

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 78

(Chairman, Environmental Matters Committee)
(By Request – Departmental – Agriculture)

Environmental Matters

Education, Health, and Environmental Affairs

Maryland Agricultural Land Preservation Foundation - Local Land Use

This departmental bill authorizes a county, if the Maryland Agricultural Land Preservation Foundation (MALPF) has not authorized approval of the application, to deny an application for: (1) a subdivision plat or plan; (2) a building permit, with specified exceptions; (3) a nonagricultural conditional use or special exception; or (4) any other nonagricultural use or activity on land that is subject to a district agreement or agricultural land preservation easement.

Fiscal Summary

State Effect: None. The change is procedural/technical in nature and would not directly affect State operations or finances.

Local Effect: None. The bill is clarifying and does not limit county authority to grant or deny permits.

Small Business Effect: The Maryland Department of Agriculture has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. The attached assessment does not reflect amendments to the bill.

Analysis

Current Law: MALPF was created in 1977 to, among other things, protect agricultural land in the State. 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. Once land is placed within a district, the owner is eligible to sell a development rights easement on that land to MALPF. Subject to some limitations, once an easement has been sold, the property is protected from further development.

Local governments do not have explicit authority to deny approval under local land use regulations for: (1) a subdivision plat or plan; (2) a building permit; (3) a conditional use or special exception; or (4) any other use or activity for land that is subject to a district agreement or agricultural land preservation easement.

Background: The bill addresses a problem that arises when a county grants a permit for an activity that violates a State agricultural land preservation easement or for a district agreement that already has county and State approval. The bill is also intended to clarify local government authority to deny or rescind a permit for any activity that violates the terms of an agricultural land preservation easement or district agreement and/or State law.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Carroll, Cecil, Harford, Montgomery, Prince George's, and St. Mary's counties; Maryland Department of Agriculture; Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2005
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