

Howard County – June 27, 2007

Certification of County Agricultural Land Preservation Programs
Withdrawal of Future Re-Certification Requests – Howard County
(Summary of Letter from Howard County Executive, Ken Ulman, dated June 27, 2007)

Last December, when I became Howard County Executive, I had an opportunity to assess the County's Agricultural Land Preservation Program. As you know, we have been among the nation's leaders in preservation for more than 25 years, and have been a model for many Maryland counties. Beginning with the leadership of the late Senator Clark in establishing MALPF, I believe Howard County has contributed significantly to the mission of MALPF in the following ways:

- Howard County was one of the earliest MALPF participants.
- Howard County was first to establish its own local preservation program, which creates perpetual easements on agricultural parcels.
- Howard County was the first in the nation to implement the innovative installment purchase agreement as a means to acquire easements.
- Howard County now holds agricultural easements on 20,700 acres, which exceeds our original goal of 20,000 acres.

On March 22, 2005, the MALPF Board of Trustees voted to grant conditional certification for Howard County's Agricultural Land Preservation Program (ALPP) for the two-year period starting July 1, 2005. However, when the current certification expires in July 2007, Howard County will not be requesting recertification of our program. With over twenty-five years of active participation, Howard County's preservation program is a mature one, with the focus transitioning from acquisition to stewardship.

Additionally, the funding that certification provides is not critical for the County's easement acquisition, and can be better utilized by other counties with growing programs. I am, however, still very interested in continuing to support and strengthen land preservation and the business of farming. Allow me to present my thoughts and plan for moving forward.

- **MALPF 25-Year Easement Termination:** On April 4, 2007, I approved the County's policy and criteria for evaluating requests to terminate MALPF easements. I am committed to strongly defending the County's program against any application to remove property from the MALPF easement program. The County has almost 4,000 acres in State easements. These properties form the core of the County's 20,000 acre agricultural preserve. Our program was built upon these early acquisitions and the retention of these easements is critical to our ongoing efforts to support the agricultural economy and preserve farmland for the future.
- **County's Easement Purchase Program:** To continue to attract property owners to our easement purchase program, the County has doubled the maximum easement purchase amount to \$40,000 an acre and expanded the payment options to include cash and shorter term installment purchase agreements (IPA). Subsequent to the passage of these enhancements in 2006, the ALPP opened an application period, and we were successful at attracting several high quality farms totalling over 260 acres.
- **Pace of Development:** In 2005, County Executive Jim Robey introduced a Council Bill to amend the Adequate Public Facilities Ordinance (APFO) to slow the pace of development in the Rural West by reallocating up to 100 housing units a year from the West into the County's Planned Service Area. I supported that Bill and the associated Council Resolution to amend the Housing Allocation Chart. The Council, however, did not approve the Resolution to reduce the Rural West housing unit allocations. As County Executive, I have pre-filed legislation that will accomplish my goal of reducing the housing unit allocations in the West from 250 to 150 per year (representing a reduction of the rural West's share from 13.5% to 8%

of the County's annual housing allocations). This legislation was pre-filed on June 21 for Council action in July.

- **Agricultural Preservation Acreage Goals:** Howard County has recently reached a landmark – the acquisition of 20,000 acres in agricultural land preservation easements. This was our original rural preservation goal, which we later expanded to 30,000 acres. We now have almost 6,700 acres in permanent environmental and historic easements, bringing our combined rural easement total to 26,700 acres. Given past trends and current projections for easement acquisition using our density exchange option, the County is confident that we will meet or exceed our 30,000-acre overall preservation goal. In addition to easement properties, more than 10,700 acres have been protected in parks and open space. Thus, the County has already preserved 40% (about 37,400 acres) of land in the Rural West and is projected to ultimately reach 47% (about 44,800 acres). Within the Rural Conservation zoning district, which is our priority agricultural preservation area, 50% (more than 31,000 acres) of the land is already protected.
- **Zoning Policies:** Current land management tools are working effectively in the manner for which they are established. Only 11% of the land in our Rural Conservation district (about 6,600 acres) remains uncommitted. If buildout continues at the current ratios and densities, the potential number of density sending rights is substantially in balance with the density receiving potential in receiving subdivisions. To make changes at this time would dismantle a fragile balance and eliminate the predictability that is essential in the marketplace. We, therefore, do not intend to propose any significant changes to our Rural West zoning policies.
- **Preservation Priorities and Funding:** The County's preservation priorities are now primarily focused on acquiring easements through our density exchange program. These easements are obtained at no cost to the County or State. Although we expect to continue purchasing agricultural preservation easements through our local program, that approach will be a minor component of our County-wide preservation strategy. MALPF has acquitted less than 80 easement acres in the County since 1989 and we no longer intend to pursue easement acquisition through the MALPF program. We have conducted a fiscal analysis of our preservation program and find that the proceeds from the 75% of the agricultural penalty tax that the County retains through its certification is not vital to our program. The funding available through the County's real estate transfer tax, along with 33% of the penalty tax will be adequate to fund future County easement acquisitions, payment of our outstanding installment purchase obligations, and program management. We will also be expanding our environmental preservation priorities to promote donated easements on sensitive infill parcels in the County's Planned Service Area. To this end, my FY 2008 budget proposes funding for an innovative partnership effort with the Howard County Conservancy.

We sincerely appreciate the time and effort that the MALPF Board and both agencies have spent with us discussing the evolving nature of agricultural preservation in Howard County. We have been widely recognized as a leader in preservation and we will continue to be a leader in promoting and supporting the business of farming through our agricultural marketing program. Undoubtedly, Howard County's significant gains in agricultural preservation would not have been possible were it not for MALPF. Furthermore, we hope that the State will consider granting special recognition to mature program, like that of Howard County, which have made substantial preservation achievements. To this end, we will be asking our State Delegation to investigate the possibility of introducing legislation in 2008 that will create a new certification category for mature programs such as ours, that have reached an emeritus status worthy of recognition for ongoing stewardship.