____/5 PTS.
(5)	Existing Soil Conservation Plan Approved by the Soil Conservation District or Forest Management Plan Approved by State Forester (10 PTS. MAX.)		
	(a)	Meets current requirements and practices applied	=____/10 PTS.
	(b)	Updated within 10 years and partially applied practices	=____/5 PTS.
	(c)	No current approved plans	=____/0 PTS.
(6)	Ownership (15 PTS. Max.)		
	(a)	Full-time owner/operator	=____/15 PTS.
	(b)	Land rented by full-time farmer	=____/10 PTS.
	(c)	Part-time owner/operator	=____/5 PTS.
	(d)	Absentee landowner	=____/0 PTS.
(7)	Contribution to Continued Viability of Agricultural Community (10 PTS. Max.)		
	(a)	Substantial contribution	=____/10 PTS.
	(b)	Moderate contribution	=____/5 PTS.
	(c)	Minimal contribution	=____/0 PTS.
(8)	Special Conditions (10 PTS. Max.)		
	(a)	Economic hardship	=____/10 PTS.
	(b)	Young farmers	=____/10 PTS.
	(c)	Other (specify)	=____/10 PTS.
Total Score			= ____ PTS.]

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(1) SOIL PRODUCTIVITY & SITE INDEX SCORE (MAXIMUM 100 POINTS)		=____ /100 PTS.
(2) FARM & FOREST CAPABILITY (MAXIMUM 50 POINTS)		
(A)	CROPLAND AND PASTURE	
	80% - 100%	=____ /25 PTS.
	60% - 79%	=____ /20 PTS.
	40% - 59%	=____ /15 PTS.
	20% - 39%	=____ /10 PTS.
	LESS THAN 20%	=____ /5 PTS.

(B)	FOREST AND TREE COVER	
	OVER 50 ACRES	=___ /25 PTS.
	35 - 50 ACRES	=___ /20 PTS.
	20 - 35 ACRES	=___ /15 PTS.
	10 - 20 ACRES	=___ /10 PTS.
	5 - 10 ACRES	=___ /5 PTS.
	(3) LAND USE COMPATIBILITY (MAXIMUM 120 POINTS)	
(A)	DEVELOPMENT FACTORS	
	NUMBER OF DEVELOPMENTS RIGHTS, FAMILY CONVEYANCES, AND/OR DENSITY REMAINING ON THE PROPERTY (MINUS 1 FOR MAIN DWELLING) (MAXIMUM 30 POINTS)	
	*COMMERCIAL ZONED PROPERTIES RECEIVE 30 POINTS	
	16 OR MORE	=___ /30 PTS.
	11 TO 15	=___ /25 PTS.
	7 TO 10	=___ /20 PTS.
	3 TO 6	=___ /15 PTS.
	LESS THAN 3	=___ /10 PTS.
(B)	PROXIMITY TO PRIORITY AREAS (MAXIMUM 30 POINTS)	
	WITHIN A PRIORITY PRESERVATION AREA	=___ /25 PTS.
	WITHIN 1 MILE OR INSIDE THE DEVELOPMENT ENVELOPE	=___ /20 PTS.
	WITHIN A DESIGNATED RURAL LEGACY AREA	=___ /15 PTS.
	WITHIN OR ADJACENT TO A RURAL VILLAGE	=___ /10 PTS.
	WITHIN OR ADJACENT TO NON-AG ZONING	=___ /5 PTS.
(C)	PROPERTY SIZE (MAXIMUM 30 POINTS)	
	GREATER THAN 200 ACRES	=___ /30 PTS.
	100 TO 199 ACRES	=___ /20 PTS.
	50 TO 99 ACRES	=___ /10 PTS.
	20 TO 49 ACRES	=___ /5 PTS.
	WITHIN DEVELOPMENT ENVELOPE (ANY SIZE)	=___ /10 PTS.
(D)	PROTECTED LAND CONTIGUOUS TO SITE (MAXIMUM 30 POINTS)	
	SITE IS CONTIGUOUS TO LAND WHICH IS PROTECTED BY A RECORDED CONSERVATION EASEMENT	=___ /15 PTS.
	SITE IS CONTIGUOUS TO FEDERAL, STATE OR COUNTY OWNED LAND	=___ /10 PTS.

	SITE IS CONTIGUOUS TO IN-TERM PROTECTED LAND DISTRICT	=___ /5 PTS.
(4) AGRICULTURAL & NATURAL RESOURCE FEATURES (MAXIMUM 65 POINTS)		
(A)	CURRENT SOIL CONSERVATION PLAN APPROVED BY THE DISTRICT OR CURRENT FOREST STEWARDSHIP PLAN PREPARED BY A MARYLAND LICENSED FORESTER. LANDOWNER MUST SUPPLY A COPY (MAXIMUM 10 POINTS)	
	MEETS CURRENT REQUIREMENTS AND PRACTICES APPLIED	=___ /10 PTS.
	UPDATED WITHIN 10 YEARS AND PRACTICES PARTIALLY APPLIED	=___ /5 PTS.
	NO CURRENT PLANS	=___ /0 PTS.
(B)	LAND MANAGEMENT OF PROPERTIES ASSESSED AGRICULTURAL PER SDAT (MAXIMUM 10 POINTS)	
	FULLTIME OWNER/OPERATOR OF AN AGRICULTURAL OPERATION	=___ /10 PTS.
	PART-TIME OWNER/OPERATOR OR LAND RENTED BY FULL-TIME FARMER	=___ /5 PTS.
	ASSESSMENT OTHER THAN AGRICULTURAL	=___ /0 PTS.
(C)	FOREST HABITAT CONNECTIVITY/GREEN INFRASTRUCTURE (MAXIMUM 15 POINTS) (PER HARFORD COUNTY GREEN INFRASTRUCTURE PLAN)	
	CORE AREA(S) OF AT LEAST 1 ACRE PRESENT ON THE PROPERTY	=___ /15 PTS.
	HUB AREA(S) OF AT LEAST 1 ACRE PRESENT ON THE PROPERTY	=___ /10 PTS.
	CORRIDOR AREA(S) OF AT LEAST 1 ACRE PRESENT ON THE PROPERTY	=___ /5 PTS.
	NO MAPPED FEATURES PRESENT ON THE PROPERTY	=___ /0 PTS.
(D)	WATER QUALITY BENEFITS (MAXIMUM 15 POINTS)	
	FRONTAGE ON MAJOR STREAM, RIVER OR BAY (AT LEAST 100')	=___ /15 PTS.
	FRONTAGE ON A MINOR STREAM (AT LEAST 300') AND/OR WETLANDS PRESENT ON THE PROPERTY	=___ /10 PTS.
	STREAM FRONTAGE LESS THAN THOSE LISTED ABOVE, OR WITHIN 1/2 MILE OF A MAJOR STREAM	=___ /5 PTS.
	NO MAPPED FEATURES PRESENT ON THE PROPERTY	=___ /0 PTS.

(E)	SPECIAL CONDITIONS (MAXIMUM OF 15 POINT SLIDING SCALE)	
	EXAMPLES: HIGH-VALUE PROPERTY, HIGH RISK OF LOSS, SIGNIFICANCE OF AG OPERATION, YOUNG/BEGINNING OPERATOR, OTHER: _____	=____/PTS.

[J.]L. Value of easement.

(1) [The actual easement value paid to the landowner shall be based on an overall evaluation of the property using factors such as size, development potential, best management practices and soil productivity and percentage of soil class. The easement value paid shall be either the maximum easement per acre value or the maximum development right value, whichever is lower, and in no case will the easement value exceed the maximum per acre cap. The maximum easement per acre value is determined by the total valuation number multiplied by the base multiplication easement value.]THE VALUATION WORKSHEET SHALL INCLUDE QUANTIFIABLE EVALUATION OF DENSITY OR DEVELOPMENT POTENTIAL AND LOCATION, PRODUCTIVITY FEATURES AND SIZE, NATURAL RESOURCE FEATURES, AND OTHER RELATED CRITERIA, BUT NOT ITS UNDERLYING ZONING CLASSIFICATION.

(2) THE FINAL EASEMENT OFFER SHALL BE THE LESSER OF THE THREE CALCULATIONS WHICH INCLUDE THE:

(A) FORMULA VALUE,

(B) RESIDENTIAL DENSITY VALUE CAP (APPLICABLE ONLY TO AGRICULTURAL AND RESIDENTIAL ZONED PROPERTIES) , OR

(C) PER ACRE VALUE CAP.

[(2)](3)The base MULTIPLIER [multiplication easement] value, the [maximum development right] RESIDENTIAL DENSITY value CAP, and the per acre VALUE

cap shall be reviewed by the Agricultural Land Preservation Advisory Board every 6 months taking into consideration market conditions, funding and demand. Upon the recommendation of the Agricultural Land Preservation Advisory Board, the Department of Planning and Zoning shall establish a base MULTIPLIER [multiplication easement] value, a [maximum] per acre value [CAP] and a [maximum per residential development right/confirmed family conveyance] RESIDENTIAL DENSITY value CAP that the County is willing to pay a landowner.

[(3) Notwithstanding anything contained herein, the applicant, in the discretion of the County and upon review by the Agricultural Land Preservation Advisory Board, may receive a one-time cash incentive if the property subject to the easement is in the "agricultural preservation incentive" area of the County as set forth on the 2017 Agricultural Preservation Incentive Map which shall be kept on file in the Department of Planning and Zoning. This one-time cash incentive shall be calculated pursuant to a formula approved by the Department of Planning and Zoning. This one-time cash incentive shall not affect the points system or ranking of the subject property.]

[K.]M. Valuation worksheet.
[Land Size and Potential:

Base		100
Size (farm acreage/ag zoning density) (1% of base for every 10 acres)	+	_____
Total # of development rights (including family conveyance)	+	_____
(6% of base for every development right and 2% for every family conveyance)		
Agricultural Land Quality:		
Average soil productivity (LESA score)	+	_____
Cropland and pasture soils (soil acreage x weight ?? farm AC.) X 100		
Class I soils _____ x 1	+	_____
Class II soils _____ x .72	+	_____

	Class III soils _____ x .50	+	_____
	Class IV (qualifying) soils _____ x .18	+	_____
Woodland group (woodland acreage x weight ?? farm ac.) X 100			
	Class I woodland _____ x .50	+	_____
	Class II woodland _____ x .25	+	_____
Deduction for hydric and hydric inclusion soils (acreage x weight ?? farm ac.) x 100			
	Hydric soils _____ x .50	-	_____
	Hydric inclusion soils _____ x .25 (Hydric and hydric inclusion soils as defined by the National Hydric Soil List)	-	_____
	Approved and implemented Soil Conservation District plan (10% of base)	+	_____
Total Valuation Number			_____
Maximum Easement Value:			
	Total valuation number _____ x base		
	Multiplication easement value = \$ _____ per acre		
Maximum Development Right Value:			
	Number of development rights remaining on the property		_____
	Number of potential family conveyances		_____
	Total number of potential rights		_____
	___ Potential rights x development right value of \$ _____	=	\$ _____
Maximum Per Acre Cap			\$]

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BASE VALUE FOR FARM	+ 100
<u>SIZE (ACREAGE - EXISTING NON-AGRICULTURAL USES/10)</u>	
(1% OF BASE FOR EVERY 10 ACRES)	+ _____
<u>AVAILABLE RESIDENTIAL DENSITY UNITS INCLUDING FAMILY CONVEYANCES</u>	
RESIDENTIAL DENSITY UNITS -1 FOR MAIN DWELLING X 6% OF BASE (MAX. OF 1000)	+ _____
NON-AG OR RESIDENTIAL ZONED AREA ACRES X 12% OF BASE (MAX. OF 1000)	+ _____
<u>NATURAL RESOURCES</u>	

AVERAGE CROP & FOREST PRODUCTIVITY (LESA & SITE INDEX SCORE)			+ _____
CROPLAND & PASTURE SOILS (SOIL ACS. X WEIGHT / FARM ACS.) X 100 BASED ON GIS BOUNDARIES			
CLASS I SOILS	_____	X 1.0	+ _____
CLASS II SOILS	_____	X 0.72	+ _____
CLASS III SOILS	_____	X 0.50	+ _____
CLASS IV SOILS	_____	X 0.18	+ _____
WOODLAND GROUP (WOODLAND ACS. X WEIGHT / FARM ACS.) X 100 BASED ON GIS BOUNDARIES			
CLASS I WOODLAND	_____	X 1.0	+ _____
CLASS II WOODLAND	_____	X 0.72	+ _____
<u>WATER RESOURCES</u>			
(10% OF BASE IF 300-LINEAR FEET OF MINOR STREAMS ONSITE); OR (20% OF BASE IF 100-LINEAR FEET OF MAJOR STREAMS, RIVERS, OR BAY ONSITE)			+ _____
<u>LAND MANAGEMENT</u>			
CURRENT SOIL CONSERVATION PLAN OR FOREST STEWARDSHIP PLAN (10% OF BASE IF YES, LANDOWNER MUST SUPPLY A COPY)			+ _____
TOTAL VALUATION NUMBER			= _____
<u>FORMULA VALUE</u>			
TOTAL VALUATION NUMBER _____	X BASE MULTIPLIER VALUE _____	= PRICE/ACRE	
PRICE/ACRE _____	X TOTAL ACREAGE _____	= _____	
<u>PER ACRE VALUE CAP</u>			
PER ACRE VALUE CAP _____	X TOTAL ACREAGE _____	= _____	
<u>RESIDENTIAL DENSITY VALUE CAP*</u>			
RESIDENTIAL DENSITY UNITS PERMITTED**	X VALUE CAP _____	+	
RESIDENTIAL DENSITY UNITS NOT PERMITTED**	X VALUE CAP _____	= _____	
*ONLY APPLIES TO AGRICULTURAL & RESIDENTIAL ZONING CATEGORIES			
**PER THE MARYLAND SUSTAINABLE GROWTH & AGRICULTURAL PRESERVATION ACT OF 2012			
<u>LOCATION INCENTIVE</u>			

LOCATION INCENTIVE VALUE _____	X TOTAL ACREAGE _____	= _____
<u>FINAL EASEMENT OFFER</u>		
(LEAST OF THE ABOVE FORMULA VALUE, PER ACRE VALUE CAP, OR RESIDENTIAL DENSITY VALUE CAP + LOCATION INCENTIVE IF APPLICABLE)		= _____

N. LOCATION INCENTIVE PAYMENTS.

(1) THE PURPOSE OF THE LOCATION INCENTIVE PAYMENTS IS TO ENCOURAGE LANDOWNERS IN AREAS WITH GREATER DEVELOPMENT PRESSURE TO ENTER INTO THE AGRICULTURAL LAND PRESERVATION PROGRAM.

(2) NOTWITHSTANDING ANYTHING CONTAINED HEREIN, THE APPLICANT SHALL RECEIVE A ONE-TIME CASH INCENTIVE IF ANY PORTION OF THE PROPERTY SUBJECT TO THE EASEMENT IS LOCATED WITHIN AN "AGRICULTURAL PRESERVATION INCENTIVE" AREA OF THE COUNTY. IF A PROPERTY IS LOCATED WITHIN MORE THAN ONE (1) "AGRICULTURAL PRESERVATION INCENTIVE" AREA, THEN THE LANDOWNER SHALL ONLY BE ELIGIBLE TO RECEIVE ONE (1) INCENTIVE PAYMENT.

(3) THE AGRICULTURAL PRESERVATION INCENTIVES AREAS WILL CONSIST OF THE FOLLOWING AREAS:

(A) WITHIN THE DEVELOPMENT ENVELOPE AS DELINEATED ON THE LAND USE MAP CONTAINED WITHIN THE HARFORD COUNTY MASTER PLAN;

(B) WITHIN ONE MILE OF THE DEVELOPMENT ENVELOPE AS DEFINED ABOVE;

(C) ALL OTHER AREAS WITHIN THE COUNTY AND OUTSIDE OF THE
PRIORITY PRESERVATION AREA (PPA) AS DELINEATED BY THE
PRIORITY PRESERVATION AREA PLAN CONTAINED WITHIN THE
HARFORD COUNTY MASTER PLAN; AND

(D) OUTSIDE OF THE DEVELOPMENT ENVELOPE, ANY PROPERTY
ZONED OTHER THAN AG (AGRICULTURAL) OR ADJACENT TO A
PROPERTY ZONED OTHER THAN AG (AGRICULTURAL).

(4) THIS ONE-TIME CASH INCENTIVE SHALL BE CALCULATED PURSUANT
TO A FORMULA APPROVED BY THE DEPARTMENT OF PLANNING AND
ZONING WITH ADVISEMENT BY THE AGRICULTURAL LAND
PRESERVATION ADVISORY BOARD.

(5) THIS ONE-TIME CASH INCENTIVE SHALL NOT AFFECT THE POINTS
SYSTEM OR RANKING OF THE SUBJECT PROPERTY.

[L.]O. Offers.

(1) After determination of the EPR score and easement value, offers will be made to
[all] qualified applicants. The County shall make offers to applicants a minimum
of [2] 1 time[s] [a] PER year, subject to the availability of funds and qualified
applicants. OFFERS SHALL BE MADE IN JULY OF EACH YEAR. The
applicant with the highest EPR score should receive the first offer, the applicant
with the second highest score should receive the second offer and so on until all
funds are expended. However, the County has the flexibility to modify this
procedure if adequate funding is not available for the next landowner in line. In this

1 case, the County may make an offer to the next highest score whose maximum
2 easement value does not exceed available funding.

3 (2) The Department of Planning and Zoning will send each qualified landowner a
4 commitment letter stating their EPR ranking and the easement value. All applicants
5 must notify the Department of their intention to accept or reject the offer, and they
6 must specify their payment alternative. The applicant's response must be in writing
7 and received by the Department within 15 days of receipt of the commitment letter.

8 (3) Those applicants not receiving an offer shall automatically be considered for the
9 next round of easement sale offers. All offers to purchase [development rights]
10 EASEMENTS from agricultural landowners must be approved by the Harford
11 County Board of Estimates and the County Council. ACCEPTED OFFERS
12 SHALL BE SUBMITTED TO THE COUNTY COUNCIL FOR THEIR REVIEW
13 IN SEPTEMBER OF EACH YEAR. As the Harford County Agricultural Land
14 Preservation [and Purchase of Development Rights] Program is strictly voluntary,
15 no landowner shall be required to accept any offer made by the County to purchase
16 [their development rights] AN EASEMENT nor shall the County be required to
17 purchase [the development rights on farms] AN EASEMENT ON LANDS not
18 meeting the County's minimum EPR score of 150 points.

19 [M.]P. Payment alternatives.

20 (1) There are 2 payment options available through the [Purchase of Development Rights
21 Program.] AGRICULTURAL LAND PRESERVATION PROGRAM. Installment
22 purchase agreements (IPA) allow landowners to receive the total value of their
23 easement over a 10, 20 or 30 year time period as agreed upon by the County and

landowner. Landowners may also request a cash payment in which the landowner will receive the total value of the easement at the time of settlement. After a payment option is selected, it cannot be changed and it is contractual with the landowner at the time of settlement.

(2) If the landowner requests that the [development rights] EASEMENT be purchased in a manner other than through the IPA method, the County, after considering past and future IPA obligations and considering whether funds are available, shall offer to pay the landowner in cash for the [purchase of development rights.] EASEMENT. If funds are not available for the cash purchase of [development rights] THE EASEMENT, the landowner shall automatically be considered for the next round of easement sale offers.

(3) Once a landowner agrees to accept a County offer to purchase [his development rights] AN EASEMENT, a contract between the County and the individual seller will be written. This contract will include the total amount of money that the County has agreed to pay the landowner and sets the terms of that agreement.

[N.]Q. Installment purchase agreement (IPA). IPA[']s include the total amount of money that the County has agreed to pay the landowner and establishes the terms of that agreement, including the fixed interest rate that the landowner will receive as part of the annual payments. The interest rate is determined by the strip treasury rate the day prior to settlement. The installment purchases shall be for 10, 20 or 30 years as agreed upon by the County and landowner, and the landowner will receive a final balloon payment of the principal and all unpaid interest upon the expiration of the installment pay out period. This agreement is exempt from the provisions of Sections 9, 10 and 11 of Article 31 of the

Annotated Code of Maryland.

[O.]R. Settlement.

(1) Settlement shall be made by the County [within 120 days of the date of county Council action. A 60 day extension may be requested in writing by either the landowner or the County in order to verify deed information and/or provide an updated survey or other information needed by the County to complete the easement sale process.] BEFORE JUNE 30TH OF THE SAME FISCAL YEAR IN WHICH THE OFFER WAS MADE.

(2) Prior to the selection of a mutually agreeable settlement date, the County shall be in receipt of the title and title commitment from the assigned title company, a survey provided by the landowner and all other subordination agreements or other documentation related to obtaining a clear title.

[P.]S. Easement recordation. Once all necessary documents have been properly signed, a deed of easement, restricting in perpetuity future development on the property, shall be recorded in the Harford County land records along with a recorded plat of the easement property. The form of the deed of easement shall be similar to the deed of easement attached hereto and incorporated herein by reference. All easements shall run concurrent with the land. The County shall pay all reasonable costs at settlement for the following: title report; title insurance; and recordation fees, if applicable.

[Q.]T. Additions to existing easements. [The process for adding land to existing easements shall be the same as for the initial establishment of an easement. The Agricultural Land Preservation Advisory Board shall establish a minimum size criteria for the addition of land contiguous to an existing easement.] A LANDOWNER WHOSE PROPERTY IS

1 SUBJECT TO AN EASEMENT UNDER THIS SECTION MAY APPLY TO ADD
2 ADDITIONAL LAND THAT IS CONTIGUOUS TO THE EXISTING EASEMENT
3 SUBJECT TO THE FOLLOWING CONDITIONS:

4 (1) THE ADDITIONAL LAND MUST BE ELIGIBLE FOR THE HARFORD
5 COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM. UPON THE
6 RECOMMENDATION OF THE AGRICULTURAL LAND PRESERVATION
7 ADVISORY BOARD, THE DEPARTMENT OF PLANNING AND ZONING
8 MAY MAKE EXCEPTIONS TO THE SIZE CRITERIA OR DEVELOPMENT
9 POTENTIAL CRITERIA. THE COUNTY SHALL NOT PAY FOR ADDITIONS
10 TO EXISTING EASEMENTS WITH NO DEVELOPMENT POTENTIAL BUT
11 MAY ACCEPT SUCH ADDITIONAL LAND AS A DONATION;

12 (2) THE ADDITIONAL LAND SHALL BE CONSOLIDATED WITH THE
13 EXISTING EASEMENT PARCEL AND MAY NOT BE SUBDIVIDED FROM
14 THE ORIGINAL EASEMENT PROPERTY IN THE FUTURE, EXCEPT AS
15 OTHERWISE PERMITTED UNDER THIS SECTION;

16 (3) THE OWNER SHALL PROVIDE A LEGALLY SUFFICIENT SURVEY OF THE
17 ADDITIONAL LAND AT THEIR EXPENSE.

18 (4) AN AMENDMENT TO THE ORIGINAL DEED OF EASEMENT SHALL BE
19 RECORDED IN THE LAND RECORDS OF HARFORD COUNTY;

20 (5) THE EASEMENT ON THE ADDITIONAL LAND MAY BE DONATED TO THE
21 PROGRAM FOR NO MONETARY CONSIDERATION, OR THE COUNTY MAY
22 ELECT TO MAKE AN OFFER TO PURCHASE THE EASEMENT;

23 (6) ANY PAYMENT FOR ADDITIONS TO EXISTING CONSERVATION

EASEMENTS SHALL BE BASED ON THE CURRENT VALUATION SYSTEM;

AND

- (7) ALL PURCHASED ADDITIONS TO EXISTING EASEMENTS SHALL BE APPROVED BY THE HARFORD COUNTY BOARD OF ESTIMATES AND THE COUNTY COUNCIL BUT MAY OCCUR OUTSIDE OF THE SCHEDULED ROUND OF OFFERS, NOT SUBJECT TO THE RANKING CRITERIA, IF FUNDING IS AVAILABLE AND SUBJECT TO THE APPROVAL OF PLANNING AND ZONING WITH ADVISEMENT FROM THE AGRICULTURAL LAND PRESERVATION ADVISORY BOARD.

[R.]U. Agricultural subdivision. A landowner whose property is subject to an

easement under this section shall be entitled to subdivide the property into smaller parcels subject to the following conditions:

- (1) No additional dwellings shall be permitted on parcels created through the subdivision of the property;
- (2) All [subdivided parcels and any] remaining parcelS shall be at least [25] 50 acres, except that parcels of less than [25] 50 acres may be created if combined with an adjacent EASEMENT parcel or if approved by the Department of Planning and Zoning, with the review and recommendation of the Agricultural Land Preservation Advisory Board;
- (3) No tenant house shall be permitted to be subdivided from the original property, as the property existed at the time the deed of easement was recorded; and
- [(4)] (5) The subdivision of the property will not be inconsistent with any soil conservation or water quality plan in existence prior to the subdivision.

V. BOUNDARY LINE ADJUSTMENTS. A LANDOWNER WHOSE PROPERTY IS SUBJECT TO AN EASEMENT UNDER THIS SECTION MAY REQUEST AN ADJUSTMENT TO BOUNDARY LINES WITH AN ADJACENT PARCEL. BOUNDARY LINE ADJUSTMENTS WITH ADJACENT NON-EASEMENT PROPERTIES REQUIRE AN EXCHANGE OF EQUAL ACREAGE FROM THE NON-EASEMENT PARCEL. ALL SUCH REQUESTS ARE SUBJECT TO APPROVAL BY THE DIRECTOR OF PLANNING AND ZONING WITH ADVISEMENT FROM THE AGRICULTURAL LAND PRESERVATION ADVISORY BOARD.

[S.]W. Reports. TO AIDE IN BUDGET PREPARATION FOR THE NEXT FISCAL YEAR, [T]The County Treasurer shall submit to the Agricultural Land Preservation Advisory Board [on a semi-annual basis] BY DECEMBER 1 OF EACH YEAR, a report detailing the FOLLOWING INFORMATION:

- (1) ALL revenues received under the transfer tax AND INVESTMENT INCOME,
- (2) the revenues expended for agricultural preservation listed by payment method TO INCLUDE A BREAKDOWN OF ALL CASH PAYMENTS, AND PAST FISCAL YEAR, CURRENT FISCAL YEAR, AND FUTURE COMMITTED IPA PAYMENTS, [and]
- (3) cost[S] incurred to administer the Agricultural Land Preservation Program AND
- (4) REMAINING BALANCE AVAILABLE FOR NEW EASEMENT PURCHASES.

[T.]X. Tax credit. Landowners may be eligible for a tax credit under Section 123-43.3.1 (HARFORD COUNTY AGRICULTURAL PRESERVATION TAX CREDITS) of the Harford County Code, AS AMENDED.

Section 4. Be It Enacted By The County Council of Harford County, Maryland that Section 60-

13 of Article II, Agricultural Land Preservation [and Purchase of Development Rights] Program, of Chapter 60, Agriculture, of the Harford County Code, as amended, be, and it is hereby, repealed and reenacted, with amendments, all to read as follows:

Chapter 60. Agriculture

Article II. Agricultural Land Preservation [and Purchase of Development Rights] Program

§ 60-13. Agricultural preservation districts.

The Harford County Agricultural Land Preservation [and Purchase of Developments Rights] Program also allows a landowner the option of establishing an agricultural preservation district. An agricultural preservation district is a minimum 5 year agreement by the landowner not to develop their land. If a landowner applying to establish an agricultural preservation district does not meet the state's minimum size criteria but otherwise qualifies for their program, the landowner may establish an agricultural preservation district through the County program.

A. Conditions for establishment. A landowner agrees:

- (1) To maintain the land in agricultural use OR IN A PROPERLY MANAGED STATE SO THAT IT IS AVAILABLE FOR CONTINUED AGRICULTURAL USE from the date that the district is recorded in the land records of Harford County.
- (2) That the district agreement creates an encumbrance upon the land and binds future owners, heirs, successors or assigns, and which precludes the utilization of the land for non-agriculturally related uses for a minimum of 5 years. Any agricultural uses currently permitted would be allowed to continue under this agreement as permitted by the Harford County Zoning Code.
- (3) That the construction of NEW buildings or structures on the land, other than farm buildings, THAT DID NOT EXIST AT THE TIME OF DISTRICT

ESTABLISHMENT is contingent upon the written application and approval of the Department of Planning and Zoning, subject to review by and recommendation of the Agricultural Land Preservation Advisory Board.

B. USE CRITERIA. PROPERTY QUALIFIED FOR THE PROGRAM SHALL CONSIST OF LAND WHICH IS EITHER USED PRIMARILY FOR THE PRODUCTION OF FOOD, FIBER OR FOREST PRODUCTS OR IS OF SUCH OPEN SPACE CHARACTER AND PRODUCTIVE CAPACITY THAT CONTINUED AGRICULTURAL PRODUCTION IS FEASIBLE.

[B.]C. Location criteria. [The focus of the program will be on lands agriculturally zoned.] TO QUALIFY FOR AN AGRICULTURAL PRESERVATION DISTRICT THE PROPERTY SHALL BE ZONED AGRICULTURAL UNDER THE HARFORD COUNTY ZONING CODE.

[C.]D. Size criteria. An agricultural preservation district shall be a minimum of 50 contiguous acres. However, a parcel of less than 50 acres may qualify as a district if:

(1) IT IS CONTIGUOUS TO AN EASEMENT THAT IS 50 ACRES OR GREATER;
OR

[(1)](2)It adjoins a 50 acre parcel which has been approved by the County as an agricultural preservation district; or

[(2)](3) It has been added to one or more adjoining parcels which together have been approved by the County as agricultural preservation districts; or

(4) THE PROPERTY IS CONTIGUOUS TO AT LEAST 50 ACRES OF LAND OWNED BY A COUNTY, STATE, OR FEDERAL GOVERNMENT AGENCY THAT IS COMPATIBLE WITH AGRICULTURE; OR

1 [(3)](5) The land has an agricultural productivity capability higher than the County
2 average as determined by the United States Department of Agriculture.

3 [D.]E. Soil criteria.

4 [(1) Properties qualified for the program shall consist of land which is either used
5 primarily for the production of food, fiber or timber production or is of such open
6 space character and productive capacity that continued agricultural production is
7 feasible.

8 (2) Exceptions to the soil criteria noted below include areas of existing, extensive,
9 specialized production, including by not limited to dairying, livestock, poultry, fruit
10 or berry production as recommended by the Agricultural Land Preservation Advisory
11 Board.]

12 [(3)](1)[Soils criteria for lands equal to or greater than 50 acres.] At least 50% of the
13 land area proposed for preservation, less the acreage contained within the 100 year
14 floodplain as delineated on the Flood Hazard Boundary Maps, produced by the
15 Federal Emergency Management Administration and state or federal designated
16 wetlands, shall consist of U.S.D.A. Soil Capability Classes I, II or III on cropland and
17 Pasture or Woodland Groups 1 and 2 on woodland areas.

18 [(4) Soils criteria for lands less than 50 acres. A minimum of 60% of the land area
19 Proposed for preservation shall consist of U.S.D.A. Soil Capability Classes I, II, III,
20 or IV on cropland and Pasture and Woodland Groups 1 and 2 on wooded areas.]

21 (2) EXCEPTIONS TO THE SOIL CRITERIA NOTED ABOVE INCLUDE AREAS OF
22 EXISTING, EXTENSIVE, SPECIALIZED PRODUCTION, INCLUDING BUT
23 NOT LIMITED TO, DAIRYING, LIVESTOCK, POULTRY, TURF, NURSERY,

HORSE, FOREST PRODUCTS, FRUIT OR BERRY PRODUCTION AS
RECOMMENDED BY THE AGRICULTURAL LAND PRESERVATION
ADVISORY BOARD.

F. OWNERSHIP CRITERIA. AN AGRICULTURAL PRESERVATION DISTRICT IS
NOT PERMITTED ON LAND OWNED BY A HOMEOWNERS' ASSOCIATION OR
A PUBLIC UTILITY.

G. DEVELOPMENT POTENTIAL CRITERIA. AN AGRICULTURAL PRESERVATION
DISTRICT IS NOT PERMITTED ON LAND THAT IS DESIGNATED OPEN SPACE
OR OTHERWISE LACKS DEVELOPMENT RIGHTS OR FAMILY CONVEYANCES.

[E.]H. Permitted Uses. An owner whose land is in [the Harford County Land Preservation and
Purchase of Development Rights Program] AN AGRICULTURAL PRESERVATION
DISTRICT shall be permitted to:

(1) Use the land for agricultural use as defined herein and as permitted in the Harford
County Code, including those permitted in [Section 267.43(F)] SECTION 267-73
(AGRICULTURAL/COMMERCIAL) of the Harford County Zoning Code, as
amended.

(2) Maintain the land for future agricultural use.

(3) Operate at any time machinery used in agricultural production or the primary
processing of agricultural products. Such operations shall not be considered a
nuisance, either public or private, as a result of changed land uses in and around the
preserved property.

1 (4) Employ normal agricultural activities and operations in accordance with good
2 husbandry and agronomic practices [as long as the activities and operations do not
3 endanger the health and welfare of the citizens of the County].

4 (5) Sell agricultural products as is permitted under the Harford County Code.

5 (6) Use the land for additional conservation easements and mitigation offsets, such as
6 but not limited to wetlands and afforestation, provided that the use does not impair
7 any agricultural use on the land, that the use is not greater than 10% of the total
8 acreage of the property as the property existed at the time the [deed of easement was
9 recorded] DISTRICT WAS ESTABLISHED and that the use is approved by the Soil
10 Conservation District.

11 [F.]I. Exclusion of lots under district.

12
13 (1) Owner's lot. The landowner of record at the time of district establishment may, at any
14 time after the district has been established, request the exclusion of 2 acres or less for
15 the exclusive use of that landowner. A letter must be provided to the Department of
16 Planning and Zoning requesting this exclusion and verifying the owner's intention to
17 live in this dwelling. This request is subject to review and recommendation by the
18 Agricultural Land Preservation Advisory Board. In addition, the INITIAL building
19 permit and the [owner/occupancy permit] INITIAL CERTIFICATE OF
20 OCCUPANCY [must]SHALL be in the [owner's]LANDOWNER'S name. The
21 owner's lot may not be sold or transferred within 5 years from the date of recording the
22 district AGREEMENT except in the event of the death or legal incompetence of the
23 LANDowner or if the lot is part of bankruptcy proceedings; or with approval of the

1 Department of Planning and Zoning, subject to review and recommendation of the
2 Agricultural Land Preservation Advisory Board.

3 (2) Child's lot. The landowner of record at the time of district establishment may, at any
4 time after the district has been established, request the exclusion of two acres or less
5 for the exclusive residential use of the child. A letter must be provided to the
6 Department of Planning and Zoning from both the landowner and the child requesting
7 this exclusion and verifying that it is the intention of the child to live in this dwelling.
8 This request is subject to review and recommendation by the Agricultural Land
9 Preservation Advisory Board. In addition, the INITIAL building permit and the [owner
10 occupancy permit] INITIAL CERTIFICATE OF OCCUPANCY must be in the child's
11 name. The child lot may not be sold or transferred within 5 years from the date of
12 recording the district AGREEMENT except in the event of the death or legal
13 incompetence of the child or if the lot is part of bankruptcy proceedings; or with
14 approval of the Department of Planning and Zoning, subject to review and
15 recommendation of the Agricultural Land Preservation Advisory Board.

16 (3) Number of permitted lots. The total number of lot exclusions may not exceed 1
17 dwelling unit per 25 acres or 4 lots per district property, whichever is less. Lots shall
18 not exceed 2 acres in size and shall include all County right-of-way requirements. The
19 inclusion of County right-of-way requirements in the lot size calculation may be
20 waived by the Director of Planning for good cause shown, with the review and
21 recommendation of the Agricultural Land Preservation Advisory Board. THE TOTAL
22 NUMBER OF LOT EXCLUSIONS SHALL NEVER BE MORE THAN THE
23 DEVELOPMENT RIGHTS AND FAMILY CONVEYANCES AT THE TIME OF

1 DISTRICT ESTABLISHMENT. All costs associated with the establishment of [this
2 lot] THE LOT(S) shall be paid by the landowner, and the district will be amended to
3 identify the lot(s) excluded.

4 [G.]J. Tenant Houses. The landowner may request in writing a tenant [home] HOUSE in
5 accordance with conditions established within [Section 267-26(D)(6)] SECTION 267-
6 27(D)(5) of the Harford County Zoning Code, as amended. This request shall be submitted
7 to the Department of Planning and Zoning. Prior to a decision by the Department, the
8 request will be subject to review and recommendation of the Agricultural Land
9 Preservation Advisory Board, who will consider the documented need for such a structure.
10 The tenant [home] HOUSE may not be subdivided off of the property while in the district.
11 Nor may it be subdivided if the property is going to proceed to settlement under any
12 preservation program.

13 [H.]K. Termination and alteration of districts. The following provisions are applicable only to
14 land in agricultural preservation districts on which an easement is not held by the County
15 or the state.

16 (1) A landowner may terminate his property's inclusion in an agricultural preservation
17 district at any time after 5 years from the establishment of the district. Notice of
18 intention to terminate must be submitted to the County at least 6 months prior to
19 district termination.

20 (2) Severe ECONOMIC hardship. If severe economic [or personal] hardship occurs, the
21 County may, on an individual basis, release the landowner's property from an
22 agricultural preservation district at any time. The landowner shall petition the

County, stating succinctly the severe ECONOMIC hardship that the landowner is sustaining and providing the County with the following:

(a) A recent financial statement which shows the owner's complete assets and liabilities and a statement under the penalty of perjury that the information contained in the financial statement is true and accurate.

(b) Other information attesting to the severe ECONOMIC hardship that the landowner is sustaining, including by way of example information from the mortgagees, lien holders, creditors, attorneys, the internal revenue service and other party interests who are qualified to address the condition of the landowner.

(c) To the extent permitted by law, the County shall deny public access to the information the landowner has supplied the County.

(d) The question of whether severe economic hardship exists will be decided by the Department of Planning and Zoning with concurrence from the County Attorney and the Agricultural Land Preservation Advisory Board.

(3) No development plans may be submitted to the Department of Planning and Zoning prior to the formal termination of the district.

(4) A landowner terminating a district shall be required to pay back to the County the applied tax credit given to the property while under the district agreement.

Section 5. Be It Enacted By The County Council of Harford County, Maryland that Section 60-14 of Article II, Agricultural Land Preservation [and Purchase of Development Rights] Program, of Chapter 60, Agriculture, of the Harford County Code, as amended, be, and it is hereby, repealed and reenacted, with amendments, all to read as follows:

Chapter 60. Agriculture

Article II. Agricultural Land Preservation [and Purchase of Development Rights] Program

§ 60-14. Inspections AND ENFORCEMENT.

All properties in the Harford County Agricultural Land Preservation [and Purchase of Development Rights] Program will be subject to [periodic] AN inspection[s] AT LEAST ONCE EVERY 5 YEARS. Inspections will be conducted to determine if the owner is complying with the terms of the easement. A representative of the Department of Planning and Zoning will conduct the inspection. At least 1 month prior to the inspection, the Department shall give the landowner notice, by mail, of ITS intention to inspect the property, and all inspections will be conducted at reasonable times. ANY VIOLATION OF THE TERMS OF THIS CHAPTER 60 SHALL BE SUBJECT TO ENFORCEMENT PROCEEDINGS UNDER SECTION 1-23 (GENERAL PENALTY) AND SECTION 267-14 (VIOLATIONS AND PENALTIES) OF THIS CODE.

Section 6. Be It Enacted By The County Council of Harford County, Maryland that a new Section 60-16 of Article II, Agricultural Land Preservation [and Purchase of Development Rights] Program, of Chapter 60, Agriculture, of the Harford County Code, as amended, be, and it is hereby, added to the Code, all to read as follows:

Chapter 60. Agriculture

Article II. Agricultural Land Preservation [and Purchase of Development Rights] Program

§ 60-16. PROGRAM GUIDELINES AND STANDARDS FOR REVIEW.

THE DEPARTMENT OF PLANNING AND ZONING, UNDER THE REVIEW OF THE AGRICULTURAL LAND PRESERVATION ADVISORY BOARD, SHALL PREPARE A PROGRAM MANUAL TO IMPLEMENT THE STANDARDS AND REQUIREMENTS OF THIS ARTICLE. THE PROGRAM MANUAL SHALL BE COMPLY WITH BEST MANAGEMENT PRACTICES FOR AGRICULTURAL LAND PRESERVATION. THE PROGRAM MANUAL

1 SHALL BE PUBLICLY AVAILABLE UPON REQUEST.

2 Section 7. And Be It Further Enacted that this Act shall take effect 60 calendar days from the

3 date it becomes law.

EFFECTIVE:

*The Council Administrator does hereby
certify that seven (7) copies of this Bill are
immediately available for distribution to the
public and the press.*

Nylia A. Dixon

Council Administrator