BILL NO. 93-2

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 93-2 (as amended)

Introduced by Council President Wilson at the request of the County Executive
Legislative Day No. 93-4 Date February 2, 1993

AN ACT to add new Article II, Agricultural Land Preservation
Program to chapter 60, Agriculture, of the Harford County
Code, as amended; to provide for the establishment of the
Preservation Program as part of the County Code, and to
further provide that a copy of said Program, along with
all appendices, is attached to this Act and made a part
hereof as though it were fully stated herein.

By the Council, February 2, 1993

Introduced, read first time, ordered posted and public hearing scheduled
on: March 2, 1993
at: 7:00 P.M.

By Order: , Secretary

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 March 2, 1993
and concluded on, March 2, 1993

, Secretary

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.
HARFORD COUNTY BILL NO. 93-2 as amended

(Brief Title) Ag Land Preservation Program

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

CERTIFIED TRUE AND CORRECT

Doris Poulson
Secretary of the Council

Date April 6, 1993

ENROLLED

President of the Council

Date April 6, 1993

BY THE COUNCIL

Passed: LSD 93-10, April 6, 1993

Failed of Passage: __________________________

By Order

Doris Poulson, Secretary

Sealed with the County Seal and presented to the County Executive for approval this 8th day of April, 1993 at 12:00 p.m.

Doris Poulson, Secretary

BY THE EXECUTIVE

COUNTY EXECUTIVE

APPROVED: Date April 20, 1993

BY THE COUNCIL

This Bill (No. 93-2, as amended), having been approved by the Executive and returned to the Council, becomes law on April 20, 1993.

Doris Poulson, Secretary

EFFECTIVE DATE: June 21, 1993

93-2

AS AMENDED
WHEREAS, The County Executive and the County Council have determined that it is in the best interests of the County and its citizens to establish an Agricultural Land Preservation Program, including but not limited to local purchase of development rights (hereinafter called "PDR") program; and

WHEREAS, As a method to finance the program and purchase the development rights, the County, in November, 1992, enacted a Charter amendment, Bill No. 92-16, to § 524 of the County Charter, allowing the County to enter into installment contracts to purchase easement for agricultural land preservation purposes (a copy of which is attached hereto) and received authorization from the State of Maryland to impose a local transfer tax and utilize a portion of the revenue collected to fund the purchase of the easement (see Chapter 423 of the Acts of the State of Maryland, a copy of which is attached hereto); and

WHEREAS, The Department of Planning and Zoning, with the support of the County Executive, has prepared the attached Preservation Program for adoption by the County Council.

NOW THEREFORE,

Section 1. Be It Enacted By The County Council of Harford County, Maryland that new Article II, Agricultural Land Preservation Program be added to Chapter 60, Agriculture, of the Harford County Code, as amended; all to read as follows:

Chapter 60 Agriculture.
Article II AGRICULTURAL LAND PRESERVATION PROGRAM.
§ 60-9. ADOPTION, LEGAL STATUS.

THE HARFORD COUNTY 1993 AGRICULTURAL LAND PRESERVATION PROGRAM DATED APRIL 6, 1993 ALONG WITH ALL ITS APPENDICES IS INCORPORATED HEREIN BY REFERENCE AS PART OF THE CHAPTER AS THOUGH FULLY STATED HEREIN.

Section 2. And Be It Further Enacted that if any provision of this Act or the Program, or the application of this Act or the
Program to any person or circumstance is held invalid in a court of
competent jurisdiction, the invalidity does not affect any
provision of this Act or the Program which can be given effect
without the invalid provision or application, and for this purpose
the provisions of this Act and the Program are declared severable.

Section 3 And Be It Further Enacted that this Act shall take
effect sixty (60) days from the date it becomes law.

EFFECTIVE: June 21, 1993
HARFORD COUNTY
PURCHASE OF DEVELOPMENT RIGHTS PROGRAM
April 6, 1993

EXPLANATION: LANGUAGE IN CAPITALS, SHADED AND LINED THROUGH INDICATES MATTER DELETED FROM ORIGINAL VERSION BY ADMINISTRATION. Shading indicates matter added to original version by Administration. Bold indicates matter added to February 25 version by County Council. Language LINED THROUGH indicates matter deleted from February 25 version by County Council.
Harford County
Purchase of Development Rights Program

Preface

The purpose of the Harford County Agricultural Land Preservation Program (HALPP) is to preserve productive agricultural land and woodland which provides for the continued production of food and fiber for the citizens of the County. This program is to be administered by the Department of Planning and Zoning and the Harford County Agricultural Advisory Board.

A. Program Summary

The Harford County Agricultural Land Preservation Program is a voluntary program that focuses on the purchasing of development rights from agricultural landowners. This is a voluntary program that permits any owner of agricultural land that meets the County’s minimum qualifying criteria to apply to sell their development rights. If the development rights on the property are purchased by the Program, an easement is placed on the property restricting any future development in perpetuity, except what is permitted under the program’s child lot exclusion provisions.

Definitions

Agricultural land: Land used primarily for agriculture.

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 agricultural uses currently permitted within the Harford County Zoning Code.

Development rights easement: An encumbrance upon land which restricts the owners rights to develop or otherwise use the land for other than agricultural use.

Severe economic hardship: A state of financial peril of a landowner as evidenced by bankruptcy proceedings; the result of natural disaster or farm owner/operator disability, as determined by the County Council with the advice of the Department of Planning and Zoning and the Harford County Agricultural Advisory Board. 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, but in each case the question of whether severe economic hardship exists will be decided
by the County Council, with advice from the Department of Planning and Zoning and the Agricultural Advisory Board.

Child: Natural or adopted child of the landowner.

Landowner: An individual(s) who is the owner of record at the time of easement sale or district establishment.

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

Applying to Sell Development Rights

An owner of agricultural land may offer, by written application to sell to the County an easement on the entire contiguous acreage of the agricultural land less 1 acre per existing dwelling located on the subject property.

The application shall include a general description of each land parcel, including acreage and the current use of the land, and shall be accompanied by a map or plat of each subject parcel at a scale no smaller than 1" equals 600’. (A copy of the County tax map will meet requirement). In addition, a certification of the existence of a plan approved by the Soil Conservation District, made or revised within the last 10 years of the date of the application, which lists soil conservation and water quality problem areas on the land, shall be provided.

All applications to sell easements to the County shall be received by the Department of Planning and Zoning. 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 calendar days after the deadline, the Department shall forward, to the Agricultural Advisory Board, all applications to sell development rights for their review.

Each application shall be reviewed by the Agricultural Advisory Board in accordance with the County’s Easement Priority Ranking System (EPR). The following EPR System shall be used:

HARFORD COUNTY
Easement Priority Ranking System
(total 300 pts.)

1. Soil Productivity Score (100 pts. max.) = ____
   (LESA Program)

2. Farmland Capability (35 pts. max.)
   A. Cropland {Innovative Farming Practices shall be considered cropland}
i. 75%-100% Cropland  
   30 pts. = __ __  
ii. 50%-74% Cropland  
    20 pts. = __ __  
iii. Less than 50% Cropland  
    10 pts. = __ __  

B. Pasture  
i. 75%-100% Pasture  
   15 pts. = __ __  
ii. 50%-74% Pasture  
    10 pts. = __ __  
iii. less than 50%  
    5 pts. = __ __  

C. Innovative Farming Practices  
   0-30 pts. = __ __  

3. A. Development Factors  
   (75 pts. max.)  

   i. Number of AG Development Rights Remaining on Property  
      
      A. 1 to 5  
          = 5 pts.  
      B. 6 to 10  
          = 10 pts.  
      C. 11 to 15  
          = 15 pts.  
      D. 16+ or rezoning potential  
          = 20 pts.  

   ii. Number of Potential Family Conveyances  
      
      A. 1 to 5  
          = 5 pts.  
      B. 6 to 10  
          = 10 pts.  
      C. 11 to 15  
          = 15 pts.  
      D. 16+  
          = 20 pts.  

B. Consistency with County Land Use Plan  
   = 20 pts.  

   i. Existing zoning for development (within 2 miles)  
      = 10 pts.  

   ii. Water/sewer service area (within 2 miles)  
      = 10 pts.  

C. Farm Size  
   
   i. 200 plus acres  
      = 15 pts.  
   ii. 100-199 acres  
      = 10 pts.  
   iii. 50-99 acres  
      = 5 pts.  

4. Protected Land Contiguous to site  
   (20 pts. max.)  

   A. Site is contiguous to farmland which is protected by easements, deeds of trust, or restrictive covenants  
      = 20 pts.  

   B. Site is contiguous to non-agricultural but permanently protected floodplain or watershed areas  
      = 15 pts.  

   C. Land is contiguous to interim protected land (e.g. 5-year AG Preservation District)  
      = 10 pts.  

D. Land is not adjacent to protected areas = 0 pts. ___

5. Existing SCS approved Soil Conservation Plan (20 pts. max.)
   A. Meets current MALPF requirements and practices applied = 20 pts. ___
   B. Updated within 10 years and partially applied practices = 10 pts. ___
   C. No current approved plans = 0 pts. ___

6. Ownership (20 pts. max.)
   A. Full-time owner/operator = 20 pts. ___
   B. Land rented by full-time farmer = 15 pts. ___
   C. Part-time owner/operator = 10 pts. ___
   D. Absentee land owner = 0 pts. ___

7. Contribution to Continued Viability of Agricultural Community (15 pts. max.)
   A. Substantial contribution = 15 pts. ___
   B. Moderate contribution = 10 pts. ___
   C. Minimal contribution = 0 pts. ___

8. Special Conditions (15 pts. max.)
   A. Economic hardship = 0-15 pts. ___
   B. Young farmers = 0-15 pts. ___
   C. Other (specify) = 0-15 pts. ___

TOTAL SCORE
TOTAL NUMBER OF POINTS POSSIBLE: 300

Based on the total EPR System score, all applications shall be ranked first to last with the first applicant being the one with the highest score and the last being the one with the lowest score. The applicant with the highest 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 shall have the flexibility to modify this procedure if adequate funding is not available for the next landowner in line who would have received an offer if funds were available. Those applicants not receiving an offer shall automatically be considered for the next round of easement sale offers. All offers to purchase development rights from agricultural landowners must be approved by the Harford County Board of Estimates and the County Council. As the Harford County Agricultural Land Preservation Program is strictly voluntary, no landowner shall be required to accept any offer made by the County to purchase their development rights nor shall the County be required to purchase the development rights on farms not meeting the County’s minimum EPR system score of 150 points.
Location Criteria AS AMENDED

The primary focus of the Harford County Agricultural Land Preservation Program will be on lands outside of the County’s 10 year water and sewerage service area. However, lands within the boundaries of the 10 year water and sewerage service area may apply to sell their development rights only if that land is outstanding in productivity and is of significant size.

Guidelines For Easement Purchase

The County may not purchase an agricultural preservation easement from a landowner of less than 50 acres unless:

- It is contiguous to an easement that is 50 acres or greater; or

- The landowners on the adjoining property(s), which are each less than 50 acres but total at least 50 acres, apply and accept the State’s or County’s offer to purchase an easement; or

- The land is located in a predominantly agricultural District area and there is a farming operation on the parcel; or

- The land is the site of a general farming operation that has been operating for at least 10 years; or

- The land has an agricultural productivity capability higher than the County average as determined by the United States Department of Agriculture.

Value of Easement

The actual easement value paid to a landowner shall be determined by an overall evaluation of the property based on factors such as development potential, soil productivity capability, Best Management Practices, type of farming operation and other important characteristics. Upon the advice of the Harford County Agricultural Advisory Board, a maximum per acre value that the County is willing to pay a landowner for their development rights shall be established and reviewed on an annual basis.

The following easement valuation system shall be used:

VALUATION WORKSHEET

Base ................................................................. 100
(100% of base = $690.00, the average per acre value assigned to farmland by the Maryland Department of Agriculture)

Size (farm acreage/AG zoning density) ....................................
(1% of base for every 10 acres)

Total # of development rights (including family conveyance) ...
(2% of base for every development right or family conveyance)
LAND QUALITY

Average Soil Productivity

Cropland Soils (soil ac. 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.

Pasture Soils (pasture ac. 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 ac. x weight ÷ farm ac.) x 100.

Class I Woodland ___ x .50.
Class II Woodland ___ x .25.

Approved and Implemented (SCS) Plan
(10% of base).

Total

Maximum Easement Value

___ x (Best Easement Value) = ___ per acre

Installment Purchase Agreement (IPA)

Once a landowner agrees to accept a County offer to purchase his or her development rights, an Installment Purchase Agreement between the County and the individual seller will be written. This agreement includes the total amount of money that the County has agreed to pay the landowner and sets the terms of that agreement including the fixed interest rate on which the landowner will receive annual payments. These IPA's shall be for 20 years with the interest and a small portion of the principal being paid annually. At the end of the 20 year IPA, the landowner will receive a lump sum payment constituting the remainder of the principal. This agreement is exempt from the provisions of Sections 9, 10 and 11 of Article 31 of the Annotated Code of Maryland.

Settlement shall be made by the County within 120 days of the date of County Council action. A 60 day extension may be requested 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.

Payment Alternatives

If funding is available, the County may, at the landowners request, offer to pay the landowner for the purchase of development
If the landowner requests that development rights 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 the development rights. If funds are not available for cash purchase of the development rights, the landowner shall be the first to receive an easement purchase offer in the next fiscal year in which purchases are made. No landowner shall be asked to make a decision with respect to IPA or cash until after the property has received its EPR system ranking and it has been valued under the easement valuation system and, in any event, a landowner’s preference for a cash purchase shall not be considered when the property is ranked under the EPR system or valued under the easement valuation system. The overall review process, including the application, evaluation, value determination, easement recordation and lot exclusions, are the same as the installment purchase agreement approach.

Once a landowner agrees to accept a County offer to purchase his development rights, 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.

Settlement shall be made by the County within 120 days of the date of County Council action. A 60 day extension may be requested 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.

Recording Easement

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. The form of Deed of Easement shall be similar to the Deed of Easement attached as an appendix to the PDR Program. The County shall pay reasonable costs at settlement for the following: Title Report, Title Insurance, SURVEY (WHEN NEEDED) and Recordation Fees, if applicable.

Agricultural Preservation Easement

Conditions for Establishment

A landowner agrees:

To maintain the land in agricultural use or properly managed so that it is available for continued agricultural use from the date that the easement is recorded in the Land Records of Harford County.

At the time of easement establishment to implement and maintain a soil and water conservation plan as prepared by the Soil Conservation District.
That the easement agreement creates an incumbrance upon the land, and binds future owners, heirs, successors or assigns and precludes the subdivision and utilization of the land principally for uses such as residential, institutional, commercial or industrial as defined in the Harford County Zoning Code and/or subdivision rules and regulations. Any agricultural uses currently permitted would be allowed to continue under this agreement. The easement agreement shall not provide for public access to any privately owned land.

That the 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 Advisory Board.

Additions to Existing Easements

The process for adding land to existing easements shall be the same as for the initial establishment of an easement. There is no minimum size criteria for the addition of land contiguous to an existing agricultural preservation easement. The Agricultural Advisory Board, at its discretion, may set as a policy a minimum size criteria. The Agricultural Advisory Board shall establish a minimum size criterion for the addition of land contiguous to an existing easement.

Exclusion of Lots Under Easements

The landowner of record at the time of easement sale may, at anytime after easement sale, request a 2 acre or less lot exclusion for the exclusive residential use of that landowner. A letter must be provided to the Department of Planning and Zoning verifying the owners intention to live in this dwelling, subject to review and recommendation of the Agricultural Advisory Board.

The landowner of record at the time of easement sale may, at anytime after easement sale, request a tenant home in accordance with conditions established within Section 267-26(D)(6) of the Harford County Zoning Code. This request shall be submitted to the Department of Planning and Zoning, subject to the review and recommendation of the Agricultural Advisory Board.

The child of the landowner of record at the time of easement sale may, at anytime after easement sale, request a 2 acre or less lot exclusion for the exclusive residential use of that child. A letter must be provided to the Department of Planning and Zoning from both the landowner and the child verifying that it is the intention of the child to live in this dwelling, subject to the review and recommendation of the Agricultural Advisory Board.

The total number of lot exclusions may not exceed 1 dwelling unit per 25 acres with a maximum lot size of 2 acres. The maximum 2 acre lot shall include all County right-of-way requirements. In addition, any landowner of an easement requesting a lot exclusion shall be required to repay the County for that lot. This repayment shall be equal to the amount paid per acre by the County to the
landowner. All costs associated with the establishment of this lot shall be paid by the landowner.

A landowner may exclude part of the farm from the County program including a specific number of development rights. This must be declared prior to either establishing an agricultural preservation district or entering into an agricultural preservation easement agreement. The exclusion of acreage and development rights may impact the landowners chances of receiving an offer from the HALPP and their overall easement value.

B. Agricultural Preservation Districts

The Harford County Agricultural Land Preservation Program (HALPP) also allows a landowner the option of establishing an agricultural preservation district through the Maryland Agricultural Land Preservation Foundation. 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.

Applying to Establish an Agricultural Preservation District

An owner of agricultural land may offer, by written application, to establish an agricultural preservation district on the entire contiguous acreage of the agricultural land, less 1 acre per existing dwelling located on the subject property.

The application shall include a general description of each land parcel including acreage and the current use of the land and shall be accompanied by a map or plat of each subject parcel at a scale no smaller than 1" equals 600'. (A copy of the County tax map will meet requirement). In addition, a certification of the existence of a plan approved by the Soil Conservation District, made or revised within the last 10 years of the date of the application, which lists soil conservation and water quality problem areas on the land, shall be provided.

All applications to establish an agricultural preservation district shall be received and reviewed by the Department of Planning and Zoning. This review shall include the types and percentage of qualifying soils, average productivity of those soils, type of farming operation and the total number of development rights remaining on the farm. Within 60 calendar days the Department of Planning and Zoning shall forward the application, with its findings, to the Agricultural Advisory Board for their review and recommendation.

Each application shall be reviewed by the Agricultural Advisory Board in accordance with the County’s Easement Priority Ranking System (EPR). A landowner must score a minimum of 150
points in order to qualify for the establishment of an agricultural preservation district.

**Recording District**

Once all necessary documents have been properly signed, a deed of Easement, restricting future development on the property in accordance with the District Agreement, is recorded in the Harford County Land Records.

**Location Criteria**

The primary focus of the Harford County Agricultural Land Preservation Program will be on lands outside of the County's 10 year water and sewerage service area. However, lands within the boundaries of the 10 year water and sewerage service area may apply to establish an agricultural preservation district only if that land is outstanding in productivity.

**Guidelines for District Establishment**

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:

- It adjoins a 50 acre parcel which has been approved by the County as an agricultural preservation district; or
- It is added to one or more adjoining parcels which together have been approved by the County as agricultural preservation districts; or
- The land has an agricultural productivity capability higher than the County average as determined by the United States Department of Agriculture.

**Conditions for Establishment**

A landowner agrees:

To maintain the land in agriculture use from the date that the district is recorded in the Land Records of Harford County;

That the district agreement creates an incumbrance upon the land and binds future owners, heirs, successors or assigns, and precludes the subdivision and utilization of the land principally for uses such as residential, commercial or industrial as defined in the Harford County Zoning Code and/or subdivision rules and regulations for a minimum of 5 years. Any agricultural uses currently permitted would be allowed to continue under this agreement.

That the construction of buildings or structures on the land other than farm buildings is contingent upon the written application and approval by the Department of Planning and
Zoning, subject to review by and recommendation of the Agricultural Advisory Board.

Additions to Existing Districts

The procedures for adding land to existing districts shall be the same as for the initial establishment of districts. There is no minimum size criteria for the addition of land contiguous to an agricultural preservation district. The Agricultural Advisory Board, at its discretion, may set as a policy a minimum size criteria. The Agricultural Advisory Board shall establish a minimum size criterion for the addition of land contiguous to an existing district.

Exclusion of Lots Under District

The landowner of record at the time of district establishment may, at anytime after the district has been established, request a 2 acre or less lot exclusion for the exclusive residential use of that landowner. A letter must be provided to the Agricultural Advisory Board verifying the owner's intention to live in this dwelling.

The landowner of record at the time of district establishment may, at anytime after the district has been established, request a tenant home in accordance with conditions established within Section 267-26(D)(6) of the Harford County Zoning Code. This request shall be submitted to the Department of Planning and Zoning, subject to the review and recommendation of the Agricultural Advisory Board.

The child of the landowner of record at the time of district establishment may, at anytime after the district has been established, request a 2 acre or less lot exclusion for the exclusive residential use of that child. A letter must be provided to the AGRICULTURAL ADVISORY BOARD Department of Planning and Zoning from both the landowner and the child verifying that it is the intention of the child to live in this dwelling. The number of lot exclusions may not exceed one dwelling unit per 25 acres. All costs associated with the establishment of this lot shall be paid by the landowner.

Termination and Alteration of Districts

The following provisions are applicable only to land in agricultural preservation districts on which an easement is not held by the County or State:

After 5 Years

A landowner may terminate his property’s inclusion in an agricultural preservation district at any time after 5 years from the establishment of the district. Notice of intention to terminate must be submitted to the County at least 6 months prior to district termination.
Severe Hardship

If severe economic or personal hardship occurs, the County may, on an individual basis, release the landowner's property from an agricultural preservation district at any time. The landowner shall petition the County, stating succinctly the severe hardship that the landowner is sustaining, and providing the County with the following:

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.

Other information attesting to the severe hardship that the landowner is sustaining including by way of example, information from the mortgages, lien holders, creditors, attorneys, the Internal Revenue Service and other party interest who are qualified to address the condition of the landowner.

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

The question of whether severe economic hardship exists will be decided by the County Council, with advice from the Department of Planning and Zoning and the Agricultural Advisory Board.

C. Qualifying Criteria for District or Easement Establishment

Productivity Capability

Properties qualified for the HALPP shall consist of land which is either used primarily for the production of food, fiber or is of such open space character and productivity capability that continued agricultural production is feasible.

Soils Criteria For Lands Equal To Or Greater Than 50 Acres

At least 50 percent of the land area of any district, 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, III or IV on cropland and pasture or Woodland Groups 1 and 2 on woodland areas.

Soils Criteria For Lands Less Than 50 Acres

A minimum of 60 percent of the land area of any district 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 those requirements include land areas of lower general capabilities or areas of existing, extensive, specialized production, including but not limited to dairying, livestock, poultry, fruit or berry production.
Agricultural Preservation Advisory Board

AS AMENDED

The Agricultural Advisory Board shall have the following responsibilities to both the State and County Agricultural Land Preservation Programs:

To advise the County with respect to the establishment of agricultural preservation districts and the approval of purchases of easements by the County.

To assist the County in reviewing the status of agricultural preservation districts and easements.

To advise the County concerning priorities for agricultural preservation, and to assist the County in developing criteria for evaluating agricultural land applying to the program.

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.

D. Development Buffers

The Department of Planning and Zoning shall study and report to the County Council on or before January 1, 1994, on appropriate provisions for protecting the ability of landowners with property in the PDR program to continue their farming operations. Of particular concern is the proximity of residential development to properties in the PDR program, since conflicts often arise when residential areas are constructed next to active farming operations. One of the most important ways the County can provide protection is to prevent such conflicts from occurring, and the Department’s study should include recommendations on appropriate methods for preventing such conflicts. Any such requirements would necessitate legislation to amend the subdivision regulations or the zoning code.

E. Use of Land in the Harford County Agricultural Land Preservation Program. An owner whose land is in the Harford County Agricultural Land Preservation Program shall be permitted to:

1. Use the land for any agricultural, horticultural or farming purpose as permitted in the Harford County Code;

2. Maintain the land for future agricultural uses;

3. Operate at any time machinery used in agricultural production or the primary processing of agricultural products;

4. Employ normal agricultural activities and operations in accordance with good husbandry
practices, as long as the activities and operations do not endanger the health and welfare of the citizens of the county; and

5. Sell agricultural products as is permitted under the County Code