

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1277

(Delegate James, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Protected Lands - Local Land Use Applications - County Authority

This bill authorizes a county or municipal corporation to deny an application for a subdivision plat or plan, a residential building permit, or any other nonagricultural use or activity (including an access road) if the administrator of a “land conservation program” has not approved the use for the land for which an application is made. The bill applies to applications affecting land that is protected by a program within the Department of Natural Resources (DNR), including land that is subject to a conservation easement within a designated Rural Legacy Area, subject to a conservation easement held by the Maryland Environmental Trust (MET), or subject to a conservation easement funded under Program Open Space (POS).

Fiscal Summary

State Effect: The bill would not materially affect State operations or finances. POS, MET, and Rural Legacy staff already conduct reviews of proposed activity on affected lands.

Local Effect: Because the bill does not limit local authority to grant or deny permits, it is not anticipated to have a significant impact on local operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law: In general, local governments are responsible for issuing subdivision plats and plans, residential building permits, and other permits related to land use.

Background: The purpose of the Rural Legacy Program, established in 1997 and administered by DNR, is to supplement State land preservation programs in order to preserve key areas before escalating land values render protection impossible or before the land is lost to development. The program provides funding to local governments and conservation organizations to purchase property and conservation easements within designated Rural Legacy Areas. There are 29 Rural Legacy Areas in 21 counties. As of February 1, 2006, the program had preserved 51,772 acres.

MET, which was established by the General Assembly in 1967, is a statewide local land trust governed by a citizen board of trustees. MET works with over 40 private, nonprofit land trusts. These land trusts can hold conservation easements independently or jointly with MET. In addition, some of these land trusts acquire and manage land. As of December 31, 2005, the program had preserved 111,348 acres.

POS, established in 1969, provides funds for State and local acquisition and development of public outdoor recreational sites, facilities, and open space. Generally, funding for POS is equally divided between the State and local governments. The State share focuses on the acquisition of land for natural resource conservation with the inclusion of low-impact recreational activities where appropriate. The local share is used primarily for the acquisition and development of high-impact recreational sites and facilities. As of March 1, 2006, the program (both State and local) had preserved nearly 322,875 acres.

DNR advises that, although some local governments contact the easement holder when a land use permit application is made, others do not. This bill is intended to clarify local government authority to deny a permit for any activity that may violate the term of an agreement under POS, Rural Legacy, or MET.

Additional Information

Prior Introductions: None.

Cross File: SB 844 (Senator Dyson, *et al.*) – Education, Health, and Environmental Affairs.

Information Source(s): Department of Natural Resources, Maryland Department of Planning, Montgomery County, Prince George’s County, Maryland Municipal League, Department of Legislative Services

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