County Council Of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 3

Resolution No. <u>36</u> -2020

Introduced by: The Chairperson at the request of the County Executive and cosponsored by David Yungmann

A RESOLUTION amending the purchase price formula used to determine the price that Howard County pays when purchasing development rights under the Agricultural Land Preservation Program; and specifying that the purchase price formula shall be effective upon passage of the Resolution and shall remain in effect until changed or repealed by Resolution of the County Council.

Introduced and read first time March 2, 2020.	By order
Read for a second time at a public hearing on <u>June 15</u>	_, 2020.
	By order Diane Schwartz Jones, Administrator
This Resolution was read the third time and was Adopted, Adopted with a	amendments Failed_, Withdrawn_, by the County Council
on July (, 2020.	Certified By

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; <u>Underlining</u> indicates material added by amendment

1	WHEREAS, Section 15.505 of the Howard County Code requires that the County
2	Council adopt the purchase price formula used to calculate the price per acre the County pays
3	when it purchases development rights on eligible land through the Agricultural Land
4	Preservation Program; and
5	
6	WHEREAS, the purchase price formula was last revised by the passage of Council
7	Resolution No. 23-2013; and
8	
9	WHEREAS, the Howard County Agricultural Preservation Board (APB) has proposed
10	amendments to the purchase price formula and the County Executive has reviewed and supports
11	the proposed amendments, as shown in the attached Exhibit A; and
12	
13	WHEREAS, the proposed amendment changes how points will be assigned for parcel
14	size and soil capability and productivity; and
15	
16	WHEREAS, the proposed amendment also better reflects the ongoing stewardship and
17	implementation of the Soil Conservation and Water Quality Plan, increases the points awarded
18	for parcels that are adjacent to preserved land, amends the distribution of points for the
19	concentration of preserved lands, removes the preference for parcels located in the RC Zoning
20	District, amends the points awarded when a certain percentage of a property is in agricultural
21	use, removes points for road frontage and reinstates optional points previously awarded by the
22	Agricultural Preservation Board; and
23	
24	WHEREAS, the County Council has reviewed the amended purchase price formula and
25	has determined that its adoption is in the best interest of the County.
26	
27	NOW, THEREFORE, BE IT RESOLVED by the County Council of Howard County,
28	Maryland, this 6th day of July, 2020, that the County Council amends the
29	purchase price formula for the purchase of development rights on eligible land through the
30	Agricultural Land Preservation Program, in accordance with Exhibit A as attached to this
31	Resolution.

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AND BE IT FURTHER RESOLVED, that the purchase price formula shall be effective
upon passage of this Resolution and shall continue in effect until changed or repealed by
Resolution of the County Council.

Exhibit A

[[2013- PRICE FORMULA WORKSHEET]] 2020 APB APPROVED PRICE FORMULA WORKSHEET

0	w	n	e	r

Тах Мар	Parcel(s)	Acres	0	
Farm Address				
[[1) Parcel Size - Ma 1 point per acre				points]]
1) PARCEL SIZE RELA POINTS	TIVE TO AVERAGE ACREAGE	e of R ema	INING UNCOMMIT	ted Land (40 acres) - Maximum 150
40 ACRES OR MOR 35 ACRES TO 39.9 30 ACRES TO 34.9 25 ACRES TO 29.9) ACRES) ACRES) ACRES			150 POINTS 125 POINTS 100 POINTS 75 POINTS
20 ACRES TO 24.9	ACRES			50 points
[[2) Soil Capability - Class I Class II Class III Total	acres x 2.0	points points points points		points]]
2) Soil Capability – points	- Percentage of Class I,	II AND III S	oils Relative to F	PROPERTY TOTAL - MAXIMUM 150
90% OR GREATER 80% to 89% CLA 70% to 79% CLA 60% to 69% CLA	CLASS I, II AND III SOILS ASS I, II AND III SOILS ASS I, II AND III SOILS ASS I, II AND III SOILS CLASS I, II AND III SOILS			150 POINTS 125 POINTS 100 POINTS 75 POINTS 50 POINTS
[[3) Soil Productivit Land Evaluatior	y - Maximum 100 point n Score x 1.0	ts		points]]
3) Soil Productivit	ty as Measured by Land	Evaluatic	N SCORE - MAXIM	ium 150 points
80-89 Land Eval 70-79 Land Eval 60-69 Land Eval	LUATION SCORE			150 POINTS 125 POINTS 100 POINTS 75 POINTS 50 POINTS

4)	Adjacency to Preserved Land - Maximum [[100]]125 points 75 to 100% perimeter adjacent to preserved land 50 to 74% perimeter adjacent to preserved land 25 to 49% perimeter adjacent to preserved land Less than 25% perimeter adjacent to preserved land	[[100]]125 points [[75]]100 points [[50]]75 points [[25]]50 points
[[5]	Concentration of Preserved Lands - Maximum 100 points More than 1000 acres of preserved land within 1 mile 750-999 acres of preserved land within 1 mile 500-749 acres of preserved land within 1 mile Less than 500 acres of preserved land within 1 mile	100 points 75 points 50 points 25 points]]
5)	Concentration of Preserved Lands - Maximum 125 points More than 600 acres of preserved land within 3/4 mile 400-599 acres of preserved land within 3/4 mile 200-399 acres of preserved land within 3/4 mile Less than 200 acres of preserved land within 3/4 mile	125 points 100 points 75 points 50 points
[[6]	Zoning - RC Zoning District = 100 points RC District	100 points]]
[[7	7) Current Land Use - Maximum 100 points 75% or more of property in agricultural use 50 to 74% of property in agricultural use 25 to 49% of property in agricultural use Less than 25% of property in agricultural use	100 points 75 points 50 points 25 points]]
7)	6) Current Land Use - Maximum 150 points 90% or greater of property in agricultural use 80% to 89% of property in agricultural use 70% to 79% of property in agricultural use 60% to 69% of property in agricultural use Less than 60% of property in agricultural use	150 points 125 points 100 points 75 points 50 points
[[8]	Implementation of Soil Conservation and Water Quality Plan - Maximun Current plan fully implemented Current plan not fully implemented Plan needs updating Plan not implemented or no plan on record	n 100 points 100 points 75 points 50 points 0 points]]

8) 7) Soil Conservation and Water Quality Plan (SCWQP)/Best Management Practices (BMPs) – Maximum 100 points LONGSTANDING LANDOWNER RELATIONSHIP WITH SCD, AND SCWQP ON THE PROPERTY IS PREDOMINANTLY IMPLEMENTED WITH NO MAJOR RESOURCE CONCERNS

100 POINTS

LANDOWNER HAS RELATIONSHIP WITH SCD AND HAS MADE CONSIDERABLE EFFORTS TO IMPLEMENT SCWQP ON THIS PROPERTY OR ANOTHER PROPERTY, OR LANDOWNER HAS IMPLEMENTED CONSIDERABLE BMPS ON THEIR OWN 75 POINTS

New relationship with SCD and has made considerable efforts to implement SCWQP on this property or another property, or landowner has implemented considerable BMPs on their own 50 points

NEW SCWQP WITH NO CONSERVATION OR BMP ACTIVITY 0 POINTS

9) 8) Ownership and Operation - Maximum 50 points	
Owner operated	50 points
Non-owner operated	25 points
No current operation	0 points

[[10)	Road Frontage - Maxi	ge - Maximum 50 points		
	Lin Ft / 100 =	x 2.0 on scenic road	points	
	Lin Ft / 100 =	x 1.0 on other road	points]]	

SUBTOTAL POINTS - Maximum 1,000 points

PRELIMINARY PRICE CALCULATION - Maximum \$40,000 per acre

0 points x \$40/point = 0

ADDITIONAL POINTS - Maximum [[200]]100 points

- [[1. Relinquishment of Parcel Division Rights, if applicable Maximum 50 points Number of 50+ acre parcels allowed by right at 1 per 50 acres, if over 100 acres Number of 50+ acre parcels relinquished x 10 points per parcel]]
- [[2.]]1) Relinquishment of Tenant House Rights, if applicable Maximum 50 points Number of tenant houses allowed by right at 1 per 25 acres Tenant house rights relinquished x 10 points per house
- [[2. Protection of Green Infrastructure Network- Maximum 100 points See separate scoring sheet 100 points]]
- 2) OPTIONAL APB POINTS MAXIMUM 50 POINTS MAY BE ADDED OR SUBTRACTED

TOTAL PRICE POINTS - Maximum 1000 Points 0

FINAL PRICE CALCULATION - Maximum \$40,000 per acre \$0

0 points x \$40/point = \$0.00

2020 PRICE FORMULA WORKSHEET – OPTIONAL APB POINTS AS APPROVED BY APB ON 1/27/20

OWNER FARM ADDRESS ΤΑΧ ΜΑΡ

PARCEL(S)

ACRES

TOTAL OF 50 POTENTIAL POINTS CAN BE ADDED

- 1) CONTRIBUTION TO AGRICULTURAL ECONOMY MAXIMUM 10 POINTS
 - 1. 5 POINTS THE FARM HAS A SPECIALIZED OR UNIQUE OPERATION
 - 2. 5 POINTS THE FARM HAS SIGNIFICANT AGRICULTURAL INFRASTRUCTURE
 - 3. 5 POINTS THE FARM BUSINESS IS ACTIVE WITHIN THE LOCAL COMMUNITY BY:
 - a. PURCHASING AGRICULTURAL PRODUCTS FROM OTHER AREA FARMS
 - b. SUPPLYING AGRICULTURAL PRODUCTS TO FARMS, BUSINESSES OR INDIVIDUALS
- 2) CONTRIBUTION TO AGRICULTURAL SUSTAINABILITY MAXIMUM 10 POINTS
 - 5 POINTS AN EASEMENT ACQUISITION ON THIS FARM WOULD BE A NEW ADDITION TO PROPERTIES ALREADY UNDER EASEMENT BELONGING TO SAME OWNER
 - 5 POINTS THIS IS A CENTURY FARM
 - 10 POINTS IF THE FARM IS FOR SALE AT THE TIME OF APPLICATION, PURCHASE OF AN EASEMENT WILL ASSIST IN THE TRANSFER TO A NEW AND/OR NEXT GENERATION FARMER
- 3) GREEN INFRASTRUCTURE NETWORK (GIN)/WATER QUALITY MAXIMUM 10 POINTS
 - 5 POINTS FARM INCLUDES PORTIONS OF GIN HUB(S)
 - 3 POINTS FARM INCLUDES PORTIONS OF GIN CORRIDOR(S)
 - 5 POINTS 50' MINIMUM FORESTED RIPARIAN BUFFER WIDTH
 - 3 POINTS 35' MINIMUM FORESTED RIPARIAN BUFFER WIDTH
- 4) HISTORIC AND SCENIC RESOURCES MAXIMUM 10 POINTS
 - 5 POINTS FARM INCLUDES AN HISTORIC STRUCTURE ENCUMBERED BY A MARYLAND HISTORIC TRUST EASEMENT
 - 3 POINTS FARM INCLUDES A STRUCTURE LISTED ON THE NATIONAL, MARYLAND OR HOWARD COUNTY REGISTERS OF HISTORIC PLACES
 - 5 POINTS FARM IS LOCATED ON THE HISTORIC NATIONAL ROAD (RT. 144)
 - 3 POINTS FARM IS LOCATED ON A MARYLAND OR HOWARD COUNTY SCENIC ROAD

5) DISCRETIONARY - MAXIMUM 10 POINTS

REASON FOR ALLOCATING POINTS

County Council Of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 3

Resolution No36-2020

Introduced by: The Chairperson at the request of the County Executive and cosponsored by David Yungmann

A RESOLUTION amending the purchase price formula used to determine the price that Howard County pays when purchasing development rights under the Agricultural Land Preservation Program; and specifying that the purchase price formula shall be effective upon passage of the Resolution and shall remain in effect until changed or repealed by Resolution of the County Council.

Introduced and read first time March Z, 2020.	By order <u>Diane Jahwarth Junes</u> Diane Schwartz Jones, Administrator
Read for a second time at a public hearing on June 15	, 2020.
	By order
This Resolution was read the third time and was Adopted, Adopted with	h amendments
on July (e, 2020.	\sim
	Certified By Diane Schwartz Jones, Administrator

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19	concentration of preserved lands, removes the preference for parcels located in the RC Zoning
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31	Resolution.

AND BE IT FURTHER RESOLVED, that the purchase price formula shall be effective
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Resolution of the County Council.

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Exhibit A

[[2013- PRICE FORMULA WORKSHEET]] 2020 APB APPROVED PRICE FORMULA WORKSHEET

Owner

Tax Ma	p Parcel(s)	Acres	0
Farm A	ddress		
[[1)	Parcel Size - Maximum 200 points 1 point per acre		points]]
1)	PARCEL SIZE RELATIVE TO AVERAGE ACREAGE O	of Remai	AINING UNCOMMITTED LAND (40 ACRES) - MAXIMUM 150
	40 ACRES OR MORE		150 POINTS
	35 ACRES TO 39.9 ACRES		125 POINTS
	30 ACRES TO 34.9 ACRES		100 POINTS
	25 ACRES TO 29.9 ACRES		75 POINTS
	20 ACRES TO 24.9 ACRES		50 points
[[2]	Soil Capability - Maximum 100 points		
	Class I acres x 3.0	points	
	Class II acres x 2.0	points	
	Class III acres x 1.0	points	
	Total acres	points	s points]]
2)	SOIL CAPABILITY – PERCENTAGE OF CLASS I, II A	and III So	Soils Relative to Property Total - Maximum 150
	90% or greater Class I, II and III Soils		150 POINTS
	80% TO 89% CLASS I, II AND III SOILS		125 POINTS
	70% to 79% Class I, II and III Soils		100 POINTS
	60% TO 69% CLASS I, II AND III SOILS		75 POINTS
	LESS THAN 60% CLASS I, II AND III SOILS		50 POINTS
[[3]	Soil Productivity - Maximum 100 points		
	Land Evaluation Score x 1.0		points]]
			points]]
3)	SOIL PRODUCTIVITY AS MEASURED BY LAND EV	ALUATIO	ON SCORE - MAXIMUM 150 POINTS
	90 or greater Land Evaluation Score		150 POINTS
	80-89 LAND EVALUATION SCORE		125 POINTS
	70-79 LAND EVALUATION SCORE		100 POINTS
	60-69 LAND EVALUATION SCORE		75 POINTS
	Less than 60 Land Evaluation Score		50 POINTS

4)	Adjacency to Preserved Land - Maximum [[100]]125 points 75 to 100% perimeter adjacent to preserved land 50 to 74% perimeter adjacent to preserved land 25 to 49% perimeter adjacent to preserved land Less than 25% perimeter adjacent to preserved land	[[100]]125 points [[75]]100 points [30]]75 points [[25]]50 points
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[[8)	Implementation of Soil Conservation and Water Quality Plan - Maximum Current plan fully implemented Current plan net fully implemented Plan needs updating Plan not implemented or no plan on record	n 100 points 100 points 75 points 50 points 0 points]]

8) SOIL CONSERVATION AND WATER QUALITY PLAN (SCWQP)/BEST MANAGEMENT PRACTICES (BMPS) – MAXIMUM 100 POINTS

LONGSTANDING LANDOWNER RELATIONSHIP WITH SCD, AND SCWQP ON THE PROPERTY IS PREDOMINANTLY
IMPLEMENTED WITH NO MAJOR RESOURCE CONCERNS

* 100 POINTS

LANDOWNER HAS RELATIONSHIP WITH SCD AND HAS MADE CONSIDERABLE EFFORTS TO IMPLEMENT SCWQP ON THIS PROPERTY OR ANOTHER PROPERTY, OR LANDOWNER HAS IMPLEMENTED CONSIDERABLE BMPS ON THEIR OWN 75 POINTS

New relationship with SCD and has made considerable efforts to implement SCWQP on this property or another property, or landowner has implemented considerable BMPs on their own 50 points

50 points

25 points

0 points

points

points]]

New SCWQP with NO CONSERVATION OR BMP ACTIVITY 0 POINTS

9) Ownership and Operation - Maximum 50 points
 Owner operated
 Non-owner operated
 No current operation

[[10] Road Frontage - Maximum 50 points Lin Ft / 100 = _____ x 2.0 on scenic road Lin Ft / 100 = _____ x 1.0 on other road

SUBTOTAL POINTS - Maximum 1,000 points

PRELIMINARY PRICE CALCULATION - Maximum \$40,000 per acre

0 points x \$40/point = 0

ADDITIONAL POINTS - Maximum [[200]]100 points

- [[1. Relinquishment of Parcel Division Rights, if applicable Maximum 50 points Number of 50+ acre parcels allowed by right at 1 per 50 acres, if over 100 acres Number of 50+ acre parcels relinquished x 10 points per parcel]]
- [[2.]]1) Relinquishment of Tenant House Rights, if applicable Maximum 50 points Number of tenant houses allowed by right at 1 per 25 acres Tenant house rights relinquished x 10 points per house
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- 2) OPTIONAL APB POINTS MAXIMUM 50 POINTS MAY BE ADDED OR SUBTRACTED

TOTAL PRICE POINTS - Maximum 1000 Points 0

FINAL PRICE CALCULATION - Maximum \$40,000 per acre \$0

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2020 PRICE FORMULA WORKSHEET – OPTIONAL APB POINTS AS APPROVED BY APB ON 1/27/20

ΤΑΧ ΜΑΡ	Parcel(s)
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FARM ADDRESS

OWNER

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ACRES

TOTAL OF 50 POTENTIAL POINTS CAN BE ADDED

- 1) CONTRIBUTION TO AGRICULTURAL ECONOMY MAXIMUM 10 POINTS
 - 1. 5 POINTS THE FARM HAS A SPECIALIZED OR UNIQUE OPERATION
 - 2. 5 POINTS THE FARM HAS SIGNIFICANT AGRICULTURAL INFRASTRUCTURE
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 - **5** POINTS AN EASEMENT ACQUISITION ON THIS FARM WOULD BE A NEW ADDITION TO PROPERTIES ALREADY UNDER EASEMENT BELONGING TO SAME OWNER
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- 3) GREEN INFRASTRUCTURE NETWORK (GIN)/WATER QUALITY MAXIMUM 10 POINTS
 - 5 POINTS FARM INCLUDES PORTIONS OF GIN HUB(S)
 - 3 POINTS FARM INCLUDES PORTIONS OF GIN CORRIDOR(S)
 - 5 POINTS 50' MINIMUM FORESTED RIPARIAN BUFFER WIDTH
 - 3 POINTS 35' MINIMUM FORESTED RIPARIAN BUFFER WIDTH
- 4) HISTORIC AND SCENIC RESOURCES MAXIMUM 10 POINTS
 - 5 POINTS FARM INCLUDES AN HISTORIC STRUCTURE ENCUMBERED BY A MARYLAND HISTORIC TRUST EASEMENT
 - 3 POINTS FARM INCLUDES A STRUCTURE LISTED ON THE NATIONAL, MARYLAND OR HOWARD COUNTY REGISTERS OF HISTORIC PLACES
 - 5 POINTS FARM IS LOCATED ON THE HISTORIC NATIONAL ROAD (RT. 144)
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5) DISCRETIONARY - MAXIMUM 10 POINTS

REASON FOR ALLOCATING POINTS _____