

Resolution

RESOLUTION NO. 07-22

A RESOLUTION RESPECTING THE ANNEXATION OF OPEN SPACE LANDS IN QUEEN ANNE'S COUNTY.

WHEREAS, The County Commissioners of Queen Anne's County and representatives of the various municipalities have, through the Council of Governments, endeavored to address the development of land which has been or may be annexed into a municipality but which is subject to open space restrictions established under the Zoning and Subdivision Regulations of Queen Anne's County (Chapter 18 of the Code of Public Local Laws);

AND WHEREAS, Section 18-1-205 E. (7) of the Code of Public Local Laws provides that such open space restrictions shall be null and void following annexation of the open space upon final approval of development by the municipality and the execution of a release by the County Commissioners. Section 18-1-205 E. (7) (c) provides that the execution of such a release "shall be in the sole and exclusive discretion of the County Commissioners".

AND WHEREAS, the County Commissioners wish, and by the adoption of the Resolution intend, to clarify the standards to be applied in executing a release of open space restrictions and the conditions and requirements thereof;

AND WHEREAS, the foregoing matters are not merely prefatory but form a substantive part of this Agreement;

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND ("the County") this 18th day of Dec, 2007, as follows:

1. It shall be the policy of the County that an executed release of open space restrictions shall be provided upon compliance by an applicant with either of the following.

A. The applicant for the annexation permanently protects land classified by the County as "Priority Preservation Land", through a conservation deed of easement satisfactory to the County, in an amount equal in acreage to at least two times the amount of protected acreage proposed to be annexed.

Note: "Priority Preservation Land" shall include: areas around a municipal planning/growth area designated by a town for permanent land preservation (green belt) and other lands specifically identified by the County for preservation, due to their significant agricultural or natural area features. It implements the County's priority preservation plan that is now required under amendments to article 66B, by House Bill 2 passed in 2006.

B. Payment into the County fund for Maryland Agricultural Land Preservation Foundation (MALPF) of an amount sufficient to provide funding to permanently protect lands that meet MALPF criteria that have made easement application to the County. The MALPF

protected lands shall be in an amount equal in acreage to at least two times the amount of protected acreage proposed to be annexed.

The amount of the payment for funding MALPF shall look at the most recent per acre easement values that are based on current appraisals of properties with similar or better forest and soils types as the property to be annexed. The mitigation fee should also include projected annual increases in value of any easements to be purchased in the future. The soils and forest area on the MALPF properties where the easement is to be purchased shall be at least as good as the property being annexed.

The payment for MALPF may also be based on an actual pending easement offer that needs funding in the current cycle of easement offers if such easement offer has similar or better soil and forest types.

2. An applicant for release of open space restrictions may also provide a combination of 1 A. and B. above which provides adequate mitigation for the loss of open space and impact of the proposed new development.

C. Upon adoption of this Resolution pending County Ordinance 06-102 be and is withdrawn.

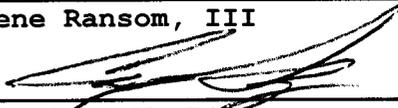
WITNESS the hands and seal of the County Commissioners of Queen Anne's County, Maryland this 18th day of Dec, 2007.

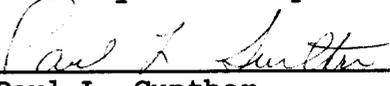
ATTEST:

THE COUNTY COMMISSIONERS OF
QUEEN ANNE'S COUNTY

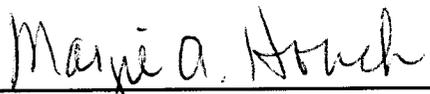

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