

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1351

(Delegate Krebs, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

Agriculture – Easements – Special Occasion Events

This bill authorizes a landowner to use a portion of the land subject to a Maryland Agricultural Land Preservation Foundation (MALPF) easement to hold special occasion events for commercial purposes, subject to specified conditions. The bill must be construed to apply retroactively and be applied to and interpreted to affect agricultural preservation easements purchased or acquired by MALPF before the bill's effective date. **The bill takes effect June 1, 2018.**

Fiscal Summary

State Effect: None. The bill can be implemented with existing resources.

Local Effect: None. The bill can be implemented with existing resources.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The bill authorizes a landowner to use a portion of the land subject to a MALPF easement to hold special occasion events (defined as weddings, lifetime milestone events, or other cultural or social events) for commercial purposes, subject to MALPF approval and any applicable regulations, if:

- more than 10 years have elapsed since the easement was recorded in the land records;
- the local agricultural advisory board provides a written favorable recommendation for the proposed special occasion event area;

- the proposed special occasion events are not prohibited by any federal, State, or local law or regulation;
- the proposed special occasion events will not interfere with any federal, State, or local restriction placed on funds used by MALPF to purchase the easement;
- the proposed special occasion event area, including parking for the special occasion events, does not exceed two acres, as shown on a map prepared and certified by a licensed professional land surveyor;
- MALPF approves, in writing, the location of the proposed special occasion event area;
- MALPF determines, in writing, that the proposed special occasion events will not interfere with the agricultural use of the land subject to the easement;
- the proposed special occasion events will take place in (1) a temporary structure, including an enclosed or open canopy or tent, or other portable structure erected for a reasonable amount of time to accommodate the special occasion event; (2) an existing building on the land subject to the easement; (3) a farm or open air pavilion; or (4) any other existing structure located on the land subject to the easement; and
- unless required by law, the special occasion event area does not add any new impervious surfaces to the land subject to the easement.

An approval granted by MALPF to a landowner to use a portion of the land subject to an easement to hold special occasion events for commercial purposes automatically terminates on the sale or transfer of the land subject to the easement.

Current Law/Background: With respect to any agricultural land preservation easement purchased by MALPF, the easement and county regulations governing the use of the land must permit (1) any farm use of the land; (2) operation at any time of any machinery used in farm production or the primary processing of agricultural products; and (3) all normal agricultural operations performed in accordance with good husbandry practices which do not cause bodily injury or directly endanger human health, including, but not limited to, sale of farm products produced on the farm where such sales are made.

A landowner whose land is subject to an easement may not use the land for any commercial, industrial, or residential purpose except (1) as determined by MALPF, for farm- and forest-related uses and home occupations or (2) other specified purposes.

MALPF regulations establish a process for a landowner to request approval from MALPF for farm-, forest-, or home occupation-related uses or activities of eligible landowners on a farm subject to easement restrictions even though the use or activity does not strictly fall within the definition of traditional agricultural use. MALPF must consider various specified criteria in determining whether to approve or disapprove any use or activity.

MALPF indicates that it currently is not able to approve use of an easement property for commercial special occasion events.

Small Business Effect: To the extent small business farms whose properties are subject to MALPF easements are able to gain approval from MALPF to hold special occasion events for commercial purposes as a result of the bill, those small businesses may meaningfully benefit.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Agriculture; Montgomery and Prince George's counties; Department of Legislative Services

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