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By: **Delegates Getty and Amedori** Introduced and read first time: February 12, 1999 Assigned to: Appropriations

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 certain agricultural land that may have certain effects on agricultural uses; 4 5 requiring the Agricultural Land Preservation Foundation to adopt regulations on recreational uses of land in agricultural districts; and generally relating to 6 recreational uses of land in the Agricultural Land Preservation Program. 7 BY repealing and reenacting, with amendments, 8 Article - Agriculture 9 10 Section 2-509(a) and 2-513 Annotated Code of Maryland 11 12 (1985 Replacement Volume and 1998 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 13 14 MARYLAND, That the Laws of Maryland read as follows: 15 **Article - Agriculture** 16 2-509. 17 The Foundation shall adopt regulations and procedures for: (a) 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 RECREATIONAL USES OF LAND IN AGRICULTURAL DISTRICTS. 21 (4)22 2-513.

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

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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. Operation at any time of any machinery used in farm production or 4 (2)5 the primary processing of agricultural products is permitted. All normal agricultural operations performed in accordance with 6 (3) good husbandry practices which do not cause bodily injury or directly endanger 7 8 human health are permitted including, but not limited to, sale of farm products produced on the farm where such sales are made. 9 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 The total number of lots allowed to be released under this (i) 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 The resulting density on the property may not exceed the (ii) 23 density allowed under zoning of the property before the Foundation purchased the 24 easement. 25 The landowner shall pay the State for any acre or portion (iii) 26 released at the price per acre that the State paid the owner for the easement. 27 Before any conveyance or release, the landowner and the child, (iv) 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 After certifying that the landowner or child of the landowner (v) 32 has met the conditions provided in subparagraphs (i) through (iv) of this paragraph,

33 the Foundation shall issue a preliminary release which shall:

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

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1 2. Become void upon the death of the person for whose 2 benefit the release was intended if the Foundation has not yet received a building 3 permit as provided in this subparagraph. 4 Any release or preliminary release issued under this paragraph (vi) 5 shall include a statement of the conditions under which it was issued, a certification 6 by the Foundation that all necessary conditions for release or preliminary release 7 have been met, and copies of any pertinent documents. Any release, preliminary release, building permit, or other 8 (vii) 9 document issued or submitted in accordance with this paragraph shall be recorded 10 among the land records where the land is located and shall bind all future owners. 11 (viii) The Foundation may not restrict the ability of a landowner who 12 originally sold an easement to acquire a release under this paragraph beyond the 13 requirements provided in this section. 14 A landowner may construct housing for tenants fully engaged in (3) 15 operation of the farm, but this construction may not exceed 1 tenant house per 100 16 acres. The land on which a tenant house is constructed may not be subdivided or 17 conveyed to any person. In addition, the tenant house may not be conveyed separately 18 from the original parcel. 19 Except as provided in paragraph (5) of this subsection, on request to (4)20 the Foundation, an owner may exclude from the easement restrictions 1 acre per each 21 single dwelling, which existed at the time of the sale of the easement, by a land 22 survey and recordation provided at the expense of the owner. However, before any 23 exclusion is granted, an owner shall agree with the Foundation not to subdivide 24 further for residential purposes any acreage allowed to be released. This agreement 25 shall be recorded among the land records where the land is located and shall bind all 26 future owners. 27 The restrictions of paragraphs (2) and (4) of this subsection (5)(i) 28 concerning maximum lot sizes are altered so that the maximum lot size is 2 acres if: 29 1. Regulations adopted by the Department of the 30 Environment require a minimum lot size for a dwelling house of not less than 2 acres 31 in areas where there is less than 4 feet of unsaturated and unconsolidated soil 32 material below the bottom of an on-site sewage disposal system or in areas located 33 within 2,500 feet of the normal water level of an existing or proposed water supply

34 reservoir; or

Regulations adopted by the jurisdiction in which the land
is situated require that a lot for a dwelling house be larger than 1 acre.

37 (ii) For exclusions provided under paragraph (4) of this subsection,
38 the landowner shall pay the State for any acre or portion released in excess of the 1
39 acre per single dwelling that existed at the time of easement.

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(C) (1) EXCEPT AS AUTHORIZED UNDER REGULATIONS ADOPTED BY THE
 FOUNDATION, A PERSON MAY NOT USE LAND SUBJECT TO AN EASEMENT FOR
 LARGE-SCALE, NONCOMMERCIAL RECREATIONAL PURPOSES IN A MANNER THAT
 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.

(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.

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