

---

By: **Chairman, Environmental Matters Committee (Departmental -  
Agriculture)**

Introduced and read first time: January 19, 2000

Assigned to: Environmental Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Program - Lot Rights**

3 FOR the purpose of altering the number of lots allowed to be released to a certain  
4 landowner under the Maryland Agricultural Land Preservation Program.

5 BY repealing and reenacting, with amendments,  
6 Article - Agriculture  
7 Section 2-513  
8 Annotated Code of Maryland  
9 (1999 Replacement Volume and 1999 Supplement)

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

12 **Article - Agriculture**

13 2-513.

14 (a) Agricultural land preservation easements may be purchased under this  
15 subtitle for any land in agricultural use which meets the minimum criteria  
16 established under § 2-509 of this subtitle if the easement and county regulations  
17 governing the use of the land include the following provisions:

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

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

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

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

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

9 (i) The total number of lots allowed to be released under this  
10 section, except as provided in paragraph (5) of this subsection, may not exceed [10] 4  
11 lots of 1 acre or less [at a maximum of not more than] AND MAY NOT EXCEED 1 lot for  
12 each [20] 50 acres [or portion thereof].

13 (ii) The resulting density on the property may not exceed the  
14 density allowed under zoning of the property before the Foundation purchased the  
15 easement.

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

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

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

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

28 2. Become void upon the death of the person for whose  
29 benefit the release was intended if the Foundation has not yet received a building  
30 permit as provided in this subparagraph.

31 (vi) Any release or preliminary release issued under this paragraph  
32 shall include a statement of the conditions under which it was issued, a certification  
33 by the Foundation that all necessary conditions for release or preliminary release  
34 have been met, and copies of any pertinent documents.

35 (vii) Any release, preliminary release, building permit, or other  
36 document issued or submitted in accordance with this paragraph shall be recorded  
37 among the land records where the land is located and shall bind all future owners.

1 (viii) The Foundation may not restrict the ability of a landowner who  
2 originally sold an easement to acquire a release under this paragraph beyond the  
3 requirements provided in this section.

4 (3) A landowner may construct housing for tenants fully engaged in  
5 operation of the farm, but this construction may not exceed 1 tenant house per 100  
6 acres. The land on which a tenant house is constructed may not be subdivided or  
7 conveyed to any person. In addition, the tenant house may not be conveyed separately  
8 from the original parcel.

9 (4) Except as provided in paragraph (5) of this subsection, on request to  
10 the Foundation, an owner may exclude from the easement restrictions 1 acre per each  
11 single dwelling, which existed at the time of the sale of the easement, by a land  
12 survey and recordation provided at the expense of the owner. However, before any  
13 exclusion is granted, an owner shall agree with the Foundation not to subdivide  
14 further for residential purposes any acreage allowed to be released. This agreement  
15 shall be recorded among the land records where the land is located and shall bind all  
16 future owners.

17 (5) (i) The restrictions of paragraphs (2) and (4) of this subsection  
18 concerning maximum lot sizes are altered so that the maximum lot size is 2 acres if:

19 1. Regulations adopted by the Department of the  
20 Environment require a minimum lot size for a dwelling house of not less than 2 acres  
21 in areas where there is less than 4 feet of unsaturated and unconsolidated soil  
22 material below the bottom of an on-site sewage disposal system or in areas located  
23 within 2,500 feet of the normal water level of an existing or proposed water supply  
24 reservoir; or

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

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

30 (c) Purchase of an easement by the Foundation does not grant the public any  
31 right of access or right of use of the subject property.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
33 effect October 1, 2000.