Unofficial Copy M4 2004 Regular Session 4lr0134

By: Chairman, Environmental Matters Committee (By Request -

Departmental - Agriculture)

Introduced and read first time: January 21, 2004

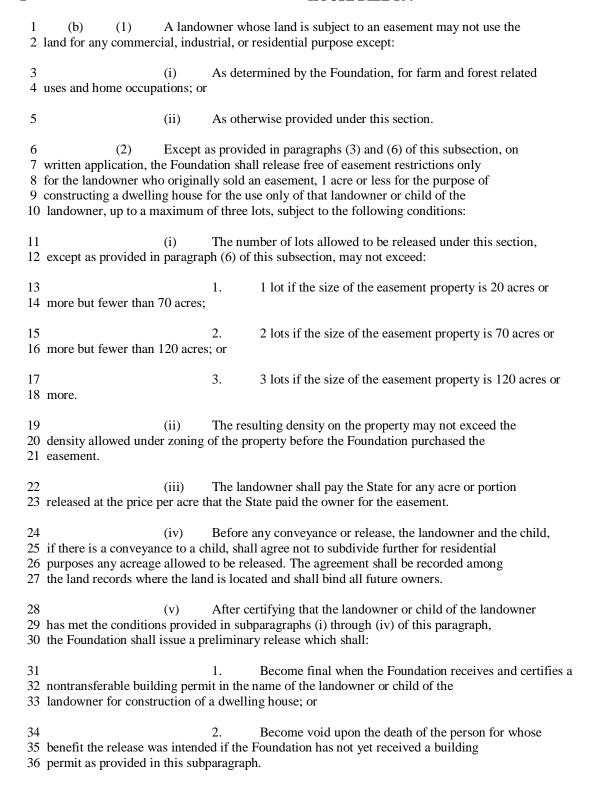
Assigned to: Environmental Matters

A BILL ENTITLED

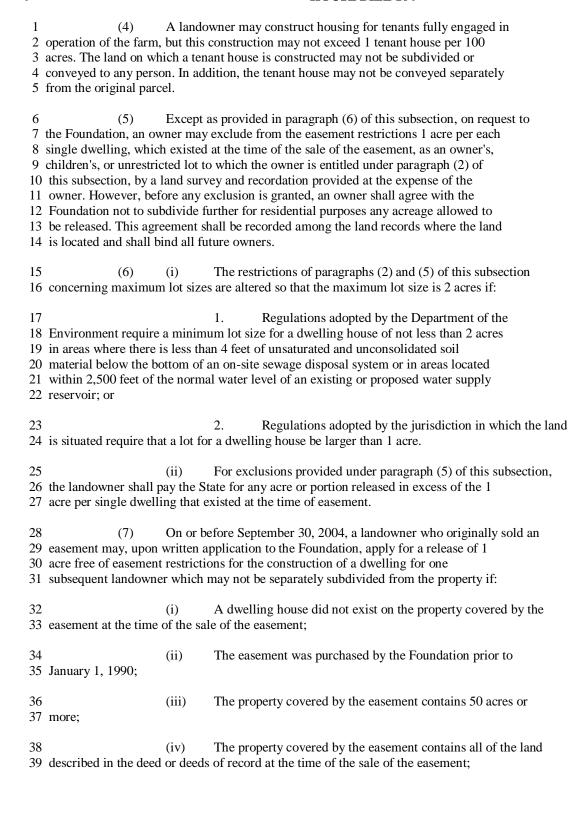
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2 Maryland Agricultural Land Preservation Foundation

- 3 FOR the purpose of requiring a statement on certain agricultural land preservation
- 4 easement releases that certain lots on an easement may not be transferred until
- 5 a certain date under certain circumstances.
- 6 BY repealing and reenacting, with amendments,
- 7 Article Agriculture
- 8 Section 2-513
- 9 Annotated Code of Maryland
- 10 (1999 Replacement Volume and 2003 Supplement)
- 11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 12 MARYLAND, That the Laws of Maryland read as follows:
- 13 Article Agriculture
- 14 2-513.
- 15 (a) Agricultural land preservation easements may be purchased under this
- 16 subtitle for any land in agricultural use which meets the minimum criteria
- 17 established under § 2-509 of this subtitle if the easement and county regulations
- 18 governing the use of the land include the following provisions:
- 19 (1) Any farm use of land is permitted.
- 20 Operation at any time of any machinery used in farm production or
- 21 the primary processing of agricultural products is permitted.
- 22 (3) All normal agricultural operations performed in accordance with
- 23 good husbandry practices which do not cause bodily injury or directly endanger
- 24 human health are permitted including, but not limited to, sale of farm products
- 25 produced on the farm where such sales are made.



| 1 2 | shall include: | (vi) | Any release or preliminary release issued under this paragraph |
|----------|-----------------------------------|----------------------|--|
| | | | 1. [a] A statement of the conditions under which it was bundation that all necessary conditions for release or met, and copies of any pertinent documents; AND |
| | NOT BE TRANSFER UNLESS APPROVE | | 2. A STATEMENT THAT THE OWNER'S OR CHILD'S LOT MAY OR 5 YEARS FROM THE DATE OF THE FINAL RELEASE, IE FOUNDATION. |
| | | | Any release, preliminary release, building permit, or other in accordance with this paragraph shall be recorded the land is located and shall bind all future owners. |
| | | | The Foundation may not restrict the ability of a landowner who acquire a release under this paragraph beyond the section. |
| 17 | an easement in lieu o | f all own | wner may reserve the right to exclude 1 unrestricted lot from er's and children's lots to which the landowner would ragraph (2) of this subsection, subject to the following |
| | density allowed unde | (i) er zoning | The resulting density on the property shall be less than the of the property before the Foundation purchased the |
| 22 23 | | (ii) d to anyo | An unrestricted lot may be subdivided by the landowner from ne to construct one residential dwelling; |
| 24 25 | provided in paragrap | (iii) h (6) of tl | The size of an unrestricted lot shall be 1 acre or less, except as nis subsection; |
| 28 | residential purposes | | The landowner shall agree not to subdivide further for ge allowed to be released, and the agreement shall be 'ds where the land is located and shall bind all future |
| 30 31 | | (v) and deteri | The right to the lot is taken into consideration in the appraisal mination of easement value; |
| | | (vi) ubject to t | The lot can be subdivided at any time and the location of the lot the approval of the local agricultural advisory board and |
| 35 36 | has been exercised, the | (vii) he right n | If the property is transferred before the right to exclude the lot may be transferred with the property. |



| | (v) The landowner who originally sold the easement has not exercised the right to 1 acre for the construction of a dwelling house pursuant to paragraph (2) of this subsection; |
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| 4 5 | (vi) Prior to the release, the landowner shall pay the State for 1 acre at the price per acre that the State paid for the easement; and |
| 6 | (vii) The property is located in Carroll County. |
| 7 8 | (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. |

- 9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
- 9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take 10 effect October 1, 2004.