

**Title 08 DEPARTMENT OF NATURAL RESOURCES**

***Subtitle 05 RURAL LEGACY PROGRAM***

**Chapter 01 General**

**Authority: Natural Resources Article, §5-9A-03, Annotated Code of Maryland**

*08.05.01.01*

**.01 Application.**

The Rural Legacy Board shall develop an application form for use by sponsors applying for rural legacy area designation and Rural Legacy Program funding. The application shall include:

- A. Definitions of key terms;
- B. An overview of the rural legacy process;
- C. A description of the criteria for the evaluation of applications;
- D. A description of the application and review process;
- E. A description of acquisition procedures;
- F. A description of permitted project costs;
- G. A description of the process for the reimbursement or advance payment of project costs;
- H. A description of project completion responsibilities;
- I. A description of the model system for appraising easement values and the fair market value of fee simple property interests;
- J. A description of the process by which transferable development rights may be acquired; and
- K. All forms which are required to complete a rural legacy application.

08.05.01.02

**.02 Project Costs.**

The Rural Legacy Board shall reimburse, or provide for the advance payment of, the following costs incurred by a sponsor of an approved rural legacy plan:

- A. Direct costs, which means the actual costs of the real property interests acquired by a sponsor of an approved rural legacy plan;
- B. Incidental costs, which means costs relating to the acquisition of real property interests, such as the costs of surveys, appraisals, title searches, and legal fees;
- C. Administrative costs; and
- D. Program compliance costs.

08.05.01.03

**.03 Approval and Amendment of Rural Legacy Areas and Plans.**

- A. A rural legacy plan may encompass a geographic area the same size as, or smaller than, a rural legacy area.
- B. The Rural Legacy Board may not approve an:
  - (1) Application without the approval of each local government whose jurisdiction is encompassed in whole or in part by the rural legacy area; and
  - (2) Amendment to an application without the approval of each local government whose jurisdiction is encompassed in whole or in part by the amendment.

08.05.01.04

**.04 Time Limitation on Funds.**

- A. The Rural Legacy Board may establish time limitations on the use of funds within the period of time stipulated within a grant agreement.
- B. The Rural Legacy Board may monitor the timely expenditure of funds by a sponsor and reallocate any unused funds.

08.05.01.05

**.05 Land Trusts.**

A. Land purchased in fee with rural legacy funds by a land trust shall be protected by a conservation easement held by a qualified federal, State, county, or municipal conservation organization.

B. A conservation easement purchased with rural legacy funds by a land trust shall be jointly held by a qualified federal, State, or local conservation organization as co-grantee.

08.05.01.06

**.06 Transfer of Development Rights (TDRs).**

A. The title to a transferable development right (TDR) acquired by a sponsor shall be recorded jointly in the name of the sponsor or easement grantee and the Rural Legacy Board, and shall be described in detail in the project agreement.

B. Within 30 days of acquisition, the titleholders shall file the TDR in the land records of the local jurisdiction where the land is located, with a copy filed in the Maryland State Archives.

C. A TDR acquired with rural legacy funds shall only be acquired, held, and resold in accordance with the rules of the local TDR program under which it was acquired.

08.05.01.07

**.07 Appraisal of Easement Values.**

A. The Rural Legacy Board may develop a model easement valuation methodology, which shall place value on the following characteristics of a property:

- (1) Real estate development rights;
- (2) Agricultural and commercial forestry qualities;
- (3) Natural resource qualities; and
- (4) Features unique or specific to the objectives of, and conditions within, each rural legacy area, such as:
  - (a) The contribution of a property to resource-based economies other than agriculture and forestry,
  - (b) A measure of the development pressure on a property, and

(c) The location of a property within a rural legacy area.

B. A model easement valuation methodology approved by the Rural Legacy Board shall reflect each of the attributes described in §A of this regulation based on its relative importance in the rural legacy area or to the rural legacy plan.

C. A sponsor may develop its own easement valuation methodology, which shall:

(1) Reflect the agricultural, forestry, and natural resource qualities the easement is designed to protect;

(2) Reflect the fair market values of properties in the rural legacy area; and

(3) Relate to the range of easement values paid by the Maryland Agricultural Land Preservation Foundation and other easement purchasing programs.

08.05.01

### *Administrative History*

**Effective date:**

Regulations .01-----07 adopted as an emergency provision effective August 22, 1997 (24:19 Md. R. 1334); adopted permanently effective December 29, 1997 (24:26 Md. R. 1757)