

---

By: **Delegates Stocksdale and Aumann**  
Introduced and read first time: February 10, 2005  
Assigned to: Environmental Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation - Child Lot - Notice**

3 FOR the purpose of requiring, as a condition for the release free of easement  
4 restrictions by the Maryland Agricultural Land Preservation Foundation of a lot  
5 to a landowner for the use of the landowner's child, that the landowner disclose  
6 to the Foundation, at the time of settlement of the purchase of the easement and  
7 on a form supplied by the Foundation, that the landowner will be seeking the  
8 release of a lot for that child.

9 BY repealing and reenacting, with amendments,  
10 Article - Agriculture  
11 Section 2-513(b)  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume and 2004 Supplement)

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

16 **Article - Agriculture**

17 2-513.

18 (b) (1) A landowner whose land is subject to an easement may not use the  
19 land for any commercial, industrial, or residential purpose except:

20 (i) As determined by the Foundation, for farm and forest related  
21 uses and home occupations; or

22 (ii) As otherwise provided under this section.

23 (2) Except as provided in paragraphs (3) and (6) of this subsection, on  
24 written application, the Foundation shall release free of easement restrictions only  
25 for the landowner who originally sold an easement, 1 acre or less for the purpose of  
26 constructing a dwelling house for the use only of that landowner or child of the  
27 landowner, up to a maximum of three lots, subject to the following conditions:

1 (i) IF THE LOT WILL BE USED BY A CHILD OF THE LANDOWNER  
2 FOR A DWELLING HOUSE, THE LANDOWNER, AT THE TIME OF SETTLEMENT OF THE  
3 PURCHASE OF THE EASEMENT AND ON A FORM SUPPLIED BY THE FOUNDATION,  
4 DISCLOSED TO THE FOUNDATION THAT THE LANDOWNER WOULD BE SEEKING THE  
5 RELEASE OF A LOT FOR THAT CHILD.

6 (II) The number of lots allowed to be released under this section,  
7 except as provided in paragraph (6) of this subsection, may not exceed:

8 1. 1 lot if the size of the easement property is 20 acres or  
9 more but fewer than 70 acres;

10 2. 2 lots if the size of the easement property is 70 acres or  
11 more but fewer than 120 acres; or

12 3. 3 lots if the size of the easement property is 120 acres or  
13 more.

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

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

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

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

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

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

33 [(vi)] (VII) Any release or preliminary release issued under this  
34 paragraph shall include:

35 1. A statement of the conditions under which it was issued, a  
36 certification by the Foundation that all necessary conditions for release or  
37 preliminary release have been met, and copies of any pertinent documents; and



1                   (4)    (i)     Subject to the approval of the Foundation, a landowner may  
2 construct housing for tenants fully engaged in operation of the farm.

3                   (ii)    Construction may not exceed 1 tenant house per 100 acres,  
4 unless the Foundation grants an exception based on a showing of compelling need.

5                   (iii)   The land on which a tenant house is constructed may not be  
6 subdivided or conveyed to any person. In addition, the tenant house may not be  
7 conveyed separately from the original parcel.

8                   (iv)    The Foundation shall adopt regulations for the size and location  
9 of tenant houses.

10                  (5)     Except as provided in paragraph (6) of this subsection, on request to  
11 the Foundation, an owner may exclude from the easement restrictions 1 acre per each  
12 single dwelling, which existed at the time of the sale of the easement, as an owner's,  
13 children's, or unrestricted lot to which the owner is entitled under paragraph (2) of  
14 this subsection, by a land survey and recordation provided at the expense of the  
15 owner. However, before any exclusion is granted, an owner shall agree with the  
16 Foundation not to subdivide further for residential purposes any acreage allowed to  
17 be released. This agreement shall be recorded among the land records where the land  
18 is located and shall bind all future owners.

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

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

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

29                   (ii)    For exclusions provided under paragraph (5) of this subsection,  
30 the landowner shall pay the State for any acre or portion released in excess of the 1  
31 acre per single dwelling that existed at the time of easement.

32   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2005.