

Chapter 129

(Senate Bill 57)

AN ACT concerning

Agriculture – County Agricultural Land Preservation Programs

FOR the purpose of extending for a certain number of years the length of time a county may retain certain revenue from the agricultural land transfer tax for use in certain agricultural land preservation programs; requiring the Department of Planning and the Maryland Agricultural Land Preservation Foundation, in accordance with certain provisions of law, to review any update to a county's comprehensive plan or other change that may affect a certain area; clarifying that certain provisions of law apply to an application for recertification of a county agricultural land preservation program; specifying that a county that applies for certification or recertification of an agricultural land preservation program must include a priority preservation element in the county's comprehensive plan; and generally relating to county agricultural land preservation programs.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–504.1(d), 2–514(i), 2–516, and 2–518

Annotated Code of Maryland

(2016 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Agriculture

2–504.1.

(d) Duties of each agricultural preservation advisory board shall be:

(1) To advise the county governing body with respect to the establishment of agricultural districts and the approval of purchases of easements by the Foundation within the county;

(2) To assist the county governing body in reviewing the status of agricultural districts and land under easement;

(3) To advise the Foundation concerning county priorities for agricultural preservation;

(4) To approve or disapprove an application by the county for certification **OR RECERTIFICATION** under § 5–408 of the State Finance and Procurement Article;

(5) To promote preservation of agriculture within the county by offering information and assistance to farmers with respect to establishment of districts and purchase of easements;

(6) To meet at least annually with forest conservation district boards in order to work cooperatively to encourage the promotion and retention of farmland and woodland in their respective jurisdictions; and

(7) To perform any other duties as assigned by the county governing body.

2-514.

(i) (1) If the request for termination is approved, two fair market value appraisals of the subject land shall be ordered by the Department of General Services at the direction of the Foundation at the expense of the landowner requesting termination of the easement.

(2) The subject land shall be appraised as of the date of the approval of the request for termination.

(3) The Department of General Services shall review the two appraisals and shall determine, subject to approval of the Board of Public Works, the fair market value of the subject land and shall issue a written statement as to the approved fair market value to the Foundation.

(4) (i) Upon receipt of the written statement from the Department of General Services, the Foundation shall issue a notification to the landowner of the approved fair market value.

(ii) The landowner shall have not more than 30 days from the date of the notification to elect to repurchase the easement for the fair market value as determined by the Department of General Services.

(5) (i) 1. No more than 180 days following the notification required under paragraph (4) of this subsection, the landowner may repurchase the easement by paying to the Foundation the difference between the approved fair market value and the agricultural value of the subject land.

2. For purposes of this paragraph, the fair market value is the same as set forth under § 2-511(b) of this subtitle.

(ii) For purposes of this paragraph, the agricultural value of the land is determined by the appraisal method that was in effect at the time the easement was acquired by the Foundation, either by the agricultural appraisal formula under § 2-511(d) of this subtitle or by an appraisal that determines the price as of the valuation date which

a vendor, willing but not obligated to sell, would accept, and which a purchaser, willing but not obligated to buy, would pay for a farm unit with land comparable in quality and composition to the property being appraised.

(iii) 1. In the case of the termination of an easement that was originally purchased under a matching allotted purchase, the Foundation shall distribute to the contributing county a portion of the repurchase payment received under subparagraph (i) of this paragraph that is equal to the percentage of the original easement purchase price contributed by the county.

2. A. From the funds distributed to a county under this subparagraph, the county shall deposit in the county's special account for its agricultural land preservation program an amount that is at least equal to the percentage of the original easement purchase price that was paid out of the special account.

B. If any of the funds deposited in the county's special account have not been expended or committed within [3 years from the date of deposit into the special account] **THE PERIOD OF TIME PRESCRIBED IN § 13-306(C)(2) AND (D) OF THE TAX – PROPERTY ARTICLE**, the county collector shall remit those funds to the Comptroller for deposit in the Maryland Agricultural Land Preservation Fund as provided in § 13-306(d) of the Tax – Property Article.

3. The county shall deposit the balance of the funds distributed to it under this subparagraph in the county's general fund.

4. If an easement is terminated, the Foundation shall deposit its portion of the repurchase payment in the Maryland Agricultural Land Preservation Fund as provided under § 2-505 of this subtitle.

2-516.

The Foundation shall provide its approval or disapproval of an application by a county for certification **OR RECERTIFICATION** under § 5-408 of the State Finance and Procurement Article.

2-518.

(a) In this section, "area" means a priority preservation area.

(b) **(1)** A county may include a priority preservation area element in the county's comprehensive plan.

(2) A COUNTY THAT APPLIES FOR CERTIFICATION OR RECERTIFICATION UNDER § 5-408 OF THE STATE FINANCE AND PROCUREMENT ARTICLE SHALL INCLUDE A PRIORITY PRESERVATION AREA ELEMENT IN THE COUNTY'S COMPREHENSIVE PLAN.

(c) An area shall:

(1) (i) Contain productive agricultural or forest soils; or

(ii) Be capable of supporting profitable agricultural and forestry enterprises where productive soils are lacking;

(2) Be governed by local policies, ordinances, regulations, and procedures that:

(i) Stabilize the agricultural and forest land base so that development does not convert or compromise agricultural or forest resources; and

(ii) Support the ability of working farms in the priority preservation area to engage in normal agricultural activities; and

(3) Be large enough to support normal agricultural and forestry activities in conjunction with the amount of development permitted by the county in the priority preservation area, as represented in its adopted comprehensive plan.

(d) An area may:

(1) Consist of a single parcel of land, multiple connected parcels of land, or multiple unconnected parcels of land; and

(2) Include rural legacy areas.

(e) A county's acreage goal for land to be preserved through easements and zoning within an area shall be equal to at least 80% of the remaining undeveloped land in the area, as calculated at the time of application for State certification of an area.

(f) Each time a county's comprehensive plan is updated, the update shall include an evaluation of:

(1) The county's progress toward meeting the goals of the Foundation;

(2) Any shortcomings in the county's ability to achieve the goals of the Foundation; and

(3) Past, current, and planned actions to correct any identified shortcomings.

(g) In accordance with § 5–408 of the State Finance and Procurement Article and any regulations adopted under the authority of that section, the Department of Planning and the Maryland Agricultural Land Preservation Foundation shall jointly certify an area.

(H) IN ACCORDANCE WITH § 5-408 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE DEPARTMENT OF PLANNING AND THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION SHALL REVIEW ANY UPDATE TO A COUNTY'S COMPREHENSIVE PLAN OR ANY OTHER CHANGE THAT MAY AFFECT AN AREA.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Approved by the Governor, April 18, 2019.