

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 723
Economic Matters

(Delegate Shank)

Zoning - Application for Zoning Change - Notice to Easement Holders

This bill establishes notification requirements for specified property owners applying for zoning changes. The bill's requirements would be in addition to any notice requirements under State or local law.

Fiscal Summary

State Effect: The bill would not materially affect State operations or finances.

Local Effect: The bill would not materially affect local operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill requires an owner of property for which a zoning change is proposed that is adjacent to property burdened by an "easement" or that is adjacent to property purchased under Project Open Space, to: (1) mail notice of the proposed zoning change to each person identified in the county tax records as a holder of an easement and to each owner of adjacent property purchased under Project Open Space; and (2) post notice of the proposed zoning change on the property to which the proposed zoning change applies.

Easement means a Rural Legacy Program easement, a Maryland Agricultural Land Preservation easement, a perpetual conservation easement, or any other easement held by a federal, State, or local land conservation or historic preservation easement program.

Current Law: Local ordinances may provide for posting of proposed zoning changes and for notification to adjacent property owners, but the extent to which local ordinances provide for notification to holders of easements on adjacent lands is unknown. While local ordinances may provide for such notification, State law does not.

Background: Program Open Space was established in 1969 to expedite the public acquisition of outdoor recreation and open space areas before high property cost and development made such acquisition impossible and to accelerate development and capital renewal of outdoor recreation facilities. In addition to land acquisitions, easements are another tool used to protect land from development. The State administers several programs that use easements as a preservation tool, such as the Rural Legacy, Maryland Agricultural Land Preservation, and GreenPrint programs.

The Rural Legacy Program was established in 1997 to enhance agricultural, forestry, and environmental protection while maintaining the viability of resource-based land usage and proper management of tillable and wooded areas through accepted agricultural and silvicultural practices for farm production and timber harvests. It provides funds to rural legacy sponsors (local governments and land trusts) to purchase interests in real property from willing sellers, including easements and fee estates, focused in designated areas.

The Maryland Agricultural Land Preservation Foundation (MALPF) was established in 1977. Agricultural preservation districts are formed when qualifying landowners sign voluntary agreements to keep their land in agricultural or woodland use for a minimum of five years. Landowners who agree to place their farms within an agricultural preservation district may sell a development rights easement on that property to MALPF. Subject to some limitations, once an easement has been sold, the property is protected from further development.

The GreenPrint Program was established in 2001 to create a statewide green infrastructure network by acquiring property and property interests, including easements, in a manner that complements other conservation programs. The program is aimed at protecting a network of ecologically valuable lands by using computer-based assessment, mapping, and targeting tools to identify the most strategic acquisitions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Planning, Department of Natural Resources, Garrett County, Montgomery County, Prince George's County, Department of Legislative Services

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lsc/jr

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