

Agricultural and Woodland Preservation Program

Key Items for Update of County Code and Program Regulations

Background

The Anne Arundel County Agricultural and Woodland Preservation Program offers financial support for property owners who want to keep their land in working farms and forests.

- **Agricultural Conservation Easements** - The easement restricts use of the land to agriculture, natural resources, or related uses. The easement limits future residential subdivision of the property. The County buys the development rights, and the land stays in private ownership. The easement is perpetual and runs with the deed when the land is transferred. Recent easement prices have ranged from \$8,000 - \$11,000 per acre.
- **Tax District Agreement** - The property owner commits to keep the land in agricultural use and not subdivide for 10 years and receives a credit on the County portion of their Real Property Tax Bill. The District Agreement can be renewed every 10 years.

Draft Updates Under Consideration

The regulations that guide the County Agricultural and Woodland Preservation Program were adopted in 1999 and have become outdated. The following list reflects ideas for updating and improving the County Code and Regulations for the Anne Arundel County Agricultural and Woodland Preservation Program. The list includes ideas discussed by the Agricultural Preservation Advisory Board and an ad hoc Working Group, recommendations adopted in Plan2040 and in the adopted Region 9 Plan and the draft Region 8 Plan.

1. **Update references to County Code** - accounts for changes in Code since 1999. This includes references to the Zoning Code and the Water and Sewer Master Plan.
2. **Change from Program Regulations to Administrative Policies and Procedures**
Provides greater authority for the Planning and Zoning Officer to make changes without County Council approval, however some items in the current Regulations will shift into the County Code.
3. **Eligibility Criteria**
 - a. Reduce the minimum size required for easements. Currently set at 50 acres for agricultural land and 25 acres for woodlands.
 - i. Recommendation of Ad Hoc Working Group: 10 acres.
 - ii. County staff are considering reducing the minimum size requirement to 30 acres, which is the minimum size for subdivision in RA zoning district.
 - b. Soils (for agricultural): Over 50% USDA Class I, II, or III soils. Option to conduct an assessment to demonstrate soil productivity if mapped soils don't meet criteria. *This is the same as current program regulations, but recommended to put it in County Code*

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- c. Outside Public Sewer and Water Service Areas. *This is the same as current program regulations, but recommended to put it in County Code*
 - d. Zoning: RA, RLD, R1, and OS Zoning Districts. *This is the same as current program regulations, but recommended to put it in County Code*
 - e. Approved Soil Conservation and Water Quality Plan. *Same as current.*
 - f. Property must have subdivision or other development potential. *Same as current.*
4. **Application for Easement** - Change from “requirement” to a “preference” that if property is eligible for State program, County refers the owner to the State instead of processing through County program. *This allows the County staff the flexibility to work with landowners to find the best fit for their needs among different programs.*
5. **Purchase Price for a County Agricultural Preservation Easement**
- a. For property with subdivision potential = Fair Market Value of Land x 70%. *This would be an increase from the current 60% of Fair Market Value in County regulations, and closer, but does not match the Maryland Agricultural Land Preservation Foundation (MALPF) cap of 75% of Fair Market Value.*
 - b. For property without subdivision potential = Fair Market Value of Land x 50%. *This would be a new change for the County program. There are other counties in the State that provide a similar option.*
6. **Property Tax Credit** - allow tax credit directly and permanently for properties in MALPF and County agricultural preservation easements. *Currently properties have to enroll in a 10-year Agricultural District Agreement and renew every ten years, even though the easement is perpetual. If/when Rural Legacy easement properties are provided the same tax benefit in State Law, extend it to them in County Code as well.*
7. **Agricultural Subdivision** - allow subdivision of property under easement for agricultural purposes with the following criteria
- a. The original parcel must be at least 60 acres
 - b. After subdivision, each lot is at least 30 acres; an exception to this limit may be made based on physical characteristics such as separation of land by a public road
 - c. Subdivision plan must be reviewed and recommended by the Agricultural Preservation Advisory Board (Board)
 - d. No net additional dwelling units; and
 - e. Updated agricultural preservation easements are recorded on the newly created parcels.
- This would be a new change for Anne Arundel County, but is allowed under MALPF and Rural Legacy easements and in some other Maryland counties.*

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8. **Release of an Unrestricted Lot** - This is currently allowed in County Code. Propose adding the following conditions:
- a. The original parcel must be at least 60 acres (this makes sure that there is subdivision potential for at least 3 lots in an RA zoning district, so if there is an existing house and one lot released there is still one lot that's been removed by the easement)
 - b. The new lot shall be limited to 40,000 square feet, and be located to minimize impacts on the agricultural operation. The lot size may be increased if necessary to meet requirements of the Department of Health
 - c. Lot size and location must be reviewed and recommended by the Board
 - d. The landowner must repay the County for the value of the land released from the preservation easement based on 70% of current fair market value of the land for new easements and 60% for existing easements (to match the percentage County paid for the easement).
- This clarifies an existing option allowed in Anne Arundel County Code, but has been complicated by the Zoning Code update in 2005 that removed family conveyance lots. Release of a limited number of residential lots is allowed under MALPF and Rural Legacy easements and in some other Maryland counties.*
9. **Priority Ranking** - Update the County priority rating system. Criteria include
- a. Soils / land capability - in current rating, give more points to property with higher soil productivity.
 - b. Property size - in current rating, gives more points for larger properties.
 - c. Ownership and Operation - new criteria, gives more points for owner operated farms.
 - d. Priority Preservation Area - updates current rating criteria to provide more points for properties located in areas identified in the General Development Plan as priority for agricultural preservation.
 - e. Proximity to other Protected Lands - in current rating, gives more points for properties close to other land under conservation easements or parks.
 - f. Green Infrastructure Network - new criteria, gives more points for properties next to large, connected natural lands.
 - g. Proximity to developed areas - in current rating, gives more points to properties located next to or near large residential subdivisions.
 - h. Extraordinary opportunity - in current rating, potential for additional points for special properties.

For More Information, or to provide comments or questions, contact:
Michael Stringer, Agricultural and Woodland Program Manager
410-222-7432 or agpres@aacounty.org