

State of Maryland
Department of Agriculture



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**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
APPLICATION FOR AGRICULTURAL SUBDIVISION**

NAME: _____

CONTACT ADDRESS: _____

FILE NO.: _____ **COUNTY:** _____ **ACRES:** _____

PROPERTY STATUS (circle one): **DISTRICT** **EASEMENT**

A. PLEASE ANSWER THE FOLLOWING QUESTIONS REGARDING PREVIOUS APPROVAL(S) FOR AN AGRICULTURAL SUBDIVISION ON THIS PROPERTY:

Has the Foundation approved any prior agricultural subdivisions on this property (circle one)? Yes No
If so, please indicate date of approval: _____ What was the size of the divided off parcel? _____
Has the subdivided acreage been conveyed to another party (circle one)? Yes No
If yes, please provide the Foundation with the Recorded Deed, which shows date of transaction and new ownership.

B. PLEASE ANSWER THE FOLLOWING QUESTIONS REGARDING THE CURRENT REQUEST FOR AN AGRICULTURAL SUBDIVISION ON THIS PROPERTY:

What is the acreage amount of the requested subdivision: _____ and of the remaining parcel? _____
Do the boundaries for agricultural subdivision follow some physical characteristics of the farm, such as the end of a field or hedge row, a stream, or some physical feature of the farm (circle one)? Yes No
If yes, explain: _____
What is the reason for the requested subdivision? _____
How many acres within the proposed subdivision are classified as USDA Soil Capability Class I, II, III and/or Woodland Group 1 or 2? _____
How many acres will remain in the original parcel of the District that are classified as USDA Soil Capability Class I, II, III and/or Woodland Group 1 or 2? _____
Will this subdivision affect the viability of the present farming operation (circle one)? Yes No
Will this subdivision be added to another parcel to enhance an adjacent agricultural operation? If so, what will be the land use? _____

C. CRITERIA:

1. A request for an agricultural subdivision will not be considered for any property that contains less than 100.0 acres unless it is an easement property. *(See Special Exception 1 below.)*
2. No more than one agricultural subdivision per full 100.0 acres will be considered for any property (i.e., 1 division for 100 – 199 acres, 2 for 200 – 299 acres, 3 for 300 – 399 acres, etc.).
3. The size of any requested agricultural subdivision must be at least 50.0 acres in size. *(See Special Exceptions 2 and 3.)*
4. The parcel remaining after any agricultural subdivision must be at least 50.0 acres in size.
5. The proposed agricultural subdivision and the remaining parcel must both meet the Foundation's minimum soils criteria as described in COMAR 15.15.01.03D(1)(b). *(See Special Exception 4 below.)*
6. The parcel to be agriculturally subdivided and the remaining parcel must both continue to qualify for agricultural use assessment under Tax Property Article, Section 8-209, Annotated Code of Maryland. NOTE: This may require the agriculturally subdivided parcel to be incorporated into the receiving parcel by new deed.
7. A request for an agricultural subdivision must conform to local planning and zoning requirements and/or regulations.

D. SPECIAL EXCEPTION TO CRITERIA:

1. If an easement property contains less than 100.0 acres, a request for an agricultural subdivision may be considered on a case-by-case basis ONLY if the parcel to be subdivided is conveyed to an adjoining easement property and the remaining parcel consists at least 50.0 acres. *(If the adjoining easement property is not a MALPF easement, it must be restricted by a recorded*

instrument that permits agricultural activities and contains restrictions that are the same as or more stringent than those found in the MALPF deed of easement.) This exception will not be available for district properties.

2. A request for an agricultural subdivision of minor acreage of district or easement property may be considered by the Foundation on a case-by-case basis for the express purpose of straightening property boundary lines.
3. A request for an agricultural subdivision of less than 50.0 acres from easement property may be considered on a case-by-case basis ONLY if the parcel to be subdivided is conveyed to an adjoining easement property and the remaining parcel consists at least 50.0 acres. *(If the adjoining easement property is not a MALPF easement, it must be restricted by a recorded instrument that permits agricultural activities and contains restrictions that are the same as or more stringent than those found in the MALPF deed of easement.)* This exception will not be available for district properties.
4. A proposed agricultural subdivision of easement property, when conveyed to an adjoining easement, does not have to meet the minimum soils criteria as described in COMAR 15.15.01.03.D.(1)(b). However, the remaining parcel WILL have to meet the minimum soils criteria as described in COMAR 15.15.01.03.D.(1)(b).

E. PROCEDURE:

The Foundation will not consider any request for an agricultural subdivision until ALL of the following information is received:

1. An Application for Agricultural Subdivision which has been fully completed and signed by ALL titled landowners.
2. An unmarked copy of the tax map which outlines the entire district or easement property. *(This copy will be labeled by Foundation staff for inclusion in the agenda packet.)*
3. A second copy of the tax map which clearly indicates the property boundaries of the district or easement and the area proposed to be agriculturally subdivided. This tax map must show all pre-existing dwellings, lot exclusions, tenant houses, farm buildings, etc.
4. Written verification from the County Program Administrator describing the current overall farm operation as well as the current and intended use of the proposed agricultural subdivision.
5. Written documentation from the local Tax Assessment Office that the proposed agricultural subdivision and remaining parcel will continue to qualify for agricultural use assessment under Tax Property Article, Section 8-209, Annotated Code of Maryland. NOTE: This may require the agriculturally subdivided parcel to be incorporated into the receiving parcel by new deed.
6. Letter of recommendation from the local Agricultural Land Preservation Advisory Board addressing the potential for continued agricultural use of the property.
7. Written statement from the local Planning and Zoning Office or the County Program Administrator indicating that the proposed agricultural subdivision conforms to, and is compatible with, local subdivision requirements.
8. If the request for an agricultural subdivision is being made as a special exception, the local Agricultural Land Preservation Advisory Board will make a recommendation to either endorse or deny the request for the agricultural subdivision.
9. Any request for a special exception (other than for a property line adjustment) must include letters of support from the organizations that can attest to the logistics of the request and the long-term productive capabilities of both the proposed agricultural subdivision and the remaining parcel (e.g., County Extension Agent, ASCS Office, Soil Conservation Service, Forest Service, etc.).

The Maryland Agricultural Land Preservation Foundation's Board of Trustees will review each request for agricultural subdivision on a case-by-case basis and will consider the county's recommendation, statement of conformity, the agricultural capability of the land and any supporting documentation.

NOTE: No district or easement property may be subdivided without the written approval of the Foundation. All requests for agricultural subdivisions shall be reviewed on a case-by-case basis. An approval for an agricultural subdivision should not be portrayed as an absolute right to the landowner. Each request will be reviewed to determine if the proposed subdivided parcel and remaining parcel will continue to be able to sustain long-term agricultural production. The boundaries of the proposed agricultural subdivision should follow physical characteristics of the farm such as the end of a field or hedge row, edge of woodland, a stream, road or farm lane, or some other physical feature of the farm.

In signing this application, the landowner agrees with the items listed below, which are reflected in the Covenants, Conditions and Restrictions of the District Agreement and/or the Deed of Easement:

1. I/We understand that only upon request to and written approval from the Foundation, I may agriculturally subdivide my district/easement property.
2. I/We understand that the acreage subdivided from my district/easement property will still be bound by the district/easement restrictions.

Landowner Signature/Date

Landowner Signature/Date

Landowner Signature/Date

Landowner Signature/Date