

**DELAWARE AGRICULTURAL LANDS
PRESERVATION FOUNDATION**

Agenda is subject to change

Foundation Meeting Date: May 9th, 2016, 8:30 a.m.
Delaware Department of Agriculture, Conference Room Two
2320 S. DuPont Hwy., Dover, DE 19901
Phone: 302-698-4530 or 1-800-282-8685

- I. Call to Order

- II. Review and Action on Proposed Legislation Concerning Agri-tourism activities on Properties Enrolled in the Aglands Preservation Program

- III. Adjournment

Agenda posted at 12:00PM on May 3rd, 2016
This agenda was not posted 7 days in advance due to employee error



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Preservation Foundation

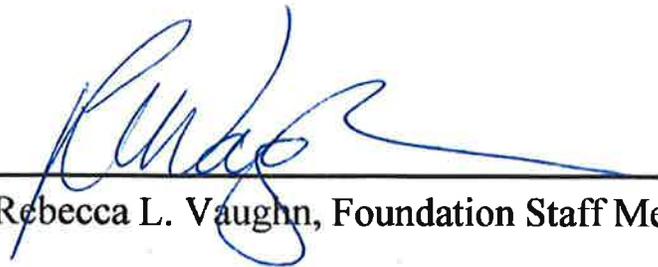
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May 2, 2016

NOTICE is hereby given that the Delaware Agricultural Lands Preservation Foundation will hold a special meeting to consider proposed legislation at 8:30 A.M on Monday, May 9th, 2016 at the Delaware Department of Agriculture, Conference Room #2, 2320 S. DuPont Hwy, Dover, Delaware. A copy of this proposed legislation is attached to this Memorandum.

Please contact our office at 302-698-4530 with any questions.



Rebecca L. Vaughn, Foundation Staff Member

Sponsors:

DELAWARE STATE SENATE
148TH GENERAL ASSEMBLY
SENATE BILL _____

AN ACT TO AMEND CHAPTER 9 OF TITLE 3 OF THE DELAWARE CODE RELATING TO ACTIVITIES
ON PROPERTIES ENROLLED IN THE AGRICULTURAL LANDS PRESERVATION PROGRAM

BE IT ENHANCED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 909(a)(5)b, Title 3 of the Delaware Code by eliminating the words "barn parties" from such subparagraph as shown by strikethrough so that the revised subparagraph reads as follows:

"b. Hayrides, horseback riding, guided tours, ~~barn parties~~ and petting zoos shall be allowed, provided that said activities are limited to no more than 50 persons on the premises at a time."

Section 2. Amend Section 909(a)(5)b, Title 3 of the Delaware Code by adding a new subparagraph k. to read as follows:

"k. Farm structures in existence at the time of approval of a District or expansion of a District that are no longer used in farming operations, and any related temporary ancillary structure used in conjunction with the existing farm structures, may be used for public and private gatherings, such as weddings, parties, conferences, fundraising ceremonies and other similar events, provided the following requirements are satisfied:

1. The property with improvements on which the allowed activities are conducted must be owned by the Person subject to the District Agreement or Preservation Easement;

2. The area on which the allowed activities are conducted cannot be subdivided from the agricultural lands;

3. The area on which the allowed activities are conducted shall be limited to the extent feasible to avoid impacts on current and beneficial agricultural use of the agricultural lands and the exterior dimensions of the existing farm structures shall not be increased in size;

4. The Person seeking to conduct activities allowed under this subsection shall submit to the Foundation Board, in advance and on an application form

provided by the Foundation, a detailed description and plan of the proposed activities;

5. The application shall have been approved by the Foundation, subject to such terms and conditions deemed necessary and desirable to protect the agricultural value of the property, which terms and conditions shall be subject to the enforcement provisions set forth in Section 920(a) of Title 3 of the Delaware Code; and

6. The Person seeking to conduct activities allowed under this subsection shall have agreed, in writing, to comply with the terms and conditions set forth in the Foundation Board's approval."

Section 3. Amend Section 909(a)(5)b., Title 3 of the Delaware Code by adding a new subparagraph l. to read as follows:

"l. Annual and Semi-Annual events conducted during the non-primary growing season, subject to case by case review and approval by the Foundation Board, and if approved subject to such terms and conditions imposed to protect the agricultural value of the property, which terms and conditions shall be subject to the enforcement provisions set forth in Section 920(a) of Title 3 of the Delaware Code.

SYNOPSIS

The Agricultural Lands Preservation Act currently allows for various agritourism activities and other uses of farm lands in the Preservation Program which do not unduly interfere with ongoing agricultural use of the properties. These allowances provide the opportunity for participants in the Preservation Program to generate additional income from activities which are currently available to farm owners who have chosen not to participate in the Preservation Program. This legislation enhances with controls the income opportunities for those participating in the Preservation Program.

Section 1 simply transfers the allowance of barn parties to Section 2 under which certain controls are imposed.

Section 2 allows existing farm structures no longer used in farming operations to be converted to allow for various types of gatherings subject to enumerated limitations. Beneficial use of the agricultural lands is protected and the Foundation Board must review and approve applications for use of the existing farm structures.

Section 3 allows for annual and semi-annual events to be held on farmland in the Preservation Program during the non-primary growing season when crops are not in the fields. The Foundation Board must approve any such events on a case by case basis.

This legislation applies to the 34% of the remaining farmlands in Delaware which have been enrolled in the Foundation's Agricultural Lands Preservation Program in the last 20 years.

PROPOSED