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2003 Regular Session 3lr1893 CF 3lr2073

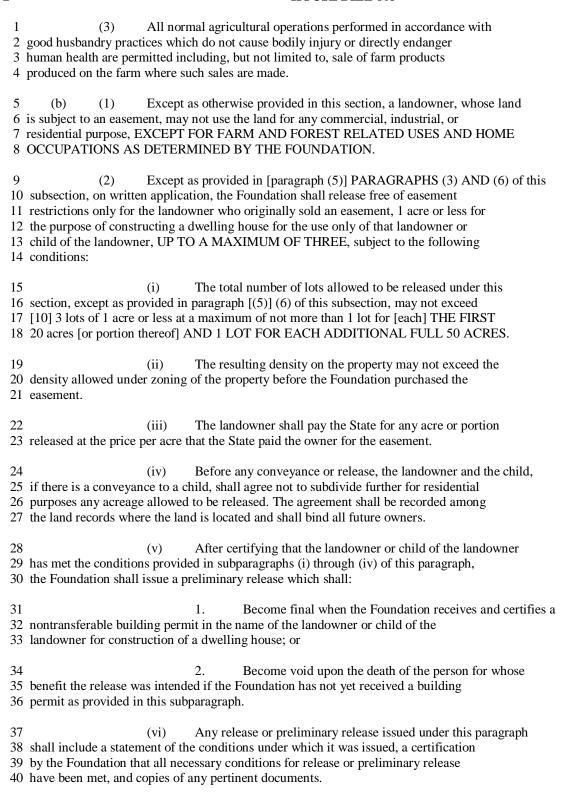
By: **Delegate James** Introduced and read first time: February 7, 2003 Assigned to: Environmental Matters A BILL ENTITLED 1 AN ACT concerning 2 Maryland Agricultural Land Preservation Foundation - Easements - Lot 3 **Exclusions and Allowable Economic Activity** 4 FOR the purpose of clarifying the range of uses and activities allowed on property 5 with an agricultural land preservation easement; reducing the number of 6 certain lots allowed to be excluded from an agricultural land preservation easement; authorizing a certain number of unrestricted lots to be excluded from 7 8 an agricultural land preservation easement; establishing certain criteria and conditions for excluding an unrestricted lot from an agricultural land 9 preservation easement; authorizing the exclusion of certain existing dwellings 10 as a certain lot; and generally relating to the Maryland Agricultural Land 11 Preservation Foundation. 12 13 BY repealing and reenacting, with amendments, Article - Agriculture 14 15 Section 2-513 16 Annotated Code of Maryland (1999 Replacement Volume and 2002 Supplement) 17 18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 19 MARYLAND, That the Laws of Maryland read as follows: **Article - Agriculture** 20 21 2-513. 22 (a) Agricultural land preservation easements may be purchased under this 23 subtitle for any land in agricultural use which meets the minimum criteria 24 established under § 2-509 of this subtitle if the easement and county regulations 25 governing the use of the land include the following provisions:

Any farm use of land is permitted.

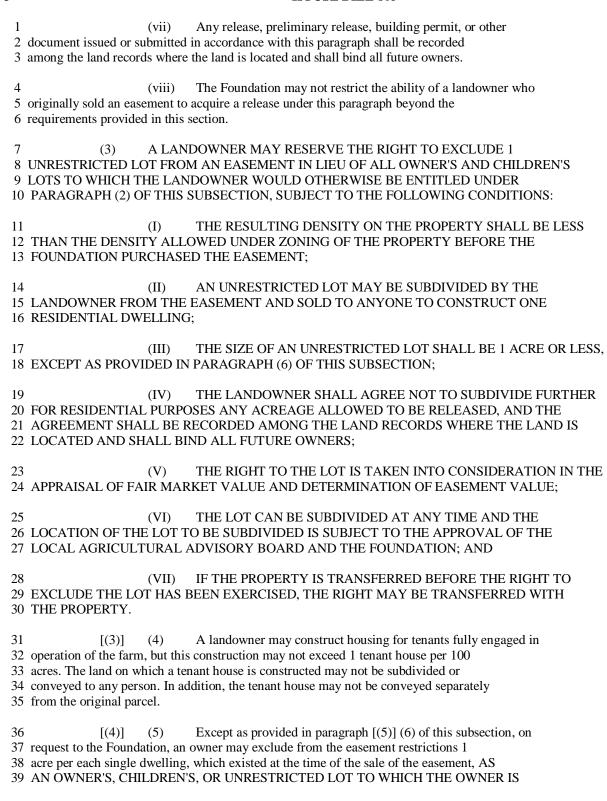
28 the primary processing of agricultural products is permitted.

Operation at any time of any machinery used in farm production or

## **HOUSE BILL 805**



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2 3 4 5	ENTITLED UNDER PARAGRAPH (2) OF THIS SUBSECTION, by a land survey and recordation provided at the expense of the owner. However, before any exclusion is granted, an owner shall agree with the Foundation not to subdivide further for residential purposes any acreage allowed to be released. This agreement shall be recorded among the land records where the land is located and shall bind all future owners.
	[(5)] (6) (i) The restrictions of paragraphs (2) and [4] (5) of this subsection concerning maximum lot sizes are altered so that the maximum lot size is 2 acres if:
12 13 14	1. Regulations adopted by the Department of the Environment require a minimum lot size for a dwelling house of not less than 2 acres in areas where there is less than 4 feet of unsaturated and unconsolidated soil material below the bottom of an on-site sewage disposal system or in areas located within 2,500 feet of the normal water level of an existing or proposed water supply reservoir; or
16 17	2. Regulations adopted by the jurisdiction in which the land is situated require that a lot for a dwelling house be larger than 1 acre.
	(ii) For exclusions provided under paragraph [(4)] (5) of this subsection, the landowner shall pay the State for any acre or portion released in excess of the 1 acre per single dwelling that existed at the time of easement.
21 22	(c) Purchase of an easement by the Foundation does not grant the public any right of access or right of use of the subject property.
23 24	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003.