

Harford County – January 2006

Certification of County Agricultural Land Preservation Programs
Re-Certification Request – Harford County
(Report Summary dated January 24, 2006)

COUNTY AGRICULTURAL PRESERVATION GOALS

- Harford County has had an annual performance objective to place agriculture easements on approximately 1500 acres per year. Over the past three fiscal years the County has preserved 2,425.35, 1,988.79, and 1,144.47 acres respectively, in the agriculture preservation programs. For the three years FY 2003-05, 5,559 acres were preserved through the local PDR program, MALPF, and Rural Legacy, surpassing the County's objective of 1,500 acres per year.
- As of June 30, 2005, the County has preserved a total of 38,250 acres through conservation easements.

ATTRIBUTES OF LOCAL PROGRAM

- The County has preserved 22,315 acres in 14 years through its County PDR program, more than any other county in the State.
- The County has spent \$54,689,999 on its local easement program.
- The County's Land Use Plan has identified the location of designated Rural Villages as well as Rural Residential areas to attempt to mitigate the impact of continued residential development in rural areas.
- Clustering development standards have been incorporated in the Zoning Code to reduce the large lot subdivisions and permanently protect more agricultural land.
- Permitted uses in the agricultural areas have been expanded to allow additional income opportunities for the farming community.

QUALIFYING EXPENDITURES AND USE OF CERTIFICATION FUNDS

- The County meets the certification requirements for qualifying expenditures and use of certification funds and has provided a record of revenues and expenditures.
- The County participates in MALPF's Matching Funds Program.
- County consistently supplements the MALPF program by augmenting funding available to the County.
- Given the amount of transfer tax collected vs. the amount spent on the local program, as follows, it is clear that the County is exceeding the requirements for Qualifying Expenditures.
- For FY 2003, the County retained \$668,150. The County collected approximately \$890,867 in Agricultural Transfer Tax Revenue (ATTR), remitting approximately \$222,717 to the State. In FY 2004, the County retained \$1,041,113 in ATTR, collecting approximately \$1,388,150 and remitting approximately \$347,037.
- Agricultural transfer tax revenues over the reporting period have been used for the purchase of easements.

PROGRAM ACCOMPLISHMENTS DURING THE REPORTING PERIOD

FY 2003

- Twenty-three County easements on 1,978 acres and seven Rural Legacy easements on 447 acres were purchased in FY 2003.
- No MALPF agricultural districts were established.

FY 2004

- Three MALPF easements on 184 acres, nineteen County easements on 1,438 acres and seven Rural Legacy easements on 367 acres were purchased in FY 2004.
- 1 MALPF agricultural districts was established.

FY 2005

- Ten County easements on 1,144 acres were purchased in FY 2005.
- 4 MALPF agricultural districts were established.

Other highlights

- In 2004, the Rural Element Plan was incorporated into the Land Use element of the comprehensive plan. Clustering development standards have been incorporated in the Zoning Code and redevelopment and revitalization strategies have been initiated to stimulate investment and reinvestment into the older and existing neighborhoods.
- The County has expanded the permitted uses in agricultural zones "to allow additional income opportunities for the farming community." Modifications were made to the zoning code to allow more flexibility for commercial/retail agriculture related activities.
- The County has indicated a desire to expand its right-to-farm ordinance.
- The County is working toward their first USDA Forest Legacy Program easement with a 2000-acre tract of forested property.

EVALUATION OF COUNTY'S ANNUAL REPORT

- During the reporting period, FY 2003-2005, the County permanently preserved 184 acres of agricultural land and woodlands through MALPF.
- In the past, preservation activities have more than kept pace with conversion of land to non-agricultural purposes. For the period 2003-2005, 2,952 acres were subject to agricultural land transfer tax, compared to 5,559 acres preserved.
- The County reports that 80% of residential development has occurred in the designated growth area over the past 15-20 years.

PROGRAM DEVELOPMENT STRATEGY

A. Evaluation

Strengths:

- Ongoing strong financial commitment to easement purchases.
- Strong County PDR program (\$54,689,999 total to date) with strong participation in the County's Installment Purchase option, which provides the County with the benefit of expanded buying power.
- Over the past 15 to 20 years, 80% of residential development has been concentrated in the designated growth areas.
- Redevelopment efforts have created incentives for the existing and older neighborhoods in the development envelope.
- Infrastructure enhancements, such as water and sewer and roads to support planned growth in the development envelope.
- The County has broadened its use of GIS mapping and tracking of preserved land.
- The County has enhanced the farmers' markets.
- Enhanced general awareness of the agriculture business through farm tours and other marketing strategies.
- Permitted uses in the agricultural areas have been expanded to allow additional income opportunities for the farming community.
- Clustering development standards have been incorporated in the Zoning Code to reduce the large lot subdivisions and permanently protect more agricultural land.
- The County provides up to 50% off the County property tax for districts and up to a 100% property tax credit for easements.
- The County implemented a one-contact stop to assist the farming community with local, State and Federal regulations for agricultural permits and agricultural retail permits.
- The Office of Economic Development has two full-time employees who work on developing marketing and educational opportunities for the agricultural community.

Weaknesses:

- Recent trends indicate a slowing of participation in the MALPF program. The number of applicants for the MALPF program for FY 2005 decreased considerably (two applicants in FY 2005, for a total of 134 acres, as compared with an average of ten applicants over the previous five years – no program in FY 2004). Only two applicants, for a total of 204 acres, have applied for the MALPF FY 2006 easement application program.
- The County's TDR program has no designated sending or receiving areas.
- Development of land in the Development Envelope has become increasingly difficult due to

environmental constraints and changes to the adequate public facilities standards, which together have increased development pressure in rural areas of the County.

- As recognized by the County in its certification report, Harford County lacks zoning regulations to place tighter controls on residential developments in the rural areas.
- The County also acknowledges a need for improvements to the land preservation program procedures and protocols.
- The County's future program development strategy includes suggestions for land use tools and policies, such as encouraging the use of conservation clustering and development buffers, but does not propose a schedule for implementation.

B. Description of Updated Program Development Strategy

Achieving objectives depends on the following:

- Reversing a recent trend (FY 2005-2006) that shows a decline in the number of landowners applying to the MALPF Program.
- Addressing the issue of increased residential development outside the designated growth areas.
- Continued participation in MALPF's matching funds program.
- Implementing improvements to the transfer of development rights (TDR) program to include sending and receiving areas.
- Implementation of the County's proposed program development strategy, including the use of conservation clustering and development buffers.
- Enhancements to the County's right-to-farm law.

COUNTY'S FOCUS ON PRESERVING AGRICULTURAL LAND

- During the reporting period (2003-2005), the County has permanently preserved 5,558 acres eight preservation programs, surpassing the County's objective of preserving 1,500 acres per year.
- With a total expenditure of \$54,689,999.00, the local PDR program preserved 22,315 acres, more than any other county in the State.
- A total of 38,655 acres is under easement in the County.
- The ratio of preserved land to converted for the reporting period is almost 2:1.

FOUNDATION STAFF RECOMMENDATION

- The County program continues to appear likely to succeed in supporting viable agricultural operations and preserving agricultural land in perpetuity. Foundation staff recommends approval of recertification for another two-year period.
- There are two concerns about the future of land preservation and the future viability of agriculture in the County: The first is a sharp decline in applications for easement sale to MALPF; second, the County lacks zoning regulations to place tighter controls on residential developments in the rural areas.
- Nonetheless, the County's highly successful local program, continued financial commitment to easement purchases and support activities such as the economic development of the agricultural sector and the County's suggested program development strategies, such as encouraging the use of conservation clustering and development buffers indicate that the County is placing a strong emphasis on agricultural preservation.