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By: Delegates Guns and Pitkin

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

## A BILL ENTITLED

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	$\Delta N$	A( "I	concerning

2	Natural Resources - Transferable Development Rights - Rural Legacy
3	Program

- 4 FOR the purpose of authorizing the Rural Legacy Board in the Department of
- 5 Natural Resources to transfer certain development rights from certain Rural
- 6 Legacy Areas to certain areas within a priority funding area in a certain
- 7 manner; authorizing that certain funds may be used for the purchase of certain
- 8 development rights in certain situations; providing that certain information be
- 9 contained in the instrument of purchase of certain development rights;
- 10 restricting how transferable development rights may be resold through the
- Rural Legacy Program; providing for the allocation of proceeds derived from the
- transfer of development rights; modifying a criteria for the Board to consider
- when evaluating the overall quality and completeness of a Rural Legacy Plan;
- defining certain terms; and generally relating to the transfer of development
- rights from Rural Legacy Areas.
- 16 BY repealing and reenacting, with amendments,
- 17 Article Natural Resources
- 18 Section 5-9A-01, 5-9A-02, 5-9A-04, and 5-9A-05
- 19 Annotated Code of Maryland
- 20 (1997 Replacement Volume and 1999 Supplement)
- 21 BY repealing and reenacting, without amendments,
- 22 Article Natural Resources
- 23 Section 5-9A-03
- 24 Annotated Code of Maryland
- 25 (1997 Replacement Volume and 1999 Supplement)
- 26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 27 MARYLAND, That the Laws of Maryland read as follows:

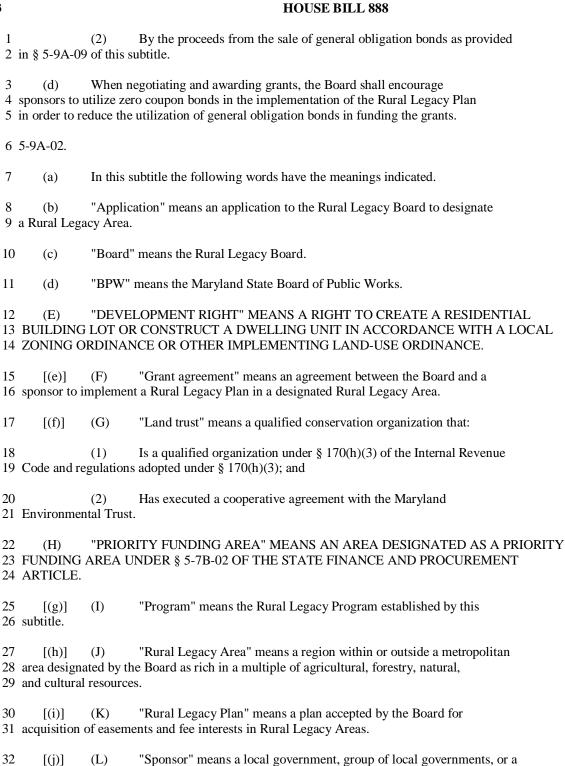
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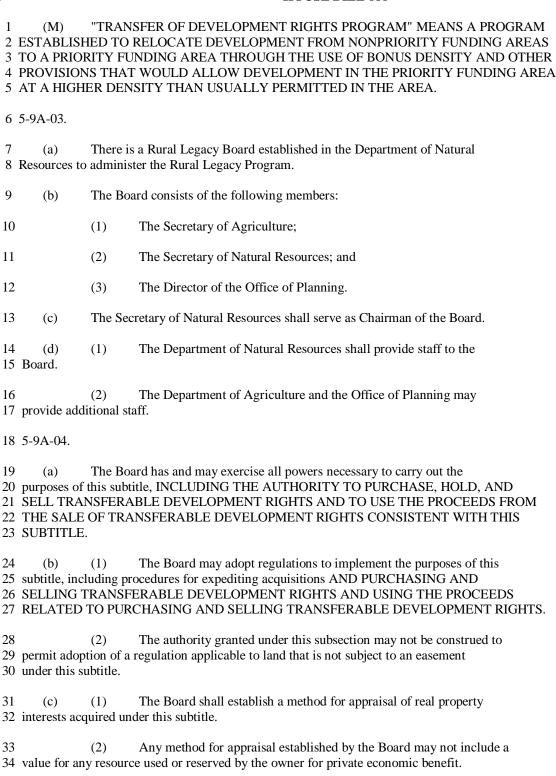
(1) 37 5-903(a)(2)(iii) of this article; and

## 1 Article - Natural Resources 2 5-9A-01. 3 (a) The General Assembly declares that: 4 Sprawl development and other modifications to the landscape in 5 Maryland continue at an alarming rate, consuming land rich in natural resource, 6 agricultural, and forestry value, adversely affecting water quality, wetlands and 7 habitat, threatening resource-based economies and cultural assets, and rending the 8 fabric of rural life; 9 Current State, county, and local land conservation programs help to 10 limit the effect of sprawl development but lack sufficient funding and focus to 11 preserve key areas before escalating land values make their protection impossible or 12 the land is lost to development; and 13 A grant program that leverages available funding, focuses on 14 preservation of strategic resources, including those resources threatened by sprawl 15 development, streamlines real property acquisition procedures to expedite land 16 preservation, TAKES ADVANTAGE OF INNOVATIVE PRESERVATION TECHNIQUES 17 SUCH AS TRANSFERABLE DEVELOPMENT RIGHTS AND THE PURCHASE OF 18 DEVELOPMENT RIGHTS, and promotes a greater level of natural and environmental 19 resources protection than is provided by existing efforts, will establish a rural legacy 20 for future generations. 21 A Rural Legacy Program is established to enhance natural resource, 22 agricultural, forestry, and environmental protection as provided in subsection (a) of 23 this section while maintaining the viability of resource-based land usage and proper 24 management of tillable and wooded areas through accepted agricultural and 25 silvicultural practices for farm production and timber harvests. 26 The Program provides funds to the local governments and land trusts 27 to purchase interests in real property from willing sellers, including easements, 28 TRANSFERABLE DEVELOPMENT RIGHTS, and fee estates, focused in designated Rural 29 Legacy Areas. 30 The Program shall encourage partnerships among the federal, State, 31 and local governments, and nonprofit land trust organizations and encourage local 32 land conservation initiatives. 33 The Program is administered by a Rural Legacy Board in the 34 Department of Natural Resources, an advisory committee, and existing State staff. 35 (c) The Program is funded:

Pursuant to § 13-209 of the Tax - Property Article and §

33 land trust.



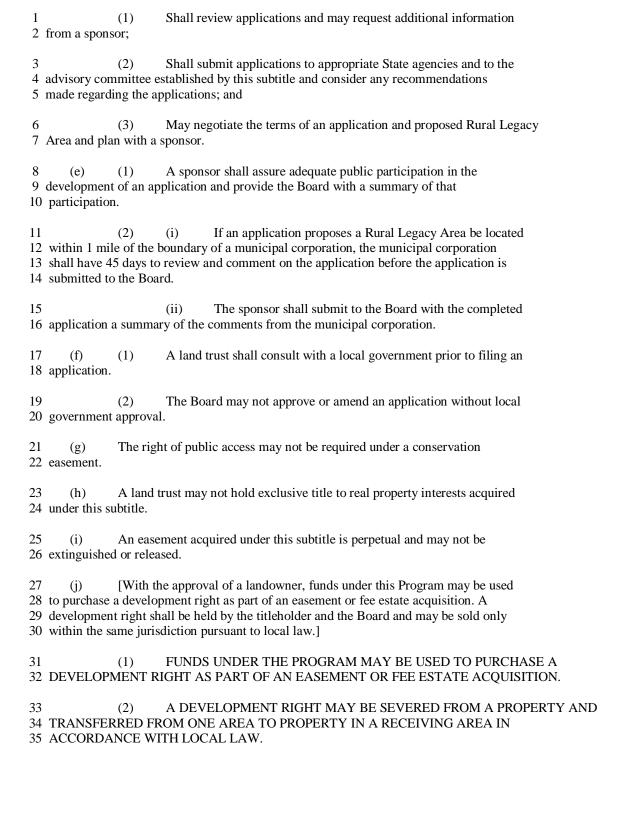


- **HOUSE BILL 888** 1 (d) The Board and sponsors may enter into agreements with other 2 governmental agencies, including the Maryland Agricultural Land Preservation 3 Foundation and the Maryland Environmental Trust, for the purpose of establishing 4 partnerships to carry out this Program. 5 5-9A-05. 6 A sponsor may file an application to designate a Rural Legacy Area in (a) 7 accordance with a schedule established by the Board. A local government may not 8 apply for or approve an application for a Rural Legacy Area designation inside another jurisdiction's boundaries without that jurisdiction's approval. 10 The application shall describe the proposed Rural Legacy Area, include a 11 Rural Legacy Area Plan, identify existing protected lands, state the anticipated level 12 of initial landowner participation in the Program and the amount of the grant 13 requested, and comply with the criteria set forth below. 14 The Board shall evaluate and compare applications in accordance with the 15 following criteria in order to select those that best carry forward the goals and 16 objectives of the Program set forth in § 5-9A-01 of this subtitle: 17 The significance of the agricultural, forestry, and natural resources 18 proposed for protection, including: 19 (i) The degree to which proposed fee or easement purchases will 20 protect the location, proximity, and size of contiguous blocks of lands, green belts or 21 greenways, or agricultural, forestry, or natural resource corridors; 22 The nature, size, and importance of the land area to be 23 protected, such as farmland, forests, wetlands, wildlife habitat and plant species, 24 vegetative buffers, or bay or waterfront access; and 25 (iii) The quality and public or economic value of the land; The degree of threat to the resources and character of the area 26 proposed for preservation, as reflected by patterns and trends of development and 28 landscape modifications in and surrounding the proposed Rural Legacy Area; 29 The significance and extent of the cultural resources proposed for 30 protection through fee simple purchases, including the importance of historic sites 31 and significant archaeological areas; 32 The economic value of the resource-based industries or services 33 proposed for protection through land conservation, such as agriculture, forestry, 34 recreation, and tourism;
- 35 (5) The overall quality and completeness of the Rural Legacy Plan, 36 including:

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	management policies resources;	(i) contribut	The degree to which existing planning, zoning, and growth e to land conservation and the protection of cultural		
	applicable local comp mineral resources;	(ii) orehensive	The degree to which the proposed plan is consistent with the e plan, including protection of sensitive areas and		
7 8	coordinated with the	(iii) proposed	How well existing or new conservation programs are acquisition plan;		
			How well the plan will maximize acquisition of real property of land within the Rural Legacy Area while providing isitions important to the plan;		
14			Provisions for protection of resources, such as voluntarily ts, EFFECTIVE MARKETING OF LOCAL GOVERNMENT PMENT RIGHTS PROGRAMS, fee estate purchases, or gifts of		
16 17	easement and land ac	(vi) equisition	How the sponsor plans to manage, prioritize, and sequence s;		
18 19	easements;	(vii)	Methodology for prioritizing and valuing or appraising		
20 21	and	(viii)	Proposed titleholders for easement or fee estate acquisitions;		
22 23	and monitoring of ea	(ix) sement re	The quality of the proposed stewardship program for holding estrictions in perpetuity;		
	(6) The strength and quality of partnerships created for land conservation among federal, State, and local governments and land trusts for implementing the plan, including:				
27		(i)	Financial support;		
28		(ii)	Dedication of staff and resources; and		
29 30	policies, such as char	(iii) nges in zo	Commitment to and development of local land conservation oning and use of transferable development rights;		
31 32	(7) funding match; and	The exte	ent to which federal or other grant programs will serve as a		
33 34	(8) the goals and objecti		or's ability to carry out the proposed Rural Legacy Plan and Program.		
35	(d) The Box	ard:			

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37 easement or fee acquisition.

HOUSE BILL 888 1 (3)(I) A DEVELOPMENT RIGHT THAT IS PURCHASED UNDER THE 2 PROGRAM SHALL BE HELD BY THE TITLEHOLDER AND THE BOARD WITH THE OPTION 3 FOR RESALE UNDER A TRANSFER OF DEVELOPMENT RIGHTS PROGRAM. THE RIGHT TO RESELL THE DEVELOPMENT RIGHT SHALL BE 5 STATED IN THE INSTRUMENT OF PURCHASE. THE RURAL LEGACY BOARD SHALL MAINTAIN RECORDS 6 (4) 7 CONCERNING: (I) REAL PROPERTY FROM WHICH TRANSFERABLE DEVELOPMENT 9 RIGHTS ARE PURCHASED; AND 10 (II)REAL PROPERTY TO WHICH RIGHTS ARE RESOLD AND 11 TRANSFERRED. 12 TRANSFERABLE DEVELOPMENT RIGHTS MAY BE RESOLD ONLY TO 13 OWNERS OR OPTION PURCHASERS OF REAL PROPERTY LOCATED IN PRIORITY 14 FUNDING AREAS, INCLUDING MUNICIPALITIES, WITHIN THE COUNTY IN WHICH THE 15 RIGHTS WERE PURCHASED. THE BOARD SHALL DISTRIBUTE THE PROCEEDS ASSOCIATED 16 (I) (6)17 WITH THE RESALE OF TRANSFERABLE DEVELOPMENT RIGHTS ONLY AS DESCRIBED 18 IN THIS PARAGRAPH. 19 (II)FIFTY PERCENT OF THE PROCEEDS SHALL BE USED BY THE 20 PRINCIPAL LOCAL GOVERNMENT IN WHICH THE PRIORITY FUNDING AREA USING 21 TRANSFERABLE DEVELOPMENT RIGHTS IS LOCATED TO FUND LOCAL CAPITAL 22 PROJECTS IN THE IMMEDIATE NEIGHBORHOOD WHICH IS RECEIVING 23 TRANSFERABLE DEVELOPMENT RIGHTS. 24 (III)FIFTY PERCENT OF THE PROCEEDS SHALL BE RETURNED TO 25 THE RURAL LEGACY PROGRAM FOR USE IN THE COUNTY IN WHICH THE PROCEEDS 26 WERE GENERATED. 27 (IV) PROCEEDS MAY NOT BE USED FOR OPERATING EXPENSES. All easement acquisitions must be recorded among the land records where 28 29 the real property is located. 30 State or local condemnation authority may not be used to acquire real 31 property interests under this Program. Funds may be used for the protection of historic sites or significant 32 33 archeological areas that otherwise meet the goals of this Program only if the sponsor 34 is acquiring real property interests through a fee simple purchase. 35 A land or mineral owner who participates in this Program may reserve 36 mineral rights for extraction in accordance with applicable law and the terms of the

- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 2 October 1, 2000.