THE EFFECTIVE DATE OF THIS ORDINANCE IS JUNE 20, 2006

ORDINANCE NO. 06-23-419

RE: Revision To The Critical Farms Ordinance Easement Evaluation Provisions

PREAMBLE

The Critical Farms Program was created in 1994 as a means to help farmers buy farmland. There have been 19 properties which have been enrolled in the Critical Farms Program with the last one being 3 years ago. Due to the escalating prices of farmland, the Critical Farms Program, which limits the option payment to 75% of the easement value, has not been practical for full-time farmers to use. Staff has been considering an amendment to the Critical Farms Program to further assist fulltime farmers in purchasing land.

Frederick County's Critical Farms Ordinance was originally based on a similar Carroll County ordinance. Carroll County also has experienced problems in providing sufficient funding to assist farmers in buying land due to the formula and has made several adjustments to provide a fair and equitable value.

The Board of County Commissioners desires to revise the Easement Evaluation provisions of the Local Program For The Preservation of Critical Agricultural Land.

A duly advertised public hearing on this ordinance was held on June 20, 2006 at which time the public had an opportunity to comment.

The Agricultural Preservation Advisory Board recommended approval of this proposal.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that subsection 1-13-34(G) of the Frederick County Code is hereby amended to read as follows:

§ 1-13-34. LOCAL PROGRAM FOR THE PRESERVATION OF CRITICAL AGRICULTURAL LAND.

(G) *Easement evaluation.*

(1) After preliminary approval, the county will authorize and pay for 2 appraisals of development rights easement value conducted according to the guidelines of the Maryland Agricultural Land Preservation Program. The 2 appraisals will be used by the county and the applicant to negotiate a development rights easement value.

(2) The maximum value of any development rights easement shall be [the difference between] SEVENTY PERCENT (70%) OF the fair market value of the land [and the agricultural value of the land] LESS THE VALUE OF THE IMPROVEMENTS. The fair market value of the land is the price as of the valuation date for the highest and best use of the property which a vendor, willing but not obligated to sell, would accept for the property and which a purchaser, willing but not obligated to buy, would pay for the property if the property was not subject to any restriction imposed under the state or county agricultural preservation programs.

(3) [The agricultural value of land is the price as of the valuation date which a vendor, willing but not obligated to sell, would accept for the property and which a purchaser, willing but not obligated to buy, would pay for the property as a farm unit to be used for agricultural purposes.] RESERVED

(4) When an agreement as to the easement value has been reached, the Board of County Commissioners may grant the final approval of the option to purchase the development rights easement. Preliminary approval by the Board of County Commissioners does not obligate the Board of County Commissioners in any way to grant final approval.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.

The undersigned hereby certifies that this Ordinance was approved and adopted by the Board of County Commissioners on the 20th day of June, 2006.

ATTEST:

Douglas D. Browning
County Manager

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

By: _____
John L. Thompson, Jr.
President