

# HOUSE BILL 676

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By: **Delegates Cane, Beitzel, Carr, Conway, Donoghue, Frush, Kelly, Mathias, Myers, Rudolph, Shewell, Stocksdale, Stull, Waldstreicher, and Wood**

Introduced and read first time: February 9, 2009

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation – Easements**

3 FOR the purpose of authorizing the Maryland Agricultural Land Preservation  
4 Foundation to enter into certain corrective easements to make certain  
5 adjustments, resolve certain violations, or accommodate certain plans;  
6 authorizing certain corrective easements to be accomplished in a certain  
7 manner; excluding certain corrective easements from certain requirements;  
8 authorizing the Foundation to adopt certain regulations; making technical  
9 corrections; and generally relating to easements under the Maryland  
10 Agricultural Land Preservation Program.

11 BY adding to

12 Article – Agriculture

13 Section 2–513(b)(8)

14 Annotated Code of Maryland

15 (2007 Replacement Volume and 2008 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article – Agriculture

18 Section 2–513(b)(8)

19 Annotated Code of Maryland

20 (2007 Replacement Volume and 2008 Supplement)

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

23 **Article – Agriculture**

24 2–513.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (b)   (8)   (I)   **THE FOUNDATION MAY ENTER INTO CORRECTIVE**  
2 **EASEMENT WITH LANDOWNERS IN ORDER TO:**

3                           **1.    ADJUST BOUNDARY LINES;**

4                           **2.    RESOLVE EASEMENT VIOLATIONS; OR**

5                           **3.    ACCOMMODATE A PLAN THAT THE FOUNDATION**  
6 **HAS DETERMINED WILL BENEFIT THE AGRICULTURAL OPERATIONS.**

7                           **(II)   THE CORRECTIVE EASEMENTS MAY BE ACCOMPLISHED**  
8 **BY THE EXCHANGE AND RELEASE OF FARMLAND SUBJECT TO EASEMENT**  
9 **RESTRICTIONS WITH OTHER FARMLAND THAT MEETS THE REQUIREMENTS OF**  
10 **THIS SUBTITLE.**

11                          **(III)   A CORRECTIVE EASEMENT APPROVED BY THE**  
12 **FOUNDATION IS NOT SUBJECT TO THE REQUIREMENTS OF §§ 4-416 AND 10-305**  
13 **OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

14                          **(IV)   THE FOUNDATION SHALL ADOPT REGULATIONS TO**  
15 **CARRY OUT THIS PARAGRAPH.**

16                          **[(8)] (9)**    The restrictions of paragraphs (2) and (5) of this subsection  
17 concerning maximum lot sizes may be waived by the Foundation so that the maximum  
18 lot size is 2 acres if:

19                           (i)    The Foundation receives a recommendation to allow a  
20 maximum lot size of more than 1 acre from the county agricultural preservation  
21 advisory board and the planning and zoning authority of the jurisdiction where the  
22 land is situated; and

23                           (ii)   The Foundation makes a determination that a lot size  
24 greater than 1 acre will not interfere significantly with the agricultural use of the land  
25 under easement.

26                          **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
27 **October 1, 2009.**