

Agricultural Preservation Districts Fact Sheet.

The Cecil County Purchase of Development Rights Program allows a landowner the option of establishing an agricultural preservation district (a "District"). An agricultural preservation district is a minimum five (5) year agreement (the "Agreement") between the property owner and Cecil County, Maryland, not to develop the property owner's land.

A. Conditions for establishment.

A landowner creating a District agrees:

- (1)** To maintain the land in agricultural use from the date that the District is recorded in the land records of Cecil County.
- (2)** That the district agreement creates an encumbrance upon the land and binds future owners, heirs, successors or assigns, and which precludes the utilization of the land for non-agriculturally related uses for a minimum of five (5) years. Any agricultural uses currently permitted would be allowed to continue under this Agreement as permitted by the Cecil County Zoning Ordinance.
- (3)** That the construction of buildings or structures on the land other than farm buildings is contingent upon the written application and approval by the Department of Planning and Zoning, subject to review by and recommendation of the Agricultural Land Preservation Advisory Board.

B. Location criteria. The focus of the program will be on lands zoned Northern Agricultural-Residential (NAR) and Southern Agricultural-Residential (SAR), and/or located within the designated Priority Preservation Areas.

C. Size criteria. The parcel for which a District is established shall have a minimum size of 50 acres. Parcels less than 50 acres may be included at the discretion of the County Council if it is of exceptional value and contiguous to an existing District or easement property.

D. Soil criteria.

- (1)** Properties qualified for the program shall consist of land in which at least 50% of the soils shall be USDA Class I, II or III soils.
- (2)** If the property is wooded, at least 50% of the soils shall be Woodland Group 1 or 2 soils.
 - (A)** If the reasons the property could not meet the above soil conditions was due to floodplain or wetland soils, those areas could be excluded as a percentage of land; or
 - (B)** If there is an insufficient percentage of Class I, II or III soils or Woodland Group 1 or 2 soils alone, the land would qualify if the combination of the two exceeded 60%.
- (3)** A landowner/operator must have a current conservation plan developed by the Cecil Soil Conservation District in place on the land to be entered in the District, or at minimum have requested a plan be developed.

E. Permitted uses. An owner whose land is encumbered by an Agricultural Preservation District shall be permitted to:

- (1) Use the land for any agricultural use as defined in Article V, Part I of the Cecil County Zoning Ordinance.
- (2) Maintain the land for future agricultural use.
- (3) Operate at any time machinery used in agricultural production or the primary processing of agricultural products. Such operations shall not be considered a nuisance, either public or private, as a result of changed land uses in and around the preserved property.
- (4) Sell agricultural products as is permitted under the Cecil County Zoning Ordinance.
- (5) Use the land for additional conservation easements and mitigation offsets, such as but not limited to wetlands and afforestation, provided that the use does not impair any agricultural use on the land, and that the use is approved by the Soil Conservation District.

F. Exclusion of lots under District.

- (1) If the property is encumbered by an easement with the State, all applicable regulations and requirements as established by the State must be met. A letter must be provided to the Office of Planning and Zoning from the landowner requesting the release of the building lot. This request is subject to review and recommendation by the Agricultural Land Preservation Advisory Board, prior to sending to the State for consideration.
- (2) If the property is encumbered by an easement with Cecil County via the Purchase of Development Rights program, no building lots shall be excluded from the property after the easement has been acquired.

G. Tenant houses. The landowner may request in writing, the placement of a tenant home as per the Cecil County Zoning Ordinance. This request shall be submitted to the Department of Planning and Zoning and will be subject to the review and recommendation of the Agricultural Land Preservation Advisory Board, who will consider the documented need for such a structure. The tenant home may not be subdivided off of the property.

H. Termination and alteration of districts. The following provisions are applicable only to land in agricultural preservation districts on which an easement is not held by the County or the State:

- (1) A landowner may terminate his property's inclusion in a District at any time after five (5) years from the establishment of the District. Notice of intention to terminate must be submitted to the County at least six (6) months prior to District termination.
- (2) Severe hardship. If severe economic or personal hardship occurs, the County may, on an individual basis, release the landowner's property from a District at any time. The landowner shall petition the County, stating succinctly the severe hardship that the landowner is sustaining and providing the County with the following:

- (a) A recent financial statement which shows the owner's complete assets and liabilities and a statement under the penalty of perjury that the information contained in the financial statement is true and accurate.
 - (b) Other information attesting to the severe hardship that the landowner is sustaining, including by way of example information from the mortgages, lien holders, creditors, attorneys, the internal revenue service and other party interests who are qualified to address the condition of the landowner.
 - (c) To the extent permitted by law, the County shall deny public access to the information the landowner has supplied the County.
 - (d) The question of whether severe economic hardship exists will be decided by the Department of Planning and Zoning with concurrence from the County Attorney and the Agricultural Land Preservation Advisory Board.
- (3) No development plans may be approved by the Department of Planning and Zoning prior to the formal termination of the District.

I. Property Tax Credits.

- (1) Agricultural land (excluding improvements) which has been approved for the establishment of a District shall be entitled to a tax credit equal to 50% of the County property tax.
- (2) Agricultural land (excluding improvements) within a District which has been permanently conveyed or assigned to the Maryland Agricultural Land Preservation Foundation shall be entitled to a tax credit equal to 75% of the County property tax.
- (3) If a property tax credit is granted hereunder and the Agreement or easement is subsequently terminated by the property owner, such owner shall be liable to Cecil County for a penalty equal to three times the amount of credit provided for the most recent taxable year in which the credit was granted.

Source: Code of Cecil County §337-3 through §337-5 AND §A385-3