**THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND**

**June 19, 2018 Legislative Session Day**

**Legislative Session Day June 19, 2018**

**CODE HOME RULE**

**BILL NO. 3-2018**

INTRODUCED BY: William W. Pickrum, President of the Board of County Commissioners for Kent County, Maryland.

**AN ACT to amend Chapter 171 Agricultural Preservation Districts § 171-7 Sale of Easements**, **to the Code of Public Local Laws of Kent County, Maryland. The purpose of the amendments to this chapter is to add provisions that create withheld acreage language that is consistent with the State of Maryland’s applicable policies.**

THE COUNTY COMMISSIONERS OF KENT COUNTY

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William W. Pickrum, President

INTRODUCED, read first time, June 19, 2018, ordered posted and public hearing scheduled on July 10, 2018, at 6:00 p.m. in the County Commissioners Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland.

By Order of:

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Sondra M. Blackiston, Clerk

**PUBLIC HEARING**

HAVING been posted and notice of time and place of hearing and copies having been made availableto the public and the press, a public hearing was held on July 10, 2018. Reported favorably [with] [without] amendments; read second time and ordered to be considered on August 7, 2018, a legislative session day.

**A Bill Entitled CHR 3-2018 SALE OF EASEMENTS Provisions**

**NOW THEREFORE BE IT ENACTED BY THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND that** the Kent County Code of Public Law is hereby amended as follows:

….

**§ 171-7 Sale of easements.**

1. Pursuant to Agriculture Article, Title 2, Subtitle 5, the County Commissioners shall approve or disapprove applications to sell easements in agricultural lands. In considering the approvalor disapproval of applications to sell, the following shall apply:
2. The easement shall be on the entire farm unless:
3. **O**~~o~~ther easements compatible with the objectives of the county's Agricultural Preservation Program are combined with an agricultural easement so that the entire farm is under easement agreement. The other easements, if any, shall be recorded prior to approval of the agricultural easement;
4. **EXCLUDED LAND IS PLANNED FOR A NON-AGRICULTURAL PUBLIC PURPOSE AND THE REMAINDER LAND AREA OF THE FARM IS AT LEAST 50 ACRES;**
5. **EXCLUDED LAND CONTAINS EXISTING COMMERCIAL OR BUSINESS USE PERMITTED IN ACCORDANCE WITH THE PROVISIONS OF THE KENT COUNTY LAND USE ORDINANCE, AND THE REMAINDER LAND AREA OF THE FARM IS AT LEAST 50 ACRES; OR**
6. **EXCLUDED LAND IS LEASED FOR PERSONAL WIRELESS FACILITIES, OR PUBLIC UTILITIES AND STRUCTURES, AND THE REMAINDER LAND AREA OF THE FARM IS AT LEAST 50 ACRES.**
7. More than fifty percent (50%) of the farm's tillable acreage shall be in the production of food or fiber.
8. The relationship of the subject farm in respect to contiguous properties shall be considered by the Board.
9. The application to sell shall constitute authority for the Board to enter upon the subject property to inspect the same.

**BE IT FURTHER ENACTED** by the County Commissioners of Kent County that this Act shall take effect on the 21st day of September, 2018.

Read Third Time August 7, 2018.

PASSED this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2018.

Failed of Passage \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By Order of:

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Sondra M. Blackiston, Clerk

THE COUNTY COMMISSIONERS OF KENT COUNTY

(SEAL)

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William W. Pickrum, President

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Ronald H. Fithian, Member

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William A. Short, Member

ORDERED a fair summary thereof of the entire bill shall be published in at least one newspaper of general circulation in the County, not less than three times at weekly intervals within a four-week period.