

HARFORD COUNTY BILL NO. 20-008 (As Amended)

Brief Title (Agricultural Preservation)

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Mylein D. Dixon
Council Administrator

Date 5-19-20

ENROLLED

John Vincent
Council President

Date May 19 2020

BY THE COUNCIL

Read the third time.

Passed: LSD 20-017

Failed of Passage: _____

By Order

Mylein D. Dixon
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 20th day of May, 2020 at 3:00 p.m.

Mylein D. Dixon
Council Administrator



BY THE EXECUTIVE

[Signature]
COUNTY EXECUTIVE

APPROVED: Date 5/20/2020

BY THE COUNCIL

This Bill No. 20-008 As Amended having been approved by the Executive and returned to the Council Becomes law on May 20, 2020

EFFECTIVE: July 20, 2020

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 20-008 (As Amended)

Introduced by Council President Vincenti at the request of the County Executive and Council Member Shrodes

Legislative Day No. 20-012 Date April 14, 2020

AN ACT to repeal and reenact, with amendments, Subsection C, Size criteria; to repeal and reenact, with amendments, Subsection E(1); to repeal and reenact, with amendments, Subsection G, Tenant houses; and to repeal and reenact, with amendments, Subsection I, Easement priority ranking system, all of Section 60-12, Agricultural preservation easement, of Article II, Agricultural Land Preservation and Purchase of Development Rights Program, of Chapter 60, Agriculture, of the Harford County Code, as amended; to set forth the correct reference to tenant houses in the Harford County Code; to set forth the correct reference to agricultural commercial uses in the Harford County Code; to revise the Easement Priority Ranking System; and generally relating to agricultural preservation.

By the Council, April 14, 2020

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

on: May 12, 2020

at: 6:30 PM

By Order: *Mylia A. Dixon* 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 May 12, 2020, and concluded on May 12, 2020.

Mylia A. Dixon, 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.

1 Section 1. Be It Enacted By The County Council of Harford County, Maryland that Subsection C,
2 Size criteria, be, and it is hereby, repealed and reenacted, with amendments; that Subsection E(1) be,
3 and it is hereby, repealed and reenacted, with amendments; that Subsection G, Tenant houses, be, and it
4 is hereby, repealed and reenacted, with amendments; and that Subsection I, Easement priority ranking
5 system, be, and it is hereby, repealed and reenacted, with amendments, all of Section 60-12,
6 Agricultural preservation easement, of Article II, Agricultural Land Preservation and Purchase of
7 Development Rights Program, of Chapter 60, Agriculture, of the Harford County Code, as amended,
8 and all to read as follows:

9 **Chapter 60. Agriculture**

10 **Article II. Agricultural Land Preservation and Purchase of Development Rights Program**

11 **§ 60-12. Agricultural preservation easement.**

12 C. Size criteria. The County may not purchase an agricultural preservation easement of less than
13 50 acres from a landowner unless:

- 14 (1) It is contiguous to an easement that is 50 acres or greater; or
15 (2) The landowners on the adjoining property(s), which are less than 50 acres but total at
16 least 50 acres, apply and accept the County's offer to purchase an easement-}; or
17 [(3) The land is located in a predominately agricultural area and there is a farming operation
18 on the parcel.]

19 (3) THE PROPERTY IS GREATER THAN 25 ACRES AND IS CONTIGUOUS WITH
20 AT LEAST 50 ACRES OF LAND OWNED BY A COUNTY, STATE OR FEDERAL
21 GOVERNMENT AGENCY THAT IS COMPATIBLE WITH AGRICULTURE.

22
23 E. Permitted uses. An owner whose land is in the Harford County Agricultural Land Preservation
24 and Purchase of Development Rights Program shall be permitted to:

- 25 (1) Use the land for any agricultural use as defined herein and as permitted in the Harford

1 County Zoning Code, including those permitted in [Section 267.43(F)] SECTION 267-
2 73 (AGRICULTURAL/COMMERCIAL) of the Harford County Zoning Code, as
3 amended.

4
5 G. Tenant houses. The landowner may request in writing a tenant home in accordance with
6 conditions established within [Section 267-26(D)(6)] SECTION 267-27D(5) of the Harford
7 County Zoning Code, as amended. This request shall be submitted to the Department of
8 Planning and Zoning. Prior to a decision by the Department, the request will be subject to the
9 review and recommendation of the Agricultural Land Preservation Advisory Board, who will
10 consider the documented need for such a structure. The tenant home may not be subdivided off
11 of the easement property.

12
13 [I. Easement priority ranking system. (total number of possible points 300)

14 Soil Productivity Score (100 PTS. Max.)

15 LESA Program = ____/100 PTS.

16 Farmland Capability (50 PTS. Max.)

- 17 (1) Cropland and pasture
 - 18 75%-100% cropland and pasture = ____/35 PTS.
 - 19 50%-74% cropland and pasture = ____/25 PTS.
 - 20 Less than 50% cropland and pasture = ____/15 PTS.
- 21 (2) Hydric or hydric inclusion soils
 - 22 Less than 20% = ____/15 PTS.
 - 23 20%-40% = ____/10 PTS.
 - 24 41%-60% = ____/5 PTS.
 - 25 61%-100% = ____/0 PTS.

- 1 Land Use Compatibility (75 PTS. Max.)
- 2 (1) Development factors
- 3 (a) Percentage of ag development rights
- 4 remaining on property (as of February
- 5 8, 1977) (20 PTS. Max.)
- 6 40% or less = ____/5 PTS.
- 7 41%-60% = ____/10 PTS.
- 8 61%-80% = ____/15 PTS.
- 9 81%-100% = ____/20 PTS.
- 10 (b) Number of family conveyances (10
- 11 PTS. Max.)
- 12 1 to 5 = ____/5 PTS.
- 13 6 and above = ____/10 PTS.
- 14 (2) Consistency with county land use plan (30 PTS.
- 15 Max.)
- 16 (a) In a designated rural legacy area (within
- 17 2 miles) = ____/10 PTS.
- 18 (b) In an agriculture designation on the land
- 19 use plan = ____/5 PTS.
- 20 (c) In a priority perservation area = ____/30 PTS.
- 21 (3) Farm Size (15 PTS. Max.)
- 22 200+ acres = ____/15 PTS.
- 23 100-199 acres = ____/10 PTS.
- 24 50-99 acres = ____/5 PTS.
- 25 Protected Land Contiguous To Site (30 PTS. Max.)

BILL NO. 20-008
As Amended

1 (1) Site is contiguous to farmland which is
2 protected by recorded conservation easement=_____/15 PTS.

3 (2) Site is contiguous to federal, state or county
4 owned parkland =_____/10 PTS.

5 (3) Land is contiguous to interim protected land
6 (e.g., 5-year AG Preservation District) =_____/5 PTS.

7 Existing Soil Conservation Plan Approved by the Soil
8 Conservation District (10 PTS. Max)

9 (1) Meets current MALPF requirements and
10 practices applied =_____/10 PTS.

11 (2) Updated within 10 years and partially
12 applied practices =_____/5 PTS.

13 (3) No current approved plans =_____/0 PTS.

14 Ownership (15 PTS. Max.)

15 (1) Full-time owner/operator =_____/15 PTS.

16 (2) Land rented by full-time farmer =_____/10 PTS.

17 (3) Part-time owner/operator =_____/5 PTS.

18 (4) Absentee landowner =_____/0 PTS.

19 Contribution to Continued Viability of Agricultural
20 Community (10 PTS. Max.)

21 (1) Substantial contribution =_____/10 PTS.

22 (2) Moderate contribution =_____/5 PTS.

23 (3) Minimal contribution =_____/0 PTS.

24 Special Conditions (10 PTS. Max.)

25 (1) Economic hardship =_____/10 PTS.

BILL NO. 20-008
As Amended

1 (2) Young farmers = ___/10 PTS.

2 (3) Other (specify) = ___/10 PTS.

3 Total Score ___ PTS.]

4 I. EASEMENT PRIORITY RANKING SYSTEM. (TOTAL NUMBER OF POSSIBLE
5 POINTS 300)

6 **(1) SOIL PRODUCTIVITY SCORE (100 PTS. MAX.)**

7 LESA PROGRAM = ___/100PTS.

8 **(2) FARMLAND CAPABILITY (35 PTS. MAX.)**

9 (A) CROPLAND AND PASTURE

10 75%-100% CROPLAND AND PASTURE = ___/25 PTS.

11 50%-74% CROPLAND AND PASTURE = ___/15 PTS.

12 LESS THAN 50% CROPLAND AND PASTURE = ___/5 PTS.

13 (B) HYDRIC OR HYDRIC INCLUSION SOILS

14 LESS THAN 20% = ___/10 PTS.

15 20%-40% = ___/5 PTS.

16 41% OR GREATER = ___/0 PTS.

17 **(3) LAND USE COMPATIBILITY (90 PTS. MAX.)**

18 (A) DEVELOPMENT FACTORS

19 NUMBER OF DEVELOPMENT RIGHTS/FAMILY

20 CONVEYANCES REMAINING ON PROPERTY

21 (MINUS 1 FOR MAIN DWELLING)

22 16+ = ___/20 PTS.

23 11-15 = ___/15 PTS.

24 5-10 = ___/10 PTS.

25 LESS THAN 5 = ___/0 PTS.

- 1 (B) PROXIMITY TO PRIORITY AREAS (40 PTS. MAX.)
- 2 [1] IN A DESIGNATED RURAL LEGACY AREA
- 3 (WITHIN 2 MILES) = ____/5 PTS.
- 4 [2] IN AN AGRICULTURE DESIGNATION ON
- 5 THE LAND USE PLAN = ____/5 PTS.
- 6 [3] IN A PRIORITY PERSERVATION AREA = ____/25 PTS.
- 7 [4] WITHIN 2 MILES OF DEVELOPMENT
- 8 ENVELOPE = ____/20 PTS.
- 9 (C) FARM SIZE
- 10 200+ ACRES = ____/30 PTS.
- 11 100-199 ACRES = ____/20 PTS.
- 12 50-99 ACRES = ____/10 PTS.
- 13 **(4) PROTECTED LAND CONTIGUOUS TO SITE**
- 14 **(30 PTS. MAX.)**
- 15 (A) SITE IS CONTIGUOUS TO FARMLAND
- 16 WHICH IS PROTECTED BY RECORDED
- 17 CONSERVATION EASEMENT = ____/15 PTS.
- 18 (B) SITE IS CONTIGUOUS TO FEDERAL, STATE
- 19 OR COUNTY OWNED PARKLAND = ____/10 PTS.
- 20 (C) LAND IS CONTIGUOUS TO INTERIM
- 21 PROTECTED LAND (E.G., 5-YEAR AG
- 22 PRESERVATION DISTRICT) = ____/5 PTS.
- 23 **(5) EXISTING SOIL CONSERVATION PLAN APPROVED**
- 24 **BY SOIL CONSERVATION DISTRICT OR FOREST**
- 25 **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.

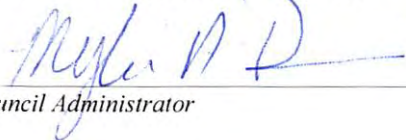
TOTAL SCORE = ____ PTS.

Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date it becomes law.

EFFECTIVE: July 20, 2020

BILL NO. 20-008
As Amended

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



Council Administrator