

SENATE BILL 435

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2002 Regular Session  
2r2023  
CF 2r2570

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By: **Senators Middleton and Stoltzfus**

Introduced and read first time: January 31, 2002

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Agricultural Land Preservation Foundation - Easements - Commercial Use**

3 FOR the purpose of authorizing the Maryland Agricultural Land Preservation  
4 Foundation to allow nonagricultural, commercial use of land subject to certain  
5 preservation easements under certain circumstances; requiring the Foundation  
6 to establish certain standards for determining permissible uses; and generally  
7 relating to authorizing the Maryland Agricultural Land Preservation  
8 Foundation to allow nonagricultural, commercial use of land subject to  
9 preservation easements.

10 BY repealing and reenacting, without amendments,  
11 Article - Agriculture  
12 Section 2-501  
13 Annotated Code of Maryland  
14 (1999 Replacement Volume and 2001 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - Agriculture  
17 Section 2-513  
18 Annotated Code of Maryland  
19 (1999 Replacement Volume and 2001 Supplement)

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

22 **Article - Agriculture**

23 2-501.

24 It is the intent of the Maryland General Assembly to preserve agricultural land  
25 and woodland in order to: provide sources of agricultural products within the State for  
26 the citizens of the State; control the urban expansion which is consuming the  
27 agricultural land and woodland of the State; curb the spread of urban blight and  
28 deterioration; and protect agricultural land and woodland as open-space land.

1 2-513.

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

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

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

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

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

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

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

25 (ii) The resulting density on the property may not exceed the  
26 density allowed under zoning of the property before the Foundation purchased the  
27 easement.

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

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

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



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

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

6       (D)       (1)       ON REQUEST, THE FOUNDATION MAY ALLOW NONAGRICULTURAL,  
7 COMMERCIAL USE THAT:

8                   (I)       DOES NOT NEGATIVELY IMPACT THE LAND'S FUTURE  
9 AGRICULTURAL OR FORESTRY USE SIGNIFICANTLY; AND

10                  (II)       IS CONSISTENT WITH THE LEGISLATIVE INTENT OF THE  
11 AGRICULTURAL LAND PRESERVATION PROGRAM, AS STATED IN § 2-501 OF THIS  
12 ARTICLE.

13                  (2)       THE FOUNDATION SHALL ESTABLISH STANDARDS FOR  
14 DETERMINING PERMISSIBLE NONAGRICULTURAL, COMMERCIAL USES, INCLUDING:

15                   (I)       AN EVENT OR ACTIVITY THAT SUPPORTS AN AGRICULTURAL OR  
16 FORESTRY USE; AND

17                   (II)       A HOME-BASED BUSINESS THAT MAY BE LIMITED TO EXISTING  
18 BUILDINGS WHERE THE USE ONLY AFFECTS A LIMITED PART OF THE LAND.

19       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2002.