

Certification of County Agricultural Land Preservation Programs
Re-Certification Request – Harford County
(Summary of Certification Letter Dated February 03, 2006)

The Maryland Department of Planning and the Maryland Agricultural Land Preservation Foundation would like to thank you for submitting Harford County's annual report for the Agricultural Certification Program, covering the FY 2003-2005 period. The County's report also served as its application for recertification.

We are recertifying the County Program for the period July 1, 2005 – June 30, 2007 in recognition of its impressive accomplishments in easement acquisition, and the strong funding support the county continues to provide. However, we are concerned about the ability of the County's land-use management tools to adequately protect agricultural land from subdivision and conversion as required for continued certification.

Harford County's annual report indicated that its farmland preservation program continues to make strides:

- Over the three fiscal years, MALPF secured 3 easements on 184 acres, Rural Legacy 14 easements on 814 acres. The County PDR program acquired 52 easements on 4,560 acres.
- The preservation of agricultural land exceeds its development. The County reports that for the three fiscal years 2003-2005, 5,559 acres were preserved while 2,899 were developed. (The amount of acreage subject to transfer tax, according to the State Department of Assessments and Taxation, was similar: 2,952 acres.)
- The zoning code has been amended to allow a greater range of income opportunities on farms.
- The County's Office of Economic Development is actively working on behalf of agriculture.
- In 2004, the Rural Element Plan was incorporated into the Land Use element of the comprehensive plan. The certification report says that "[c]lustering development standards have been incorporated in the Zoning Code..." and "[r]edevlopment and revitalization strategies have been initiated to stimulate investment and reinvestment into the older and existing neighborhoods."

Despite the fact that Harford County has preserved a greater percentage of its agriculturally-zoned land than many counties, on other measures it does not perform as well. These include the considerable degree to which agriculturally-zoned land has been historically fragmented by subdivision; the percentage of unprotected agricultural land lost to development, 1990-2000, which is greater than that in any metropolitan county with an agricultural land preservation program, with the exception of Howard County; easement acquisition cost, now approaching that in Baltimore County; and the percentage of unprotected land consisting of large parcels, which is less than all but two counties.

These limited measures of the effectiveness of land use management tools, which are an important part of the County's preservation program, indicate the need for significant improvement if the County program is likely to achieve its own preservation goals and those of the Certification Program. The need for these improvements is recognized in the County's Summary of Strengths and Weaknesses section of the annual Certification Report. Although land was preserved at a much greater rate than it was developed during the certification period, the rates were comparable in previous years. The already permissive zoning of 1:10 allows family conveyances from an agricultural parcel for the residential use of a father, mother, brother, sister, son, and daughter. Agricultural zoning and family conveyances are not the only sources of development pressure in rural areas. For example, the boundaries of the Rural Residential Land Use Category in the Comprehensive Plan in areas surrounding the rural villages include land zoned for Agriculture. This Land Use category calls for two-acre lots, suggesting that land zoned for Agriculture in this Land Use category may one day be rezoned to the higher density. It may also encourage owners of land beyond the boundaries to seek similar rezoning. The potential in these areas for this type of rezoning of undeveloped land endangers the successful farmland preservation efforts in northern Harford County.

The report acknowledges the County is lacking "a variety of zoning regulations to place tighter

controls on residential developments in the rural areas." However, more protective zoning is not a part of the program development strategy. The persistence of unprotective agricultural zoning concerns us for a number of reasons:

- "[D]evelopable land in the Development Envelope has become increasingly difficult due to environmental constraints and changes to the adequate public facilities standards. This has increased pressures on the development of the rural areas of the County. The County has experienced increased competition with the development community, due to a variety of reasons, including value of land versus easement offers and aging of the farming community."
- The transfer of thousands of jobs to the Aberdeen Proving Ground will flood rural Harford County with even more development pressure. The current zoning and PDR capabilities will not be able to handle it.

In short, we are concerned about the ability of the County's land-use management tools to adequately protect agricultural land from subdivision and conversion as required for continued certification. We recommend that now is the time to implement more protective zoning with a refined TDR program that prohibits rural-to-rural transfers. Demand in the development zones should be high enough to create a demand for TDRs and thus compensate for development rights that landowners cannot use on site. We would be happy work with the County on a TDR program, just as we are in Cecil County.

We trust that the County will work with us and take steps necessary to make the program more effective, and thereby continue to satisfy certification requirements. It is important that progress on these issues be made. Please let us know at your earliest convenience if you would meet with us to discuss how the County will address these concerns and how we can help the County in these regards.