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By: **Delegates Stocksdale, Elliott, Krebs, and Shewell**

Introduced and read first time: January 30, 2006

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation - District Agreement**  
3 **- Time Requirement**

4 FOR the purpose of altering the period of time that land is required to remain within  
5 an agricultural district under the Maryland Agricultural Land Preservation  
6 Foundation; requiring the county governing body to establish, by ordinance, the  
7 time period required for an agricultural district within its jurisdiction, but  
8 requiring the period to be within a certain number of years; altering certain  
9 restrictions on when a landowner may terminate a district agreement; making  
10 stylistic changes; and generally relating to procedures for the establishment of  
11 an agricultural district under the Maryland Agricultural Land Preservation  
12 Foundation.

13 BY repealing and reenacting, with amendments,  
14 Article - Agriculture  
15 Section 2-509(b)  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 2005 Supplement)

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

20 **Article - Agriculture**

21 2-509.

22 (b) Regulations and procedures adopted by the Foundation for the  
23 establishment and monitoring of agricultural districts shall provide that:

24 (1) One or more owners of land actively devoted to agricultural use may  
25 file a petition with the county governing body requesting the establishment of an  
26 agricultural district composed of the land owned by the petitioners. The petition shall  
27 include maps and descriptions of the current use of land in the proposed district.

1           (2)     Upon receipt of a petition to establish an agricultural district the  
2 local governing body shall refer the petition and accompanying materials both to the  
3 agricultural preservation advisory board and to the county planning and zoning body.

4           (i)     Within 60 days of the referral of a petition, the agricultural  
5 preservation advisory board shall advise the county governing body as to whether or  
6 not the land in the proposed district meets the qualifications established by the  
7 Foundation under subsection (c) of this section, and whether or not the advisory board  
8 recommends establishment of the district.

9           (ii)    Within 60 days of the referral of a petition, the county planning  
10 and zoning body shall advise the local governing body as to whether or not  
11 establishment of the district is compatible with existing and approved county plans  
12 and overall county policy, and whether or not the planning and zoning body  
13 recommends establishment of the district.

14          (3)     If either the agricultural preservation advisory board or the planning  
15 and zoning body recommends approval, the county governing body shall hold a public  
16 hearing on the petition. Adequate notice of the hearing shall be given to all  
17 landowners in the proposed district, and to the Foundation.

18          (4)     (i)     Within 120 days after the receipt of the petition, the county  
19 governing body shall render a decision as to whether or not the petition shall be  
20 recommended to the Foundation for approval.

21                 (ii)    If the county governing body decides to recommend approval of  
22 the petition, it shall so notify the Foundation and forward to the Foundation the  
23 petition and all accompanying materials, including the recommendations of the  
24 advisory board and county planning and zoning body.

25                 (iii)   If the county governing body recommends denial of the petition,  
26 it shall so inform the Foundation and the petitioners.

27          (5)     The Foundation may approve a petition for the establishment of an  
28 agricultural district only if:

29                 (i)     The land within the proposed district meets the qualifications  
30 established under subsection (c) of this section;

31                 (ii)    The petition has been approved by the county governing body;  
32 and

33                 (iii)   The establishment of the district is approved by a majority of  
34 the Foundation board of trustees at-large, by the Secretary, and by the State  
35 Treasurer.

36          (6)     The Foundation shall render its decision on a petition to establish an  
37 agricultural district within 60 days of the receipt of the petition, and shall inform the  
38 county governing body and the petitioners of its decision.

1 (7) (i) If the Foundation approves the petition, the agricultural district  
2 shall be established by an ordinance of the county governing body.

3 (II) [, however, the] THE establishment OF THE DISTRICT shall not  
4 take effect until all landowners in the proposed district have executed and recorded  
5 along with land records an agreement with the Foundation stipulating that for a  
6 SPECIFIED period [of five years] OF TIME, from the establishment of the agricultural  
7 district, the landowner agrees to keep his land in agricultural use and has the right to  
8 offer to sell an easement for development rights on his land to the Foundation under  
9 the provisions of this subtitle.

10 (III) IN THE ORDINANCE THAT ESTABLISHES AN AGRICULTURAL  
11 DISTRICT:

12 1. THE COUNTY GOVERNING BODY SHALL ESTABLISH THE  
13 LENGTH OF TIME REQUIRED FOR A DISTRICT AGREEMENT UNDER SUBPARAGRAPH  
14 (II) OF THIS PARAGRAPH; AND

15 2. THE TIME PERIOD OF THE DISTRICT AGREEMENT SHALL  
16 BE FROM 1 TO 10 YEARS, BOTH INCLUSIVE.

17 [(ii)] (IV) In the event of severe economic hardship the Foundation,  
18 with the concurrence of the county governing body, may release the landowner's  
19 property from the agricultural district. Any person aggrieved by a decision of the  
20 Foundation regarding a determination of severe economic hardship is entitled to  
21 judicial review.

22 [(iii)] (V) Nothing in this section shall preclude the landowner  
23 from selling his property.

24 (8) At any time after [five years from the establishment of a district]  
25 THE PERIOD OF TIME STIPULATED IN THE DISTRICT AGREEMENT, a landowner may  
26 terminate his property as an agricultural district by notifying the Foundation [one  
27 year] in advance of his intention to do so.

28 (9) After the establishment of an agricultural district the county  
29 governing body or the Foundation may review the use of land within the district.

30 (10) The Foundation may approve alteration or abolition of a district only  
31 if:

32 (i) The use of land within the district has so changed as to cause  
33 land within the district to fail to meet the qualifications established under subsection  
34 (c) of this section;

35 (ii) The alteration or abolition of the district has been recommended  
36 by the county governing body; and

37 (iii) The alteration or abolition is approved by a majority of the  
38 Foundation board of trustees at-large, by the Secretary, and by the State Treasurer.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2006.