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By: **Delegates Getty and Amedori**

Introduced and read first time: February 12, 1999

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Agricultural Land Preservation - Recreational Use**

3 FOR the purpose of prohibiting a person from engaging in certain recreational uses of  
4 certain agricultural land that may have certain effects on agricultural uses;  
5 requiring the Agricultural Land Preservation Foundation to adopt regulations  
6 on recreational uses of land in agricultural districts; and generally relating to  
7 recreational uses of land in the Agricultural Land Preservation Program.

8 BY repealing and reenacting, with amendments,  
9 Article - Agriculture  
10 Section 2-509(a) and 2-513  
11 Annotated Code of Maryland  
12 (1985 Replacement Volume and 1998 Supplement)

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

15 **Article - Agriculture**

16 2-509.

17 (a) The Foundation shall adopt regulations and procedures for:

- 18 (1) Establishment and monitoring of agricultural districts;  
19 (2) Evaluation of land to be included within agricultural districts; [and]  
20 (3) Purchase of easements; AND  
21 (4) RECREATIONAL USES OF LAND IN AGRICULTURAL DISTRICTS.

22 2-513.

23 (a) Agricultural land preservation easements may be purchased under this  
24 subtitle for any land in agricultural use which meets the minimum criteria

1 established under § 2-509 of this subtitle if the easement and county regulations  
2 governing the use of the land include the following provisions:

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

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

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

10       (b)     (1)     Except as otherwise provided in this section, a landowner, whose land  
11 is subject to an easement, may not use the land for any commercial, industrial, or  
12 residential purpose.

13           (2)     Except as provided in paragraph (5) of this subsection, on written  
14 application, the Foundation shall release free of easement restrictions only for the  
15 landowner who originally sold an easement, 1 acre or less for the purpose of  
16 constructing a dwelling house for the use only of that landowner or child of the  
17 landowner subject to the following conditions:

18           (i)     The total number of lots allowed to be released under this  
19 section, except as provided in paragraph (5) of this subsection, may not exceed 10 lots  
20 of 1 acre or less at a maximum of not more than 1 lot for each 20 acres or portion  
21 thereof.

22           (ii)    The resulting density on the property may not exceed the  
23 density allowed under zoning of the property before the Foundation purchased the  
24 easement.

25           (iii)   The landowner shall pay the State for any acre or portion  
26 released at the price per acre that the State paid the owner for the easement.

27           (iv)    Before any conveyance or release, the landowner and the child,  
28 if there is a conveyance to a child, shall agree not to subdivide further for residential  
29 purposes any acreage allowed to be released. The agreement shall be recorded among  
30 the land records where the land is located and shall bind all future owners.

31           (v)     After certifying that the landowner or child of the landowner  
32 has met the conditions provided in subparagraphs (i) through (iv) of this paragraph,  
33 the Foundation shall issue a preliminary release which shall:

34                   1.     Become final when the Foundation receives and certifies a  
35 nontransferable building permit in the name of the landowner or child of the  
36 landowner for construction of a dwelling house; or



1 (C) (1) EXCEPT AS AUTHORIZED UNDER REGULATIONS ADOPTED BY THE  
2 FOUNDATION, A PERSON MAY NOT USE LAND SUBJECT TO AN EASEMENT FOR  
3 LARGE-SCALE, NONCOMMERCIAL RECREATIONAL PURPOSES IN A MANNER THAT  
4 MAY HAVE A DETRIMENTAL EFFECT ON AGRICULTURAL ACTIVITY.

5 (2) RECREATIONAL USES THAT MAY HAVE A DETRIMENTAL EFFECT ON  
6 AGRICULTURAL ACTIVITY INCLUDE:

7 (I) PAINT BALL FACILITIES;

8 (II) DIRT BIKE RACE COURSES; AND

9 (III) GO-CART RACING AND OPERATION.

10 (3) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT  
11 TRADITIONAL RECREATIONAL USES OF LAND INCLUDING HUNTING WILDLIFE AND  
12 FISHING.

13 [(c)] (D) Purchase of an easement by the Foundation does not grant the public  
14 any right of access or right of use of the subject property.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 1999.