

**COUNTY COUNCIL**

**OF**

**TALBOT COUNTY, MARYLAND**

2008 Legislative Session, Legislative Day No.: January 8, 2008

Bill No.: 1113

Expiration Date: March 13, 2008

Introduced by: Mr. Duncan, Mr. Foster, Mr. Harrison

A BILL TO AMEND §168-29, TALBOT COUNTY CODE “SUBDIVISION REGULATIONS”, CONCERNING WAIVER OF CERTAIN REQUIREMENTS FOR NON-DEVELOPMENTAL SUBDIVISIONS, TO INCREASE THE “RESTRICTION PERIOD” FROM 5 TO 10 YEARS, EXCEPTING PARCELS PREVIOUSLY SUBDIVIDED, PROVIDING THAT RESTRICTED PARCELS ARE ELIGIBLE FOR COUNTY REVIEW OF PROPOSED DEVELOPMENT BUT INELIGIBLE TO RECEIVE FINAL APPROVAL FOR PROPOSED DEVELOPMENT DURING THE RESTRICTION PERIOD, AND PROVIDING THAT AN AGRICULTURAL PARCEL MAY BE RELEASED PRIOR TO EXPIRATION OF THE RESTRICTION PERIOD UPON PAYMENT OF A CONSERVATION FEE TO THE COUNTY IN ACCORDANCE WITH A FEE SCHEDULE ADOPTED BY THE COUNTY

By the Council: January 8, 2008

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, February 5, 2008, at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order \_\_\_\_\_  
Secretary

A BILL TO AMEND §168-29, TALBOT COUNTY CODE “SUBDIVISION REGULATIONS”, CONCERNING WAIVER OF CERTAIN REQUIREMENTS FOR NON-DEVELOPMENTAL SUBDIVISIONS, TO INCREASE THE “RESTRICTION PERIOD” FROM 5 TO 10 YEARS, EXCEPTING PARCELS PREVIOUSLY SUBDIVIDED, PROVIDING THAT RESTRICTED PARCELS ARE ELIGIBLE FOR COUNTY REVIEW OF PROPOSED DEVELOPMENT BUT INELIGIBLE TO RECEIVE FINAL APPROVAL FOR PROPOSED DEVELOPMENT DURING THE RESTRICTION PERIOD, AND PROVIDING THAT AN AGRICULTURAL PARCEL MAY BE RELEASED PRIOR TO EXPIRATION OF THE RESTRICTION PERIOD UPON PAYMENT OF A CONSERVATION FEE TO THE COUNTY IN ACCORDANCE WITH A FEE SCHEDULE ADOPTED BY THE COUNTY

SECTION ONE: BE IT ENACTED by the County Council of Talbot County, Maryland, that the Talbot County Code, Chapter 168 Subdivision Regulations, Article VI, Section 168-29 shall be amended and is hereby adopted with the fee schedule as set forth herein.

<b>KEY</b>	
Boldface .....	Heading or defined term.
<u>Underlining</u> .....	Added to existing law by original bill.
<del>Strikethrough</del> .....	Deleted from existing law by original bill.
<u><u>Double underlining</u></u> .....	Added to bill by amendment.
<del><u><u>Double strikethrough</u></u></del> .....	Deleted from existing law or bill by amendment.
* * * .....	Existing law or bill unaffected.

\* \* \*

**§ 168-29. Waiver for non-developmental division of land.**

A. The Planning Officer may waive certain requirements of these regulations when a subdivision is proposed that is guaranteed to be for non-developmental purposes exclusively. This waiver may apply to:

- (1) Parcels created for transfer and use of land exclusively for agricultural purposes for a minimum of ten five years and provided that such parcels created are at least five acres in size and that the remaining parcel(s) shall comply with all current County zoning and subdivision regulations. For purposes of this subsection, the

foregoing time period shall be referred to as the “Restriction Period”. The Restriction Period applicable to parcels subdivided pursuant to this provision prior to [the effective date of this amendment] shall remain five years from the date the plat creating such parcels was recorded approved. During the Restriction Period the County may review subdivision and development applications, but shall not grant final approval After five years of such parcels shall not be approved for developmental purposes until all applicable County and state development regulations have been met and the Restriction Period expires, except in accordance with Subsection A(1)(a) or (b), as applicable. This includes Chapter 190, Zoning, regulations relating to permitted density within a particular zoning district.

- (a) An agricultural parcel subdivided pursuant to Subsection A(1) for non-developmental purposes prior to [the effective date of this amendment] may not be released from the agricultural use restriction during the first two years of the Restriction Period, but shall be released from the agricultural use restriction prior to expiration of the Restriction Period upon payment of a Conservation Fee to the County for each parcel to be released in accordance with a fee schedule adopted by the County Council of Talbot County.
  - (b) An agricultural parcel subdivided pursuant to Subsection A(1) for non-developmental purposes after [the effective date of this amendment] may not be released from the agricultural use restriction during the first three years of the Restriction Period, but shall be released from the agricultural use restriction prior to expiration of the Restriction Period upon payment of a Conservation Fee to the County for each parcel to be released in accordance with a fee schedule adopted by the County Council of Talbot County.
  - (c) Upon payment of the Conservation Fee, the County shall, subject to satisfaction of all other applicable requirements, approve such released parcel(s) for development purposes.
- (2) Parcels created for transfer and use of wetlands, floodplains and woodlands for perpetual conservation purposes exclusively, provided that the remaining parcel(s) shall comply with all current County zoning and subdivision regulations.
  - (3) Parcels created for transfer and use of lands for purposes of settling an estate, provided that such subdivision will not result in development of the parcel for at least 10 years from the date of subdivision approval and provided that the remaining parcel(s) shall comply with all current County zoning and subdivision regulations. After 10 years, such parcels shall not be approved for developmental purposes until all applicable County and state development regulations have been met. This includes Chapter 190, Zoning, regulations relating to permitted density within a particular zoning district.

B. The Planning Officer shall require that subdivision plats for the above-stated purposes shall contain notations conditioning their approval as non-developmental subdivisions and shall also require that a reservation of development rights agreement be recorded which stipulates the non-developmental nature of the affected parcels. The final plat shall be in a form approved by the Planning Officer and shall not require the signature or approval of the County Health Officer or County Engineer.

**Proposed Fee Schedule  
Conservation Fee for Release of Agricultural Use Restriction  
Pursuant to § 168-29A(1)**

Parcels subdivided pursuant to § 168-29(A)(1) prior to [the effective date of Ordinance No. \_\_\_] shall pay a fee equal to the amount specified below multiplied by the number of development right(s) applicable to such parcel:

<u>Year(s)</u>	<u>Conservation Fee (Per Development Right)</u>
1-2	May not be released
3	\$30,000
4	\$20,000
5	\$10,000

Parcels subdivided pursuant to § 168-29(A)(1) after [the effective date of Ordinance No. \_\_\_] shall pay a fee equal to the amount specified below multiplied by the number of development right(s) applicable to such parcel:

<u>Year(s)</u>	<u>Conservation Fee (Per Development Right)</u>
1-3	May not be released
4-7	\$30,000
8-9	\$20,000
10	\$10,000

SECTION TWO: BE IT FURTHER ENACTED by the County Council of Talbot County that this Bill shall take effect sixty (60) calendar days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill No. \_\_\_\_\_  
having been published, a public hearing was held on \_\_\_\_\_.

BY THE COUNCIL

Read the third time.

ENACTED \_\_\_\_\_

By Order \_\_\_\_\_

Secretary

Foster -

Pack -

Duncan -

Bartlett -

Harrison -