
By: **Senators Middleton and Dyson**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation - Easement Rankings**

3 FOR the purpose of requiring a county governing body to consider certain guidelines
4 adopted by the Maryland Agricultural Land Preservation Foundation when
5 ranking certain easement applications; and generally relating to the Maryland
6 Agricultural Land Preservation Foundation and easement rankings.

7 BY repealing and reenacting, with amendments,
8 Article - Agriculture
9 Section 2-510(e)
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 2002 Supplement)

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

14 **Article - Agriculture**

15 2-510.

16 (e) (1) (i) Within 30 days after the receipt of an application to sell, the
17 Foundation shall notify the governing body of the county containing the subject land,
18 that an application to sell has been received.

19 (ii) 1. Within 60 days of the notification, the county governing
20 body shall advise the Foundation as to local approval or disapproval of the
21 application. The Foundation shall grant a 30-day extension of this response period if
22 the county governing body applies to the Foundation for an extension and states its
23 reasons for seeking an extension.

24 2. Upon local approval of the application, the county
25 governing body shall submit a statement of the total current development rights on
26 the subject land to the Maryland Agricultural Land Preservation Foundation, along
27 with the application approval notification. The statement shall include the total
28 number of development rights that have been subdivided or transferred.

1 (2) In deciding whether to approve the application, the county governing
2 body shall:

3 (i) Receive the recommendation of the county agricultural
4 preservation advisory board established under § 2-504.1 of this subtitle; and

5 (ii) Rank all applications based on:

6 1. [its] ITS locally established priorities as approved by the
7 Foundation, which, for purposes of enhancing competitive bidding, may include a
8 system that ranks properties in ascending order with respect to the proportion
9 obtained by dividing the asking price by the value of the easement; AND

10 2. ANY GUIDELINES ADOPTED BY THE FOUNDATION TO
11 IDENTIFY PROPERTIES WHOSE PURCHASE WILL FURTHER THE GOALS OF THE
12 MARYLAND AGRICULTURAL LAND PRESERVATION PROGRAM.

13 (3) In making its recommendation, the county agricultural preservation
14 advisory board shall:

15 (i) Take into consideration criteria and standards established by
16 the Foundation under this subtitle, current local regulations, local patterns of land
17 development, the kinds of pressures to develop the subject land, State smart growth
18 goals, and any locally established priorities for the preservation of agricultural land;
19 and

20 (ii) Recommend for ranking any application that qualifies and
21 meets the priorities established by the county governing body for the preservation of
22 agricultural land.

23 (4) The county agricultural preservation advisory board shall provide a
24 public hearing concerning any application to sell if such a hearing is requested by a
25 majority of the county agricultural preservation advisory board, or by a majority of
26 the county governing body, or by the applicant.

27 (5) The board of trustees of the Foundation shall not approve any
28 application to sell which has not been approved by the governing body of the county
29 containing the subject land.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2003.