

BK000546049

Ordinance No. 18-18

RE: Text Amendment Case No. 18-01

Amendments to the Calvert County Agricultural Preservation Rules and Regulations

RE: PAR Fund Program

Page 1 of 2

PERTAINING TO THE AMENDMENTS OF THE CALVERT COUNTY AGRICULTURAL PRESERVATION RULES AND REGULATIONS (“APRR”) (SECTION V.C. PURCHASE AND RETIREMENT FUND, SECTION VIII. CRITERIA FOR ACCEPTANCE OF PAR FUND) APPLICATIONS

(Text Amendment Case No.18-01)

WHEREAS, Title 4 of the *Land Use Article* of the Maryland Annotated Code, as amended, empowers the Board of County Commissioners of Calvert County, Maryland (the “Board of County Commissioners”) to enact a Zoning Ordinance to promote the health, safety and welfare of the citizens of Calvert County, and to provide for its administration, enforcement and amendment;

WHEREAS, by Ordinance 35-06, the Board of County Commissioners of Calvert County, Maryland has heretofore adopted the Calvert County Zoning Ordinance (the “CCZO”);

WHEREAS, the Calvert County Zoning Ordinance adopted May 1, 2006, specifies in Section 2-10.01 (E) (9), the Agricultural Preservation Advisory Board “promulgate regulations for adoption by the Board of County Commissioners;

WHEREAS, after study and evaluation, the Agricultural Preservation Advisory Board recommended to the Board of County Commissioners, text amendments to the Calvert County Agricultural Preservation Rules and Regulations (the “APRR”), Section V.C., Purchase and Retirement Fund, Section VIII. Criteria for Acceptance of Par Fund Applications;

WHEREAS, after due notice was published, the Board of County Commissioners of Calvert County, Maryland conducted a public hearing on April 17, 2018, at which time the proposed amendments were discussed, staff's recommendations were considered, and public comment was solicited; and

WHEREAS, after considering the staff report, testimony presented at the public hearing regarding the proposed text amendments and the recommendation of the Agricultural Preservation Advisory Board, and in furtherance of the public health, safety and welfare, the Board of County Commissioners of Calvert County, Maryland determined it is in the best interest of the citizens of the County to enact the text amendments to the Calvert County Agricultural Preservation Rules and Regulations as set forth in Exhibit A, attached hereto and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Calvert County, Maryland, Section V.C. Purchase and Retirement Fund, Section VIII. Criteria for Acceptance of Par Fund Applications of the APRR **BE**, and hereby **IS**, amended by adopting the text amendments as shown in attached Exhibit A hereto and made a part hereof (Exhibit B depicts the amendments as they will actually appear in the APRR).

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance or the Calvert County Zoning Ordinance, are found to be

unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective upon recordation and without publication of a fair summary, but not before ten (10) days following the date of this enactment.

DONE, this 17th day of April, 2018 by the Board of County Commissioners of Calvert County, Maryland.

Aye: 5
Nay: 0
Absent/Abstain: 0

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND

Maureen L. Frederick, Clerk

Evan K. Slaughenhoupt, Jr., President

Approved for form and legal sufficiency by:

Tom Hejl, Vice-President

Mike Hart

John B. Norris, III, County Attorney

Pat Nutter

Steven R. Weems

Received for Record... 5/9... 2018... at 10:52 o'clock... A.M. Same day recorded in Liber KPS No. 54 Folio 49... COUNTY COMMISSIONERS ORDINANCES AND RESOLUTION.

Garry P. Smith

V. PROCEDURES OF THE BOARD.

A. Designated Agricultural Areas.

1. The Board, with assistance of its staff support, and with the aid of appointed committees and County, State and Federal agencies, shall make an inventory of those lands of the County having the greatest potential for maintaining a viable level of agricultural or forestry production.
2. The board shall accept, and shall approve or reject applications from landowners for identification of land as Designated Agricultural Areas. Applications shall be submitted by landowners on forms prescribed by the Board.
3. The Board shall accept, and shall approve or reject applications from farmer organizations and citizen groups or associations for the identification of land as Designated Agricultural Areas.
4. When an application for a Designated Agricultural Area is approved, notice of the approval shall be furnished to the Department of Planning and Zoning, the Soil Conservation District, the County Commissioners' Office, and the Assessors' Office.

B. Agricultural Preservation Districts.

1. The Board shall at any time accept, and either approve or reject, applications from landowners for designation of land as new APDs or additions to existing APDs. Applications shall be submitted by landowners on forms prescribed by the Board.
2. When an application for an Agricultural Preservation District is approved, notice of the approval shall be furnished to the Department of Planning & Zoning, the Soil Conservation District, the County Commissioners' Office, and the Assessors' Office.

C. Purchase and Retirement Fund

1. The Board shall determine and announce the schedule to be followed for the annual PAR Fund cycle of TDR purchases.
2. The Board shall determine and announce, on an annual basis, the amount of funding available for the purchase and retirement of TDRs.
3. The Board shall recommend, for the approval of the Board of County Commissioners, the price to be offered for the annual purchase of TDRs by the PAR Fund. The Board shall consider the value of TDR sales and transfer during the prior year in recommending the offering price.
4. The Board shall recommend, for the approval of the Board of County Commissioners, the number of TDRs to be sold per application per PAR Fund cycle. The Board shall consider the number of applications received during the prior year and the amount of funding available.

(Date of adoption)

54. The Board shall review and rank applications according to established criteria in order to determine which applications are to be accepted.
5. ~~No member of the Board or Advisory Committee shall submit an application for sale of TDRs to the Purchase and Retirement Fund.~~
6. The investment of PAR Fund monies shall be administered by the Board of County Commissioners. (6/1/92)

VIII. CRITERIA FOR ACCEPTANCE OF PAR FUND APPLICATIONS

- A. The Board shall accept applications for the sale of ~~a maximum of ten~~ TDRs per year from the owner of any recorded Agricultural Preservation District. ~~Owners of any APD from which no TDRs have been sold may apply to sell an additional five TDRs.~~ (Date of adoption)
- B. TDRs shall be certified before applications to sell to the PAR Fund will be accepted by the Board.
- C. No individual, group of individuals, partnership, corporation, or other legal entity shall have any vested interest in more than one TDR sale ~~the sale of more than 10 TDRs~~ to the PAR Fund per cycle calendar year, ~~except as provided in VIII. A.~~ This provision shall not limit the number of PAR Fund applications that may be made by any such entity. (5/1/00) (Date of adoption)
- D. PAR Fund applications shall be ranked according to the following formula, with those applications receiving the highest ranking being first considered for PAR Fund purchases.

1.	LAND USE	33 pts
	Active working farm	
	60% Tillable	33 pts
	40% Tillable	25 pts
	20% Tillable	17 pts
	Active Tree Farm	13 pts
	Undesignated Land	0 pts

Note: An "Active Working Farm" shall be defined as a farm which has been entitled to the Agricultural Use Assessment at least once in the previous five tax years.

"Tillable" shall be defined as that land which is given the Tillable Class A, B, and C, and Class D Land Valuation by the State Department of Assessments and Taxation.

2.	LOCATION (a. plus b.)	25 pts
	a. In DAA	15 pts
	Not in DAA	0 pts
	b. Adjacent to preserved APD	10 pts
	Adjacent to Unprotected APD	5 pts
	Not adjacent to an APD	0 pts

3. SIZE

100+ acres	25 pts
75+ acres	20 pts
50+ acres	15 pts
25+ acres	10 pts
10+ acres	5 pts
-10 acres	0 pts

4. SOILS

17 pts

50% Class I	17 pts
50% Class I and II	11 pts
50% Class I, II, III	5 pts
50% Class I, II, III	0 pts

5. BONUS POINTS

Ten bonus points shall be given to any property that has not sold any development rights to any purchaser.

- E. In the event that two or more PAR Fund Applications are tied in rank, first priority will be given to the application which has least recently conveyed TDRs to the PAR Fund and second priority will be given to property enrolled in an APD for the longest time.

(6/1/92)

V. PROCEDURES OF THE BOARD.

A. Designated Agricultural Areas.

1. The Board, with assistance of its staff support, and with the aid of appointed committees and County, State and Federal agencies, shall make an inventory of those lands of the County having the greatest potential for maintaining a viable level of agricultural or forestry production.
2. The board shall accept, and shall approve or reject applications from landowners for identification of land as Designated Agricultural Areas. Applications shall be submitted by landowners on forms prescribed by the Board.
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4. When an application for a Designated Agricultural Area is approved, notice of the approval shall be furnished to the Department of Planning and Zoning, the Soil Conservation District, the County Commissioners' Office, and the Assessors' Office.

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3. The Board shall recommend, for the approval of the Board of County Commissioners, the price to be offered for the annual purchase of TDRs by the PAR Fund. The Board shall consider the value of TDR sales and transfer during the prior year in recommending the offering price.
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(Date of adoption)

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(Date of adoption)
- B. TDRs shall be certified before applications to sell to the PAR Fund will be accepted by the Board.
- C. No individual, group of individuals, partnership, corporation, or other legal entity shall have any vested interest in more than one TDR sale to the PAR Fund per cycle. This provision shall not limit the number of PAR Fund applications that may be made by any such entity.
(5/1/00)
(Date of adoption)
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2. LOCATION (a. plus b.) 25 pts

a.	In DAA	15 pts
	Not in DAA	0 pts
b.	Adjacent to preserved APD	10 pts
	Adjacent to Unprotected APD	5 pts
	Not adjacent to an APD	0 pts

3. SIZE 25 pts

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EXHIBIT B

100+ acres	25 pts	
75+ acres	20 pts	
50+ acres	15 pts	
25+ acres	10 pts	
10+ acres	5 pts	
-10 acres	0 pts	
4. SOILS		17 pts
50% Class I	17 pts	
50% Class I and II	11 pts	
50% Class I, II, III	5 pts	
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