

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

House Bill 400  
Appropriations

(Delegate Glassman, *et al.*)

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**Agriculture - Land Preservation Easements**

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This bill modifies the existing criteria necessary for the purchase of agricultural land preservation easements under the Maryland Agricultural Land Preservation Foundation's (MALPF) program. Specifically, the easement and county regulations governing the use of the land must include a provision allowing any agricultural use of land, including agricultural uses allowed by local agricultural zoning ordinances.

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**Fiscal Summary**

**State Effect:** The bill's changes could be handled with existing budgeted resources.

**Local Effect:** The bill is not anticipated to have a significant impact on local operations or finances.

**Small Business Effect:** Potential meaningful. Most farms are small businesses. To the extent that local agricultural zoning ordinances allow for additional agricultural uses not currently allowed by MALPF, farmers participating in the MALPF program could benefit. The extent to which local agricultural zoning ordinances vary from MALPF regulations is unknown, however.

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**Analysis**

**Current Law:** Agricultural land preservation easements may be purchased for any land in agricultural use that meets specified minimum criteria if the easement and county regulations governing the use of the land include the following provisions:

- any farm use of land is permitted;
- operation at any time of any machinery used in farm production or the primary processing of agricultural products is permitted; and
- all normal agricultural operations performed in accordance with good husbandry practices that do not cause bodily injury or directly endanger human health are permitted, including, but not limited to, the sale of farm products produced on the farm where such sales are made.

According to MALPF, when allowable uses differ between conservation easements and local zoning ordinances, the more restrictive of the two prevails.

**Background:** The Maryland General Assembly created MALPF in 1977 to, among other things, protect agricultural land in the State. Agricultural preservation districts are formed when qualifying landowners sign voluntary agreements to keep their land in agricultural or woodland use for a minimum of five years. Once a district is established, the landowner is eligible to apply to sell a development rights easement on that property to MALPF. Subject to some limitations, once an easement has been sold, the property is protected from further development.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Agriculture (Maryland Agricultural Land Preservation Foundation), Department of Legislative Services

**Fiscal Note History:** First Reader - February 7, 2002  
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