

**HOWARD COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM (ALPP)**  
**EASEMENT PRICING FORMULA**  
**July 2019**

EXPLANATION FOR PROPOSED CHANGES

**PURPOSE**

The easement pricing formula is used to determine the price per acre the County will pay to purchase development rights on an eligible farm.

**I. FORMULA WORKSHEET COMPONENTS**

The formula consists of two components: (A) points and (B) price per acre. Points are numerical values assigned to specific characteristics of a farm that make it either more or less desirable to preserve as agricultural land. The maximum number of points that can be awarded is 1,000. The most points are awarded for the program's highest priorities for easement acquisition: soils (capability and productivity) and relationship to protected lands (adjacency and concentration). The price per acre is the maximum amount the County will pay to purchase development rights, which is currently \$40,000 per acre. There are no changes proposed to the price per acre maximum.

**A. POINTS - Maximum 1,000**

**1. Parcel Size - Maximum 50 points**

DPZ recommends reducing the number of points allocated to parcel size from 200 to 50. Parcel size isn't the priority it once was, as the County is seeing many thriving farm operations on much smaller parcels. In addition, the remaining uncommitted land is heavily skewed toward properties in the 20-40-acre range. Instead of the current award of one point per acre, DPZ proposes to assign points based on parcel size relative to the average acreage of remaining uncommitted land, which is 40 acres.

**2. Soil Capability - Maximum 100 points**

No changes are recommended. Land with higher quality soils has more agricultural value than land with poorer soils and, therefore, should be assigned a higher point value. Each acre of Class I soils would receive 3 points; each acre of Class II soils 2 points; and each acre of Class III soils 1 point.

**3. Soil Productivity – Maximum 100 points**

No changes are recommended. Soil productivity measures what soil is capable of producing under good management. Productivity is scored in addition to capability because soils within the same capability class can have widely different productivity levels.

**4. Adjacency to Preserved Land – Maximum 150 points**

DPZ recommends changing the maximum points from 100 to 150. The General Plan recognizes the need to consolidate blocks of the most productive remaining farmland. Both this criterion and the next, concentration of preserved lands, score properties based on their contribution to large contiguous tracks of preserved agricultural land. Immediate adjacency is important because a property that is surrounded by other preserved land is less likely to experience the impacts of residential development on agricultural activities.

**5. *Concentration of Preserved Lands – Maximum 150 points***

This criterion signifies the importance of large blocks of preserved land and currently considers the amount of preserved land within a mile of a subject property. DPZ recommends changing the maximum points from 100 to 150 and amending how points are calculated to more accurately measure and award them. Given the large amount of preserved land in the Rural West, most applicants currently qualify for the maximum number of points. DPZ recommends a more meaningful measurement of concentrated preserved land; utilizing a ½ mile rather than one mile buffer. Accordingly, DPZ’s proposal alters the scoring brackets so that more properties fall within the mid-point ranges rather than the current brackets which capture most properties in the high-point ranges.

**6. *Zoning - 0 points***

DPZ recommends eliminating this criterion. The General Plan and the Zoning Regulations designate the Rural Conservation (RC) zoning district as the area where agricultural land preservation efforts should be concentrated. However, the Rural Residential (RR) zoning district, while designated for low density residential development, also allows farming and contains many preserved properties. Currently, RC parcels can qualify for more points than RR parcels. DPZ has received feedback from some members of the farming community that the zoning districts should be given equal weight.

**7. *Current Land Use – Maximum 100 points***

This criterion evaluates the percentage of a property actively used for agriculture and is scored by the Howard Soil Conservation District (HSCD), with guidance from the ALPP. Active “agricultural use” has traditionally been defined as cropland or pasture. DPZ consulted with the HSCD, who expressed challenges applying this over the years; particularly with respect to including woodland in the calculation. Consequently, the HSCD Board of Directors recommended it be deleted.

However, DPZ finds value in retaining a criterion that looks at farmland in active production. Additionally, many surrounding counties include a similar measurement in their scoring systems. Some refer to “acres of productive crop or pasture land” and others use “acres of tillable cropland.” Therefore, DPZ recommends retaining this criterion and the associated 100 points, but only if the method of calculation is better defined. Under the new scoring system, ALPP staff would score this criterion using a combination of aerial photography and digital tools; along with self-reported land use acreages and data from site visits. Also, woodlands used for silviculture should be the only forested areas included in the acreage calculation.

**8. *Implementation of Soil Conservation and Water Quality Plan (SCWQP) – Maximum 100 points***

To enter the ALPP, property owners must have a valid Soil Conservation and Water Quality Plan, prepared by the Natural Resources Conservation Service. This plan outlines conservation practices that reduce erosion and protect the soil and further serves as an important land management tool. This criterion evaluates plan status, and scoring is based on the level of implementation. The original intent of the SCWQP was to reward long term stewardship through an established relationship with the SCD. However, the current criterion does not fully capture this goal.

DPZ, in consultation with the SCD, recommends changing the scoring from 0-50-75-100 points to 0-50-100 points, depending on the level of SCWQ Plan implementation. The current ranking scores “Plan needs updating”, which is not necessary and should be deleted. Instead, DPZ recommends allocating 100 points for a plan that is fully implemented, 50 points for one that is not fully implemented, and 0 points if there is no plan on record, or if no attempt was made to implement anything in a plan. Previously, the point in time when this criterion was evaluated has varied, which has caused inconsistent application and confusion about plan status. Both ALPP staff and the SCD Board concur that applying this criterion at the time of application would allow a more consistent and equitable scoring system.

**9. *Ownership and Operation – Maximum 50 points***

No changes are recommended. Points are awarded based on the level of involvement that a property owner has in the operation of the farm.

**10. *Road Frontage - 0 points***

DPZ recommends eliminating this criterion, which awards points for the linear feet of road frontage, and additional points are awarded for frontage on a scenic road. Rather than evaluating this independently, DPZ recommends adding road characteristics to the list of items that the Agricultural Preservation Board can review in their assignment of optional points, as detailed in #12 below. Restoring the APB optional points provides flexibility and allows the Board to consider critical or desirable locations. This broadens the scope beyond just road frontage and increases APB discretion for each parcel.

**11. *Protection of Green Infrastructure Network – Maximum 100 points***

DPZ recommends moving this criterion from the previous “Additional Points” category into the main section of the scoring system, to emphasize its importance. This criterion provides a financial incentive to protect significant ecological resources on a preservation easement. The General Plan recognizes that one purpose of the county’s Green Infrastructure Network is to enable the County to consider important natural resources when acquiring agricultural, environmental, and other land preservation easements. A separate Green Infrastructure scoring system would determine the points awarded, based on acreage and location within the network and on the habitat value of the natural resources present. The property owner must also agree to develop and implement a Habitat Management Plan for the property located within the network.

**12. *Agricultural Preservation Board Optional Points - Maximum 50 points***

DPZ recommends reinstating this criterion, which was previously eliminated prior to the current application cycle. The Agricultural Preservation Board may assign positive and negative points for special characteristics that make the property particularly desirable, or undesirable for preservation. Such criteria used in the past include, but are not limited to, critical location, excellent record of soil conservation and water quality planning and implementation, family commitment to farming, inherent limitations to development, extensive utility easements, or presence of cultural and/or natural resources of high significance.

**Additional Points** – DPZ recommends eliminating the additional points section.

**1. *Relinquishment of Parcel Division Rights – 0 points***

DPZ recommends eliminating this criterion because there are only three properties large enough to be eligible. Further, based on discussions with the property owners it is unlikely any would apply. The agricultural preservation law allows a property owner, encumbered by an ALPP easement larger than 100 acres, to subdivide the property into 50+ acre parcels. As an incentive to not subdivide, 10 points are assigned for every parcel division right relinquished by an owner.

**2. *Relinquishment of Tenant House Rights – Maximum 50 points***

DPZ recommends moving this criterion to the main body of the scoring system. The agricultural preservation law allows the owner of a property encumbered by an ALPP easement to request tenant housing at a density of one dwelling unit per 25 acres. As an incentive to minimize tenant house requests, 10 points are assigned for every tenant house right relinquished by the owner.

**B. *PRICE PER ACRE***

The price per acre the County will pay to purchase a property’s development rights is determined by adding all the points above and then multiplying by the price factor. The price factor is based on current market values of land for agricultural and development purposes. The price factor is currently \$40 per point, with no proposed changes.