



# Agricultural Land Preservation Program Howard County, Maryland



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## LOT RELEASE LOCATION POLICY

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### **Purpose**

The purpose of this document is to clarify the priorities that the Howard County Agricultural Preservation Board (APB) will consider when reviewing requests to release one acre lots from county purchased easement property. The APB approved this policy on February 11, 2008.

### **Regulatory and Policy Background of Lot Releases**

- 1) Section 15.514(b) of the Howard County Code, states, "A landowner may subdivide one 1-acre lot per 50 acres of the total contiguous acreage which is subject to the easement. The county will release the easement for each one-acre lot permitted after all of the following conditions have been met: (1) The Board has approved the release of the easement after determining that each lot is located to minimize any disruption of existing or potential future agricultural activities."
- 2) Section 15.509(e)(4) of the pre-1993 Code states, "All building lots shall be located as to minimize any disruption of agricultural activities."
- 3) The MALPF Board approved lot location guidelines on February 28, 2006. The APB determined that the MALPF policy is a good framework from which to create an Agricultural Land Preservation Program (ALPP) lot location policy.

### **Policy for Howard County Easements**

The ALPP allows landowners to apply for the release of an owner's lot, child's lot, or an unrestricted lot under certain conditions. Lot locations on properties with ALPP easements should be selected so that there is minimal impact on the current and future agricultural operations on the property.

An application for the release of a lot is made in writing to the APB through the ALPP Administrator. When applying for the release of a lot from an easement property, the landowner should consider the following location criteria:

- A. Options for geographical location (in priority order from most to least desirable):
  1. Along a public roadway and clustered with other dwellings (if they exist);
  2. Along boundary lines, natural boundaries, or the edge of tillable land, and clustered with other dwellings (if they exist);
  3. Clustered with farmstead dwellings and buildings
  4. Other
- B. Options for Access (in priority order from most to least desirable):
  1. Direct road frontage access from public roadway;
  2. Use of an existing access, such as a farm lane or right-of-way. If other dwellings exist, access should be on a shared drive if feasible;
  3. Along property boundary lines, natural boundaries, or the edge of tillable land. If other dwellings exist, access should be on a shared drive if feasible.

If the proposed location or access is not the most desirable option listed above, the landowner should explain how more desirable alternatives were considered, and why they were not feasible. These guidelines are meant to provide the APB with flexibility when reviewing lot release requests to approve lot locations that may not be ideal.

### **Additional Considerations**

- A. If an approved lot area does not perc after APB Board approval, as long as the new location overlaps the approved lot area, and the new location will not significantly interfere with farming more than the approved lot location, the new location can be reviewed and approved administratively by ALPP staff. ALPP staff reserves the right to refer any request to the APB for their review.
- B. The APB will not attempt to change the location or review any request that changes the location of a lot during a meeting. The application will be withdrawn to allow ALPP staff to review the new location. However, the Board can make suggestions on where the lot should be located. The new location must be resubmitted at a subsequent meeting. To avoid a resubmission, when initially applying for a lot, a property owner may submit two locations for approval, designating one as the preferred location. Upon receiving a successful perc, the landowner will notify ALPP staff which location will be used.
- C. The landowner is strongly encouraged to be present at the APB meeting when the lot application is presented to answer any questions that may arise.
- D. Subdivision plans for the lot releases must comply with all required State and County regulations.
- E. An amended deed of easement releasing the lot must be prepared, with a metes and bounds description of the lot attached. The amended deed must be recorded simultaneously with the subdivision record plat.

### **MALPF Easements**

For all properties in the State agricultural preservation program, the Maryland Agricultural Land Preservation Foundation (MALPF) must grant final approval for the location of lot releases. The applicant should obtain a copy of the MALPF application and their guidelines for lot releases. Proposed lot releases on MALPF easement properties must be reviewed by the Howard County Agricultural Preservation Advisory Board (APAB) prior to MALPF approval.

### **Dedicated Preservation Parcels**

This policy does not apply to dedicated agricultural preservation easements (preservation parcels) created through the density sending or cluster subdivision process, as those properties are not entitled to lot releases.

### **For More Information**

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