

HOUSE BILL 1351

M4

8lr2806

By: **Delegates Krebs, Rose, and Shoemaker**

Introduced and read first time: February 9, 2018

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **Agriculture – Easements – Special Occasion Events**

3 FOR the purpose of authorizing a landowner to use a portion of the land subject to an
4 easement to hold ~~a~~ certain special occasion ~~event~~ events for commercial purposes
5 under certain circumstances; specifying that a certain approval granted by the
6 Maryland Agricultural Land Preservation Foundation to a landowner to use the land
7 subject to an easement to hold ~~a~~ certain special occasion ~~event~~ events for commercial
8 purposes automatically terminates on the sale or transfer of the land subject to the
9 easement; providing for the application of this Act; and generally relating to the use
10 of land under an easement held by the Maryland Agricultural Land Preservation
11 Foundation.

12 BY repealing and reenacting, without amendments,
13 Article – Agriculture
14 Section 2–513(a) and (b)(1)
15 Annotated Code of Maryland
16 (2016 Replacement Volume and 2017 Supplement)

17 BY adding to
18 Article – Agriculture
19 Section 2–513(d)
20 Annotated Code of Maryland
21 (2016 Replacement Volume and 2017 Supplement)

22 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Agriculture
 2 Section 2–513(d) and (e)
 3 Annotated Code of Maryland
 4 (2016 Replacement Volume and 2017 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 6 That the Laws of Maryland read as follows:

7 **Article – Agriculture**

8 2–513.

9 (a) Agricultural land preservation easements may be purchased under this
 10 subtitle for any land in agricultural use which meets the minimum criteria established
 11 under § 2–509 of this subtitle if the easement and county regulations governing the use of
 12 the land include the following provisions:

13 (1) Any farm use of land is permitted.

14 (2) Operation at any time of any machinery used in farm production or the
 15 primary processing of agricultural products is permitted.

16 (3) All normal agricultural operations performed in accordance with good
 17 husbandry practices which do not cause bodily injury or directly endanger human health
 18 are permitted including, but not limited to, sale of farm products produced on the farm
 19 where such sales are made.

20 (b) (1) A landowner whose land is subject to an easement may not use the land
 21 for any commercial, industrial, or residential purpose except:

22 (i) As determined by the Foundation, for farm– and forest–related
 23 uses and home occupations; or

24 (ii) As otherwise provided under this section.

25 **(D) (1) IN THIS SUBSECTION, “SPECIAL OCCASION EVENT” MEANS A**
 26 **WEDDING, LIFETIME MILESTONE EVENT, OR OTHER CULTURAL OR SOCIAL EVENT.**

27 **(2) SUBJECT TO THE FOUNDATION’S APPROVAL AND ANY**
 28 **APPLICABLE REGULATIONS, AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**
 29 **A LANDOWNER MAY USE A PORTION OF THE LAND SUBJECT TO AN EASEMENT TO**
 30 **HOLD A SPECIAL OCCASION ~~EVENT~~ EVENTS FOR COMMERCIAL PURPOSES IF:**

31 **(I) MORE THAN 10 YEARS HAVE ELAPSED SINCE THE**
 32 **EASEMENT WAS RECORDED IN THE LAND RECORDS;**

1 (II) THE LOCAL AGRICULTURAL ADVISORY BOARD PROVIDES A
2 WRITTEN FAVORABLE RECOMMENDATION FOR THE PROPOSED SPECIAL OCCASION
3 EVENT AREA;

4 (III) THE PROPOSED SPECIAL OCCASION ~~EVENT IS~~ EVENTS ARE
5 NOT PROHIBITED BY ANY FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS OR
6 LOCAL LAW OR REGULATION;

7 (IV) THE PROPOSED SPECIAL OCCASION ~~EVENT~~ EVENTS WILL
8 NOT INTERFERE WITH ~~STATE, LOCAL, OR FEDERAL RESTRICTIONS~~ ANY FEDERAL,
9 STATE, OR LOCAL RESTRICTION PLACED ON FUNDS USED BY THE FOUNDATION TO
10 PURCHASE THE EASEMENT;

11 (V) THE PROPOSED SPECIAL OCCASION EVENT AREA,
12 INCLUDING PARKING FOR THE SPECIAL OCCASION ~~EVENT~~ EVENTS, DOES NOT
13 EXCEED 2 ACRES, AS SHOWN ON A MAP PREPARED AND CERTIFIED BY A
14 PROFESSIONAL LAND SURVEYOR LICENSED UNDER TITLE 15 OF THE BUSINESS
15 OCCUPATIONS AND PROFESSIONS ARTICLE;

16 (VI) THE FOUNDATION APPROVES IN WRITING THE LOCATION
17 OF THE PROPOSED SPECIAL OCCASION EVENT AREA;

18 (VII) THE FOUNDATION DETERMINES IN WRITING THAT THE
19 PROPOSED SPECIAL OCCASION ~~EVENT~~ EVENTS WILL NOT INTERFERE WITH THE
20 AGRICULTURAL USE OF THE LAND SUBJECT TO THE EASEMENT;

21 (VIII) THE PROPOSED SPECIAL OCCASION ~~EVENT TAKES~~ EVENTS
22 WILL TAKE PLACE IN:

23 1. A TEMPORARY STRUCTURE, INCLUDING AN
24 ENCLOSED OR OPEN CANOPY OR TENT, OR OTHER PORTABLE STRUCTURE ERECTED
25 FOR A REASONABLE AMOUNT OF TIME TO ACCOMMODATE THE SPECIAL OCCASION
26 EVENT;

27 2. AN EXISTING BUILDING ON THE LAND SUBJECT TO
28 THE EASEMENT;

29 3. A FARM OR OPEN AIR PAVILION; OR

30 4. ANY OTHER EXISTING STRUCTURE LOCATED ON THE
31 LAND SUBJECT TO THE EASEMENT; AND

1 **(IX) UNLESS REQUIRED BY LAW, THE SPECIAL OCCASION EVENT**
2 **AREA DOES NOT ADD ANY NEW IMPERVIOUS SURFACES TO THE LAND SUBJECT TO**
3 **THE EASEMENT.**

4 **(3) AN APPROVAL GRANTED BY THE FOUNDATION UNDER THIS**
5 **SUBSECTION TO A LANDOWNER TO USE A PORTION OF THE LAND SUBJECT TO AN**
6 **EASEMENT TO HOLD ~~A~~ SPECIAL OCCASION ~~EVENT~~ EVENTS FOR COMMERCIAL**
7 **PURPOSES AUTOMATICALLY TERMINATES ON THE SALE OR TRANSFER OF THE LAND**
8 **SUBJECT TO THE EASEMENT.**

9 **[(d)] (E)** Purchase of an easement by the Foundation does not grant the public
10 any right of access or right of use of the subject property.

11 **[(e)] (F)** An agricultural land preservation easement purchased under this
12 subtitle shall be included as part of a partnership under the Readiness and Environmental
13 Protection Integration Program established under 10 U.S.C. § 2684a if:

14 (1) The land that is subject to an easement is in the vicinity of, or
15 ecologically related to, the Atlantic Test Range;

16 (2) The landowner whose land is subject to an easement agrees to any
17 restrictions imposed on the easement under the Readiness and Environmental Protection
18 Integration Program established under 10 U.S.C. § 2684a; and

19 (3) Funding is available to the Foundation to enter into an agreement
20 under the Readiness and Environmental Protection Integration Program established under
21 10 U.S.C. § 2684a.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
23 apply retroactively and shall be applied to and interpreted to affect agricultural
24 preservation easements purchased or acquired by the Maryland Agricultural Land
25 Preservation Foundation before the effective date of this Act.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
27 1, 2018.