

Department of Legislative Services  
Maryland General Assembly  
1999 Session

FISCAL NOTE

House Bill 704 (Delegates Gettv and Amedori)

Appropriations

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**Agricultural Land Preservation - Recreational Use**

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This bill prohibits a person from using land that is subject to an agricultural land preservation easement for large-scale, noncommercial recreational purposes in a manner that may have a detrimental effect on agricultural activity unless the use is authorized under regulations of the Agricultural Land Preservation Foundation. The bill requires the Maryland Agricultural Land Preservation Foundation to adopt regulations addressing recreational uses of land in agricultural districts. Recreational uses that may have a detrimental effect on agricultural activity include: (1) paint ball facilities; (2) dirt bike race courses; and, (3) go cart racing and operation. The bill may not be construed to prohibit traditional recreational uses of land including hunting and fishing.

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**Fiscal Summary**

**State Effect:** None. The bill would not materially alter State operations or finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Fiscal Analysis**

**Background:** The Maryland Agricultural Land Preservation Program was created by the General Assembly to preserve productive agricultural land and woodland which provide for the continued production of food and fiber; to limit the extent of urban development; and to protect agricultural land and woodland as open space. The Maryland Agricultural Land Preservation Foundation, with the assistance and cooperation of landowners and local governments, promotes the creation of agricultural land preservation districts and purchases

development rights easements as a means of protecting agricultural land and woodland activities.

Participation in the Maryland Agricultural Land Preservation Program is voluntary on the part of landowners. To be eligible for district status, a property must have at least 100 contiguous acres with at least 50% of the total soils classified as U.S. Department of Agriculture (USDA) soil capability Class I, II, or III or woodland group one or two. Landowners also agree to maintain the land in agricultural use for a minimum of five years. Landowners who include their land within a district become eligible to receive county tax credits (if the county where the property is located has a tax credit program) and may make application to sell a development rights easement to the State. However, there is no guarantee that an offer will be made by the foundation.

The maximum price the foundation may pay for an easement is the landowner's asking price or the easement value, whichever is lower. The easement value is determined by subtracting the agricultural value from the appraised fair market value of the property. Once the development rights have been sold, the property is perpetually protected from further development, with certain rights available only to the owner who originally sold the easement.

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**Information Source(s):** Maryland Department of Agriculture, Department of Legislative Services

**Fiscal Note History:** First Reader - March 1, 1999

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