





Howard County

Internal Memorandum

Subject: Testimony on Council Bill No. 63-2018

To: Lonnie R. Robbins
Chief Administrative Officer

From:  Valdis Lazdins, Director of the Department of Planning and Zoning
 James Caldwell, Director Office of Community Sustainability

Date: August 30, 2018

Council Bill No. 63-2018 (CB 63) makes a series of changes within the Agricultural Land Preservation Act and throughout the Code to clarify which County agency is performing various duties related to agriculture. A summary of those changes is outlined below.

Terminology and Minor Changes:

1. Changes the name of Title 15, Subtitle 5 to be “Agricultural Preservation”.
2. Changes the short title to be the “Agricultural Sustainability and Land Preservation Act”.
3. In the Act’s purpose statement, adds language about advancing the sustainability of agriculture and a statement about County support under the Act.
4. Changes the name Agricultural Land Preservation Board (ALPB) to be the Agricultural Preservation Board.
5. Updates terminology throughout and updates obsolete references.

Notable definition changes:

Administrator- This changes the definition of Administrator to be the Director of the Department of Planning and Zoning (“DPZ”) or the Director’s designee instead of the county employee assigned to administer the Agricultural Land Preservation Program.

Agricultural Endeavors- This new definition links agricultural activity with filing of a schedule F for tax purposes.

Agricultural Land Preservation Program (“ALPP”): The proposed definition expands the ALPP to be more consistent with current practice by including programs to support farming and agricultural endeavors on agricultural easements.

Policy Changes:

1. **Section 6.407.** Pursuant to the reorganization process set forth in the Howard County Charter and consistent with the County Executive’s letter of August 22, 2018, this Bill revises the duties and responsibilities of the Office of Community Sustainability (“OCS”) to:
 - a. Establish OCS as the Executive Secretary of the Agricultural Preservation Board; and
 - b. Administer the Act, except those functions related to easement acquisition and stewardship- which will continue to reside in DPZ.
2. **Section 15.503(h).** This new section moves the existing Section 15.518 to the beginning of the act and

expands the roles of the ALPB. It also organizes the Board's duties according to their advisory role. New duties include advising:

- a. The County Executive and County Council by;
 - i. Providing testimony on agricultural and agricultural preservation issues; and
 - ii. Listening to concerns of individuals, institutions, and organizations on agricultural issues affecting the County.
 - b. The Department of Planning and Zoning by:
 - i. Reviewing and making recommendations on easement requests and enforcement; and
 - ii. Conducting outreach and education.
 - c. The Hearing Examiner: by reviewing and making recommendations on conditional uses on easements.
3. **Section 15.503(a) through (c).** Creates new criteria for the County Executive and Council to consider when appointing members to the ALPB and allows the Board to recommend new members to the County Executive.
- a. Criteria to consider for farmer members of the Board includes: size of the agricultural operation, diversity in location, and diversity in type of farming and type of easement.
 - b. Criteria to consider for non-farmer members of the Board includes: experience or knowledge about land easements, real estate, agricultural economic development, sciences that relate to agriculture, or other relevant experience.
4. **Section 15.515.** Allows donated easement to exchange land of equal or greater value, which is currently allowed on purchased and donated easements.

Fiscal Impact:

Based on the reallocation of staffing responsibilities for the ALPB outlined under #1 above, the financial impact is a \$5,595 savings to the Agricultural Land Preservation Fund. The Reorganization Plan submitted on August 22, 2018 expands upon the fiscal impacts associated with CB 63-2018.

DPZ and OCS support CB 63, which was developed in conjunction with Councilwoman Sigaty and the ALPB through a series of meeting between February and August 2018. This bill helps to support long-term sustainability of our county's agriculture sector and the Reorganization Plan provides the necessary tools for the ALPB to guide agricultural programs and activities. We appreciate Council's support and consideration of this important bill for our farming community.

cc: Jennifer Sager, Legislative Coordinator, Department of Administration
B. Diane Wilson, Chief of Staff to County Executive Kittleman