

State of Maryland
Department of Agriculture



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**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
APPLICATION FOR AGRICULTURAL SUBDIVISION
(COMAR 15.15.12.)**

A. NAMES OF ALL OWNERS IN TITLE: _____

CONTACT ADDRESS: _____

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

TAX MAP _____ **PARCEL NO.** _____ **TAX MAP** _____ **PARCEL NO.** _____

TAX MAP _____ **PARCEL NO.** _____ **TAX MAP** _____ **PARCEL NO.** _____

PLEASE ANSWER THE FOLLOWING QUESTIONS REGARDING PREVIOUS APPROVAL(S) FOR AGRICULTURAL SUBDIVISION INVOLVING THIS LAND:

Has the Foundation approved any prior agricultural subdivisions involving this land? Yes No

If yes, please indicate date of approval: _____

If the land was previously agriculturally subdivided without Foundation approval, are you seeking retroactive approval: Yes No

Please complete the following if the land was previously subdivided:

What are the sizes of the resulting divided parcels?

Parcel #1 _____ acres, Parcel #2 _____ acres, Parcel #3 _____ acres, Parcel #4 _____ acres

Who presently owns the resulting divided parcels?

Parcel #1 Name _____ Deed reference: _____

Parcel #2 Name _____ Deed reference: _____

Parcel #3 Name _____ Deed reference: _____

Parcel #4 Name _____ Deed reference: _____

B. PLEASE ANSWER THE FOLLOWING QUESTIONS REGARDING THIS APPLICATION FOR APPROVAL OF AN AGRICULTURAL SUBDIVISION

1. What are the proposed sizes of the resulting divided parcels?

Parcel #1 _____ acres, Parcel #2 _____ acres, Parcel #3 _____ acres, Parcel #4 _____ acres

2. 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 other physical feature of the farm? Yes No. If yes, explain: _____

3. If one of the divided parcels is less than 50 acres, please describe either the physical separation of the land created by (a) bodies of water; (b) public roads; or (c) features that significantly restrict the movement of agricultural equipment from one portion of the land to another, and/or whether the parcel is to be conveyed to owners of adjacent land which is already encumbered by a MALPF Easement or another type of conservation easement:

4. Please state the **agricultural purpose** of the requested subdivision. You should provide as much detail as possible to explain the **agricultural purpose** of your proposed subdivision. Estate Planning or estate distribution are not agricultural purposes.

5. How many acres in each resulting divided parcel are classified as USDA Soil Capability Class I, II, III and/or Woodland Group 1 or 2? Parcel #1 _____ acres, Parcel #2 _____ acres, Parcel #3 _____ acres, Parcel #4 _____ acres

5.a. If you stated under #3 that a parcel is to be conveyed to owners of adjacent land which is already encumbered by a MALPF Easement, state how many acres out of the total acreage of newly configured land are classified as USDA Soil Capability Class I, II, III and/or Woodland Group 1 or 2: _____

6. Will any of the resulting divided parcels be added to another parcel to enhance an adjacent agricultural operation? Yes No
If yes, please explain which parcel(s) and how it/they will enhance the adjacent agricultural operation, and state whether the adjacent parcel is encumbered by a MALPF Easement or another type of conservation easement:

7. How many existing dwellings (excluding tenant houses) are on the land? _____ How many tenant houses are on the land? _____
Describe where each dwelling or tenant house will be located after the agricultural subdivision (a tax map or boundary survey must be attached depicting the current locations(s) of all building(s) as specified under 9 b.iii. below): _____

7a. Will you agree to make any of the existing dwellings or dwelling rights non-subdividable from either/both of the proposed subdivided portions of the easement? If yes, please indicate on the attached aerial map which dwelling(s) will be non-subdividable from the easement property. _____

8. Will the county require any road frontage dedication as a prerequisite for subdivision approval? Yes No If yes, please explain:

9. Please attach the following to this application:

- a. An unmarked copy of a tax map or boundary survey which outlines the entire easement land, including any land previously subdivided, whether approved or unapproved.
- b. A second copy of the tax map or boundary survey which clearly shows:
 - i. the boundaries of the easement land;
 - ii. the location of the proposed line or lines of subdivision and the amount of acreage each resulting divided parcel is proposed to contain;
 - iii. the location of, and access to, all existing dwellings, lot exclusions, tenant houses and farm buildings; and
 - iv. which dwelling(s) will be designated as non-subdividable from the easement property.
- c. A written statement from the landowner indicating:
 - i. the reason for the agricultural subdivision request, including an **explanation of how the agricultural subdivision serves the agricultural purpose, how the subdivision will enhance or have no effect upon the agricultural operations, and how the resulting divided parcels will be able to sustain long-term agricultural production, independent from each other;**
 - ii. if any rights to a lot or lots have been reserved, but still unexercised, under the easement, a proposal detailing which resulting divided parcel or parcels are to be allocated those rights, provided that family lots that will continue to be reserved and unexercised after the subdivision must be allocated to the resulting divided parcel to be retained by the original grantor of the easement;
 - iii. the name, address, email address and telephone number of all landowners whose lands are involved in this request; and
 - iv. the name of the individual or entity who will pay for the costs of the required corrective easement transaction(s).
- d. A written statement from the county program administrator describing the current overall farm operation, whether the proposed agricultural subdivision serves an agricultural purpose, whether it will enhance or will have no effect upon the agricultural operations, and whether the resulting divided parcels will be able to sustain long-term agricultural production, independent from each other.
- e. A letter of recommendation from the local agricultural land preservation advisory board addressing the potential for continued agricultural use of each of the resulting divided parcels.

- f. Written verification from the local tax assessment office that each of the resulting divided parcels continue to qualify for agricultural use assessment under Tax-Property Article, Annotated Code of Maryland.
- g. A letter from local planning and zoning office or the county program administrator that the requested subdivision is consistent with county planning and zoning regulations.
- h. If applicable, letters of support from organizations such as the Soil Conservation Service and Forest Service attesting to the long-term productive capabilities for each resulting divided parcel of less than 50 acres.
- i. If the landowner is seeking retroactive approval for an previously unapproved subdivision, such additional evidence that establishes that the subdivision served an agricultural purpose, that the subdivision enhanced or had no effect upon the agricultural operations being conducted upon the land, that the resulting divided parcels have sustained agricultural production independently of each other from the time of the subdivision, and the resulting divided parcels have sufficient potential to sustain agricultural production independent of each other in the future.
- j. Such other information concerning the landowner's situation and plans to provide the Foundation with a complete analysis of the proposed subdivision.

In signing this application, the landowner(s) acknowledge(s):

1. No easement land may be subdivided without the written approval of the Foundation. The Foundation may give written approval to a landowner's request for an agricultural subdivision of the land and separate ownership of the resulting divided parcels for reasons the Foundation considers sufficiently extraordinary to justify an exception to the prohibition against subdivision. The approval for an agricultural subdivision is not an absolute right of a landowner, and requests shall be reviewed by the Foundation on a case-by-case basis to determine if, in the Foundation's opinion:

- (a) The proposed agricultural subdivision serves an agricultural purpose;
- (b) The proposed agricultural subdivision will enhance or have no effect upon the agricultural operations being conducted upon the land; and
- (c) The resulting divided parcels from the agricultural subdivision are able to sustain long-term agricultural production, independent from each other.

2. Corrective easements are required to formalize the Foundation's approval. The corrective easements may include other additional terms, conditions, waivers, or restrictions that the Foundation considers appropriate to protect the agricultural purpose and the future profitability of resulting divided farm parcels. The landowner shall pay for the cost of all title work, title insurance premiums, surveys and documentation necessary to complete the agricultural subdivision. These transactions are not considered a priority of the Foundation and shall be completed as staff resources permit.

3. The owners of all of the resulting divided parcels of an approved agricultural subdivision under this Chapter shall waive the right to request termination under Agriculture Article §2-514 Annotated Code of Maryland and shall agree to specify the waiver in the corrective easements.

4. The Foundation may deny a request for an agricultural subdivision if an easement violation exists upon the land.

5. If a subdivision was previously unapproved, the Foundation may either require that the land be restored to its original configuration or it may consider accepting a subdivision request from the owners of all of the resulting divided parcels. If it accepts a subdivision request, but does not ultimately approve the agricultural subdivision, the land shall be restored to its original configuration under the easement.

6. A landowner shall not proceed with plans pursuant to the approval (including, but not limited to, plat recordation or deed conveyance) until the corrective easements have been recorded among the land records in the county in which the land is situated, unless the Foundation issues a letter permitting the landowner to proceed.

7. If the Foundation approves the request, then the landowner:

- (a) shall submit to the Foundation, 10 copies of a survey plat, signed and sealed by a surveyor registered in the State of Maryland depicting the resulting divided parcels of the land, along with separate written metes and bounds descriptions of those resulting divided parcels; and
- (b) shall remit funds in the amount and manner directed by the Foundation to cover the costs of the transaction and shall furnish such other documentation as directed by the Foundation.

8. If the Foundation Board approves an agricultural subdivision, the approval shall be void if:

(a) the landowner fails to provide the required funds and documents to the Foundation within three years of the Foundation Board's approval, unless an extension request has been submitted and approved by Foundation staff within three years of the approval; or

(b) any portion of the easement property which is the subject of the requested agricultural subdivision described herein is sold, transferred or otherwise conveyed in any manner to any party before the corrective easement process is complete

In signing this application, the landowner(s) represent and warrant that the contents of this application and attachments are true and correct to the best of his/her/their knowledge, information and belief.

Landowner Signature/Date

Landowner Signature/Date

Rev. 10/2014

