

12-102. AGRICULTURE PRESERVATION ADVISORY BOARD.

(A) (1) THE BOARD OF COUNTY COMMISSIONERS MAY APPOINT AN AGRICULTURAL PRESERVATION ADVISORY BOARD CONSISTING OF 5 MEMBERS, AT LEAST 3 OF WHOM SHALL BE OWNER OPERATORS OF COMMERCIAL FARMS WHO EARN 51 PERCENT OR MORE OF THEIR INCOME FROM FARMING.

(2) THE BOARD OF COUNTY COMMISSIONERS MAY APPOINT 1 OR MORE ALTERNATE MEMBERS FOR THE AGRICULTURAL PRESERVATION ADVISORY BOARD WHO MAY BE EMPOWERED TO SIT ON THE BOARD IN THE ABSENCE OF ANY MEMBER OF THE BOARD. A QUORUM FOR MEETINGS IS 3 MEMBERS OF WHOM NO MORE THAN 1 SHALL BE AN ALTERNATE.

(B) ONE MEMBER OF THE BOARD SHALL BE A RESIDENT OF EACH ELECTION DISTRICT.

(C) (1) THE TERM OF A MEMBER IS 5 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 1985.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) A MEMBER MAY NOT SERVE FOR MORE THAN 2 CONSECUTIVE FULL TERMS.

(D) THE BOARD SHALL ACCEPT AND APPROVE OR REJECT ALL APPLICATIONS, PROMULGATE REGULATIONS, AND DEVELOP PROCEDURES FOR THE FORMATION OF AGRICULTURAL PRESERVATION DISTRICTS AND DESIGNATED AGRICULTURAL AREAS SUBJECT TO THE PROVISIONS OF THIS SUBTITLE. THE REGULATIONS SHALL INCLUDE THE FOLLOWING:

(1) THE MINIMUM ACREAGE PERMITTED TO JOIN AN AGRICULTURAL PRESERVATION DISTRICT IS 10 ACRES THAT ARE ACTIVELY DEVOTED TO AGRICULTURAL OR FOREST USE. HOWEVER, THE BOARD MAY ADMIT PARCELS OF LESS THAN 10 ACRES THAT ARE CONTIGUOUS TO AN AGRICULTURAL PRESERVATION DISTRICT AND ARE IN A DESIGNATED AGRICULTURAL AREA.

(2) AGRICULTURAL PRESERVATION DISTRICT BOUNDARIES SHOULD FOLLOW AS CLOSELY AS POSSIBLE, EXISTING PHYSICAL SEPARATIONS, SUCH AS STREAMS, VALLEYS, ROADS, ETC.

(3) THE MINIMUM REQUIREMENT TO FORM AN AGRICULTURAL PRESERVATION DISTRICT IS 300 ACRES OF CONTIGUOUS LAND OR 500 ACRES OF NONCONTIGUOUS LAND. HOWEVER, AFTER THE FORMATION OF AN AGRICULTURAL PRESERVATION DISTRICT, THE BOARD SHALL ACCEPT ALL APPLICATIONS OF 10 OR MORE ACRES DURING THE OPEN ENROLLMENT PERIOD AND SHALL EXPAND THAT DISTRICT ACCORDINGLY.