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By: **Senators Dyson, Conway, Garagiola, Hollinger, Hooper, and Munson**

Introduced and read first time: February 8, 2006

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 16, 2006

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Protected Lands - Local Land Use Applications - County Authority**

3 FOR the purpose of authorizing a county or municipal corporation to deny certain  
4 applications for local land use, under certain circumstances, when the land is  
5 protected under certain programs within the Department of Natural Resources;  
6 providing for the application of this Act; defining certain terms; and generally  
7 relating to protected lands under the authority of the Department of Natural  
8 Resources or its programs.

9 BY adding to  
10 Article - Natural Resources  
11 Section 1-404  
12 Annotated Code of Maryland  
13 (2005 Replacement Volume and 2005 Supplement)

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

16 **Article - Natural Resources**

17 1-404.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
19 INDICATED.

1 (2) "ADMINISTRATOR" MEANS THE FINAL AUTHORITY IN THE DECISION  
2 MAKING PROCESS FOR ACCEPTING LAND INTO A LAND CONSERVATION PROGRAM IN  
3 THE DEPARTMENT OF NATURAL RESOURCES.

4 (3) "CONSERVATION EASEMENT" MEANS AN EASEMENT ~~CREATED~~  
5 ~~UNDER THE MARYLAND ENVIRONMENTAL TRUST, IN ACCORDANCE WITH TITLE 3,~~  
6 ~~SUBTITLE 2 OF THIS ARTICLE HELD OR CO-HELD BY THE DEPARTMENT OF NATURAL~~  
7 ~~RESOURCES OR THE MARYLAND ENVIRONMENTAL TRUST.~~

8 (4) "LAND CONSERVATION PROGRAM" INCLUDES THE MARYLAND  
9 ENVIRONMENTAL TRUST, PROGRAM OPEN SPACE, AND THE RURAL LEGACY  
10 PROGRAM.

11 (5) "PROJECT" MEANS AN ACQUISITION OR DEVELOPMENT PROJECT  
12 UNDER PROGRAM OPEN SPACE, IN ACCORDANCE WITH TITLE 5, SUBTITLE 9 OF THIS  
13 ARTICLE.

14 (6) "PROTECTED LAND" MEANS LAND THAT IS PROTECTED BY A LAND  
15 CONSERVATION PROGRAM.

16 (7) "RURAL LEGACY AREA" HAS THE MEANING STATED IN § 5-9A-02 OF  
17 THIS ARTICLE.

18 (B) THIS SECTION APPLIES TO APPLICATIONS AFFECTING LAND THAT IS  
19 PROTECTED BY A PROGRAM WITHIN THE DEPARTMENT OF NATURAL RESOURCES,  
20 INCLUDING LAND THAT IS:

21 (1) ~~DESIGNATED AS A~~ SUBJECT TO A CONSERVATION EASEMENT  
22 WITHIN A DESIGNATED RURAL LEGACY AREA;

23 (2) SUBJECT TO A CONSERVATION EASEMENT HELD BY THE MARYLAND  
24 ENVIRONMENTAL TRUST; OR

25 (3) ~~WITHIN A PROJECT~~ SUBJECT TO A CONSERVATION EASEMENT  
26 FUNDED UNDER PROGRAM OPEN SPACE.

27 (C) IF THE ADMINISTRATOR OF A LAND CONSERVATION PROGRAM HAS NOT  
28 APPROVED THE USE FOR THE LAND FOR WHICH AN APPLICATION IS MADE, A  
29 COUNTY OR MUNICIPAL CORPORATION MAY DENY AN APPLICATION FOR:

30 (1) A SUBDIVISION PLAT OR PLAN;

31 (2) A RESIDENTIAL BUILDING PERMIT; OR

32 (3) ANY OTHER NONAGRICULTURAL USE OR ACTIVITY, INCLUDING AN  
33 ACCESS ROAD.

34 (D) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF A  
35 COUNTY TO GRANT OR DENY AN APPLICATION FOR A LAND USE PERMIT.

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