

COUNTY ORDINANCE NO. 08-16

A BILL ENTITLED

AN ACT CONCERNING the Establishment of a Purchase of Development Rights Program in Queen Anne's County, Maryland.

FOR THE PURPOSE of establishing a Purchase of Development Rights Program in Queen Anne's County, providing for the administration of such program, providing procedures for the purchase of development rights, providing for the release of certain property subject to an easement under certain circumstances and providing for the term and holder of easements to be purchased under such Program.

BY ADDING a new Chapter 14:5 to the Code of Public Local Laws of Queen Anne's County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that a new Chapter 14:5 be added to the Code of Public Local Laws to read as follows:

Chapter 14:5

Purchase of Development Rights

ARTICLE I

Definitions, General Provisions

14:5-1. Terms Defined.

For the purpose of this Chapter 14:5, the following definitions describe the meanings of the terms used herein.

FOUNDATION - The Maryland Agricultural Land Preservation Foundation provided for under Subtitle 5 of Title 2 of the Agricultural Article of the Annotated Code of Maryland.

PROGRAM - The Queen Anne's County Purchase of Development Rights Program established hereunder.

14:5-2. Establishment and Purpose.

There is a Queen Anne's County Purchase of Development Rights Program ("the Program") to acquire, by gift, purchase, devise, bequest or grant, on behalf of Queen Anne's County, easements in gross or other rights to restrict the use of

agricultural land and woodland as may be designated to maintain the character of the land as agricultural land or woodland.

ARTICLE II
Administration, Regulations and Procedures

14:5-3. Administration.

The Program shall be administered by the Queen Anne's County Agricultural Preservation Advisory Board and the Queen Anne's County Department of Economic Development, Agriculture and Tourism.

14:5-4. Rules and Regulations.

Except as hereinafter modified, the Program shall follow the rules, regulations, procedures and parameters of the Foundation for the purchase of agricultural land preservation easements and the rules, regulations and procedures adopted under or pursuant to Subtitle 5 of Title 2 of the Agricultural Article of the Annotated Code of Maryland.

14:5-5. Purchase of Rights.

Following Round One and Round Two offers under the Foundation's easement acquisition program, there shall be a Round 3 under the Queen Anne's County Program. The County shall use any funds available to the program to make offers down the list of applicants generated under Round Two (and ranked according to the standard Round Two process) until all available County funds are committed.

14:5-6. Release of Lots. Grandchildren.

Under 2-513 (b) (2) of the Agricultural Article of the Annotated Code of Maryland, the original owner of property subject to an easement may, under certain circumstances, apply for release of lots for the purpose of constructing a dwelling house for the use only of that landowner or the child of the landowner. Under the Queen Anne's County program, and subject to the other provisions, exceptions, requirements and restrictions of said §2-513, the right to release of lots shall extend to the original landowner, a child of the landowner and to a grandchild of the landowner. Any reference in §2-513 to "the child" or to "children's lots" or similar phrase shall be interpreted under the County Program as "child or grandchild" or "children's or grandchildren's lots".

14:5-7. Easements to be Held in Perpetuity.

All easements purchased hereunder shall be in perpetuity and shall be held by the County Commissioners of Queen Anne's County.

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth (46th) day following its enactment.

INTRODUCED BY: Commissioner Gunther

DATE: July 22, 2008

PUBLIC HEARING HELD: August 5, 2008 @ 6:25 p.m.

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: August 5, 2008

EFFECTIVE DATE: September 20, 2008

FISCAL IMPACT NOTE

Legislation No: 0-08-16 **Hearing Date:** 8-05-08
Date Introduced: 7-22-08 **Note Date:** 7-31-08

Legislation Title: Establishment of a Purchase of Development Rights (PDR) Program.

Description:

The purpose of this legislation is to establish a Purchase of Development Rights (PDR) program in Queen Anne's County.

Analysis of Fiscal Impact:

Fiscal impact generated by this legislation will consist primarily of the costs incurred by purchasing development rights, and the administrative and staff costs necessary to administer the program. However, the amount of fiscal impact cannot be accurately determined at this time.