



Prince George's Soil Conservation District

Marlboro Village Shopping Ctr. - 5010 Brown Station Road, Suite 195 - Upper Marlboro, MD 20772
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March 1, 2007

Prince George's County Planning Department
Office of the Director

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Distribution _____

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Fern Piret, Planning Director

FROM: Yates Clagett, Conservation Planner
Prince George' Soil Conservation District

SUBJECT: Formation of Agricultural District

Background

The State of Maryland, through the Maryland Agricultural Land Preservation Foundation (MALPF), has established a program to encourage the preservation of agricultural land. This program allows one or more landowners to voluntarily form agricultural districts if certain criteria are met. The proposed district is reviewed by the Agricultural Preservation Advisory Board, County government and MALPF. If the district is approved, the landowner agrees to continue farming for at least five years. The County, on the other hand, agrees to limit construction of large capital facilities in the district and not acquire the land.

After formation of a district, a property owner may negotiate to sell development rights to the State. The value of the easement is subject to negotiation between the owner and MALPF. Funds for this program come from the state share of Program Open Space and the agricultural transfer tax. If an easement is purchased, the land must remain in agricultural use.

Maryland regulations state the county, "planning and zoning body shall inform the local governing body whether establishment of the district is compatible with existing and approved county plans, programs, and overall county policy, and whether the planning and zoning body recommends establishment of the district. In the process of review, the local planning and zoning body shall consider compatibility of district establishment with state and local plans and programs."

Proposal

An application has been received and approved by the County Agricultural Preservation Advisory Board for the following two Districts:

David and Cynthia Brooks

15200 River Airport Rd.
Brandywine, Md. 20613
Tax Account: 04-0256107
Map/Grid/Parcel: 158/F2/6
Liber/Folio: 13150/636
Total Acres: 52.581
Cropland: 38.5 ac
Woodland: 22.3 ac
Wetland: 5.0 ac
75% of the soils are class I,II,III

This parcel contains one (1) existing dwelling, which is included in the District. The parcel is located in the Rural Tier and is on the Patuxent River. 22.2 acres lie in the Critical Area Overlay Zone. Current production on the farm includes grain, vegetables and assorted trees and nursery stock.

B. Leo and Hattie Maenner

17710 Mill Branch Pl.
Mitchellville, Md. 20716
Tax Account: 07-0771790
Map/Grid/Parcel: 56/B3/25
Liber/Folio: 11253/393
Total Acres: 57.4277
Cropland: 28.8
Woodland: 11.1
Wetland: 16.5
61% of soils are Class I,II,III

Parcel contains one (1) existing dwelling. The farm is located on the Patuxent River, North of Rt. 214 and is not within the Critical Area Overlay Zone. This is a family run farm that currently produces grain crops. The property adjoins land owned by The Maryland National Parks and Planning to the north containing over 400 acres.

Analysis

The approved Master Plan for Subregion VI (1993) shows the subject property as part of a "Low Rural Living Area" in Category IV. These areas are rural areas, primarily agricultural, vacant or forested where there is no foreseeable extension of urban service – zoned predominately for rural agricultural, or open space.

Creation of this district would also be in conformance with the following visions set by the Maryland Planning Act of 1992:

- "2. Sensitive areas are protected...
- "4. Stewardship of the Chesapeake Bay and the land is a universal ethic...
- "5. Conservation of resources...is practiced..."

We believe that establishment of the proposed agricultural district is compatible with county plans and policies. Agriculture is in conformance with the master plan, the county's General Plan and the visions established by the Maryland Planning Act of 1992. Farming is a permitted use in the property's existing zone. Finally, agriculture is compatible with existing and planned neighboring uses.

Recommendation

The Planning Board should recommend approval of the establishment of the proposed agricultural district.

Attachments
c: Craig Price
David Byrd

State of Maryland
Department of Agriculture



Maryland Agricultural Land Preservation Foundation
DISTRICT AGREEMENT

For Official Use Only:

DISTRICT FILE #: _____

This Agricultural Land Preservation District Agreement, fully signed, executed and dated _____ 20____ is between the Maryland Agricultural Land Preservation Foundation (Foundation), a unit of the Maryland Department of Agriculture, and

David A. and Cynthia G. Brooks

Full Name(s) of landowner(s) (please print)

- A. This agreement memorializes the understanding between the Foundation and the landowner that an agricultural land preservation district shall be established on the land described below after it is executed by the landowner and is recorded in the land records of the county where the property is located.
- B. In signing this agreement, the landowner agrees that the following covenants, conditions, and restrictions run with the land covered by this agreement for so long as the agreement remains in effect;
- (1) The landowner agrees to keep the land in agricultural use for a minimum period of five (5) years, which period begins on the date that this agreement is recorded in the land records of the county where the property is located;
 - (2) The landowner agrees not to use the land for any commercial, industrial or residential purposes except as permitted by Agriculture Article Section 2-513, Annotated Code of Maryland;
 - (3) The landowner agrees not to divide the land for any purpose, including subdivision, off-conveyance, and the movement of boundary lines, unless the Foundation first has provided written approval of the proposed subdivision;
 - (4) The landowner agrees not to construct buildings or structures on the land that are not designed or intended to be used for agricultural purposes unless the Foundation has approved the proposed construction.
- C. The Foundation, upon written application from the landowner who originally established the District, shall release from this agreement a lot of a size and character permitted to be released by, and subject to the restrictions of, Agriculture Article Section 2-513 Annotated Code of Maryland as now enacted. Said release shall also be subject to the provisions of COMAR 15.15.01.03;
- (1) Any lot released from this agreement for the above-stated purpose will affect the owner's future right under Agriculture Article Section 2-513, Annotated Code of Maryland, to have lots released from the agricultural land preservation easement should the Foundation subsequently acquire an easement on this property;
 - (2) Any preliminary and final release shall specify whether the lot is unrestricted or is a family lot, as defined in Agriculture Article Section 2-513, Annotated Code of Maryland;
 - (3) Any preliminary and final release, building permit, or other document issued for the construction of a dwelling shall be recorded among the land records where the land is located and shall bind all future owners.
- D. A landowner may submit a written request to the Foundation for approval to construct a tenant house on this property in order to provide housing for tenants fully engaged in the agricultural operation of the farm. However, no more than one (1) tenant house per full one hundred (100) acres may be constructed on the land within the District; nor may the land on which the tenant house is constructed be subdivided or conveyed to any person; nor may the tenant house be conveyed separately from the original parcel.
- E. On or after five (5) years from the establishment of the district, provided that the Foundation has not purchased an agricultural land preservation easement on the property, the Foundation, at the written request of the landowner, shall terminate the district agreement by recording a release and termination agreement in the land records of the county where the property is located.

- F. In consideration for agreeing to the covenants, conditions, and restrictions set forth in Section B above, the landowner, with respect to the land covered by the agreement, may offer to sell an agricultural land preservation easement to the Foundation. Any option contract extended from the Foundation to the landowner for the purchase of an agricultural preservation easement is subject to available funds and approval from the State Board of Public Works. Therefore, there is no guarantee that an offer will be made or accepted for the purchase of an easement on the property described below.
- G. The Foundation may not accept an offer to sell an agricultural land preservation easement on any property where the district contains less than fifty (50) acres, unless: (1) it is contiguous to land on which an easement already exists or an easement offer is being accepted, provided such acceptances will result in at least 50 contiguous acres under easement restrictions; (2) it has extraordinary agricultural capability and is of significant size; or (3) it is located adjacent to a permanently preserved property with similar restrictions as the Foundation's Deed of Easement and approved by a majority of the Foundation's Board of Trustees, eligibility of such properties will be determined on a case by case basis.
- H. The subject property contains 52.581 total acres, more or less as referenced below located in Prince George's County and contains 1 existing dwellings, which for purposes of this program are defined as structures intended for human inhabitation whether as tenant houses, guest houses, rental property, permanently affixed trailers, duplexes and apartments. The subject property is further described in the following Metes and Bounds Description or Reference to Recorded Deed(s): 13150/636

- I. In signing this agreement, the landowner(s) hereby certify that the information contained herein is true and accurate to the best of their knowledge and hereby gives their permission to the Maryland Agricultural Land Preservation Foundation to record the district agreement in the land records of the County where the property is located.

The landowner(s) understand that by electing to record this district agreement, he/she is bound to the restrictions contained herein for a minimum period of five (5) years from the date this document is recorded. It is also understood that: (1) Should they apply to sell an agricultural land preservation easement, there may be limited funds available to purchase such easements; and (2) There is no guarantee that an offer will be made or accepted by the Foundation to obtain an Option Contract to purchase an agricultural land preservation easement on this land and that any offer made will be subject to the availability of funds and approval of the State Board of Public Works.

NOTE: If this property is owned by a business entity, all signatures of authorized directors/officers/partners/members should be provided OR a resolution should be provided with notarized signatures of appropriate officers/directors/partners/members indicating their concurrence in establishing an agricultural land preservation district on this property, and authorizing one (or more) person(s) to act on behalf of the business entity to sign all necessary documentation. Such a resolution should specify that the person(s) named have the right to establish a district and apply for and settle on the sale of an agricultural land preservation easement on this property.

<u>David A. Brooks</u>	<u>1/5/07</u>	_____	_____
Landowner	Date	Landowner	Date
<u>Cynthia S. Brooks</u>	<u>1/5/07</u>	_____	_____
Landowner	Date	Landowner	Date
_____	_____	_____	_____
Landowner	Date	Landowner	Date
_____	_____	_____	_____
Landowner	Date	Landowner	Date
_____	_____	_____	_____
Chairman, Board of Trustees		Date	
_____	_____	_____	_____
Secretary of Agriculture		Date	
_____	_____	_____	_____
State Treasurer		Date	

This District is created by local ordinance.

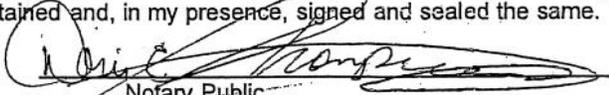
State of Maryland, County of Princee Georges, To Wit;

I hereby certify that on this 5th day of January 2007, before me the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared

David Brooks - Cynthia Brook

known to me (or satisfactorily proven) to be the landowner(s) named in the foregoing agreement and acknowledged that they executed the same for the purposes therein contained and, in my presence, signed and sealed the same.

As Witness my hand and Notarial Seal


Notary Public

My Commission Expires: 8-1-08

DO NOT NOTARIZE FOR THE LANDOWNER BELOW THIS LINE

State of Maryland, County of _____, To Wit;

I hereby certify that on this _____ day of _____ 20____, before me the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared

known to me (or satisfactorily proven) to be the **Chairman of the Board of Trustees** of the Maryland Agricultural Land Preservation Foundation and acknowledged that he/she executed the same in that capacity for the purposes therein contained and, in my presence, signed and sealed the same.

As Witness my hand and Notarial Seal

Notary Public

My Commission Expires: _____

State of Maryland, County of _____, To Wit;

I hereby certify that on this _____ day of _____ 20____, before me the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared

known to me (or satisfactorily proven) to be the **Secretary of the Department of Agriculture**, and acknowledged that he/she executed the same for the purposes therein contained and, in my presence, signed and sealed the same.

As Witness my hand and Notarial Seal

Notary Public

My Commission Expires: _____

State of Maryland, County of _____, To Wit;

I hereby certify that on this _____ day of _____ 20____, before me the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared

known to me (or satisfactorily proven) to be the **Treasurer of the State of Maryland**, and acknowledged that he/she executed the same for the purposes therein contained and, in my presence, signed and sealed the same.

As Witness my hand and Notarial Seal

Notary Public

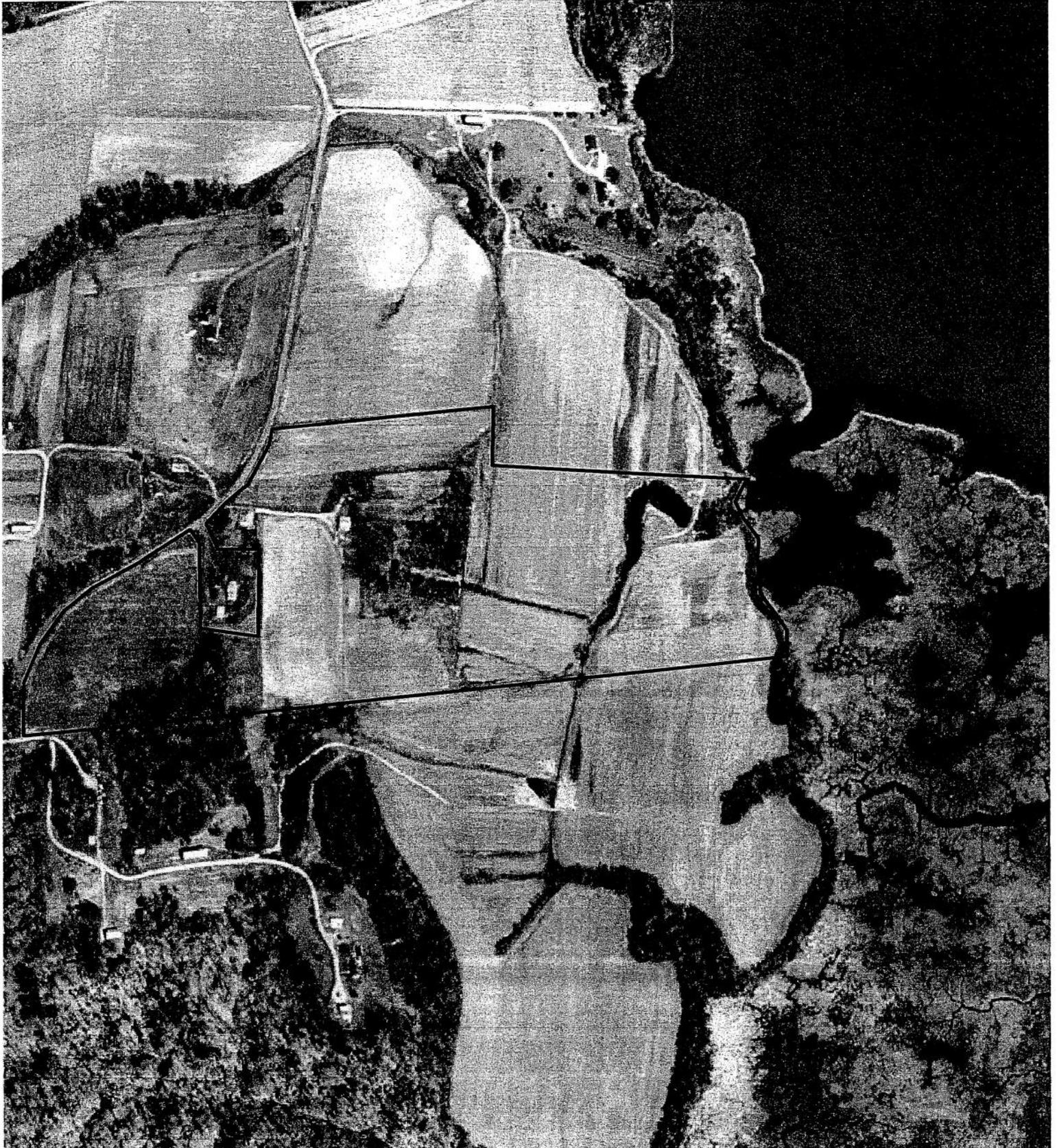
My Commission Expires: _____

Total Acres: 52.581
Cropland: 38.5
Woodland: 22.3
Wetland: 5.0
Soils: 75% Class I,II,III

Tax Acc.04-0256107
Map/Grid/Parcel: 158/F2/6

David and Cynthia Brooks
17201 River Airport Rd.
Brandywine, Md. 20613

1/22/07
RYC



**Maryland Agricultural Preservation Program
Soils Report For:**

**David and Cynthia Brooks
17200 River Airport Rd.
Brandywine, Md. 20613**

<u>Soil Type</u>	<u>Class</u>	<u>Acres</u>
AdA	II	14.7
GdB	IV	0.5
OcA	I	5.7
SmA	III	19.2
WaD3	VI	5.5
WaC3	IV	3.8
GdC	VII	<u>0.4</u>
		49.8

Total acres planimetered from soils map: 49.8ac

Total acres from tax map: 52.5

Total eligible acres: 52.5

Difference of: 2.7ac

Total Class I, II, III soil: 39.6 planimetered from soils map

75% of soils planimetered are class I, II, III

Parcel description:	Liber/Folio	Map/Grid/Parcel
	13150/636	158/F2/06

Farm meets soil and acreage eligibility requirements for Maryland Agricultural Land Preservation Program.

All acres included in the report are agricultural assessed and do not include residential acreage.

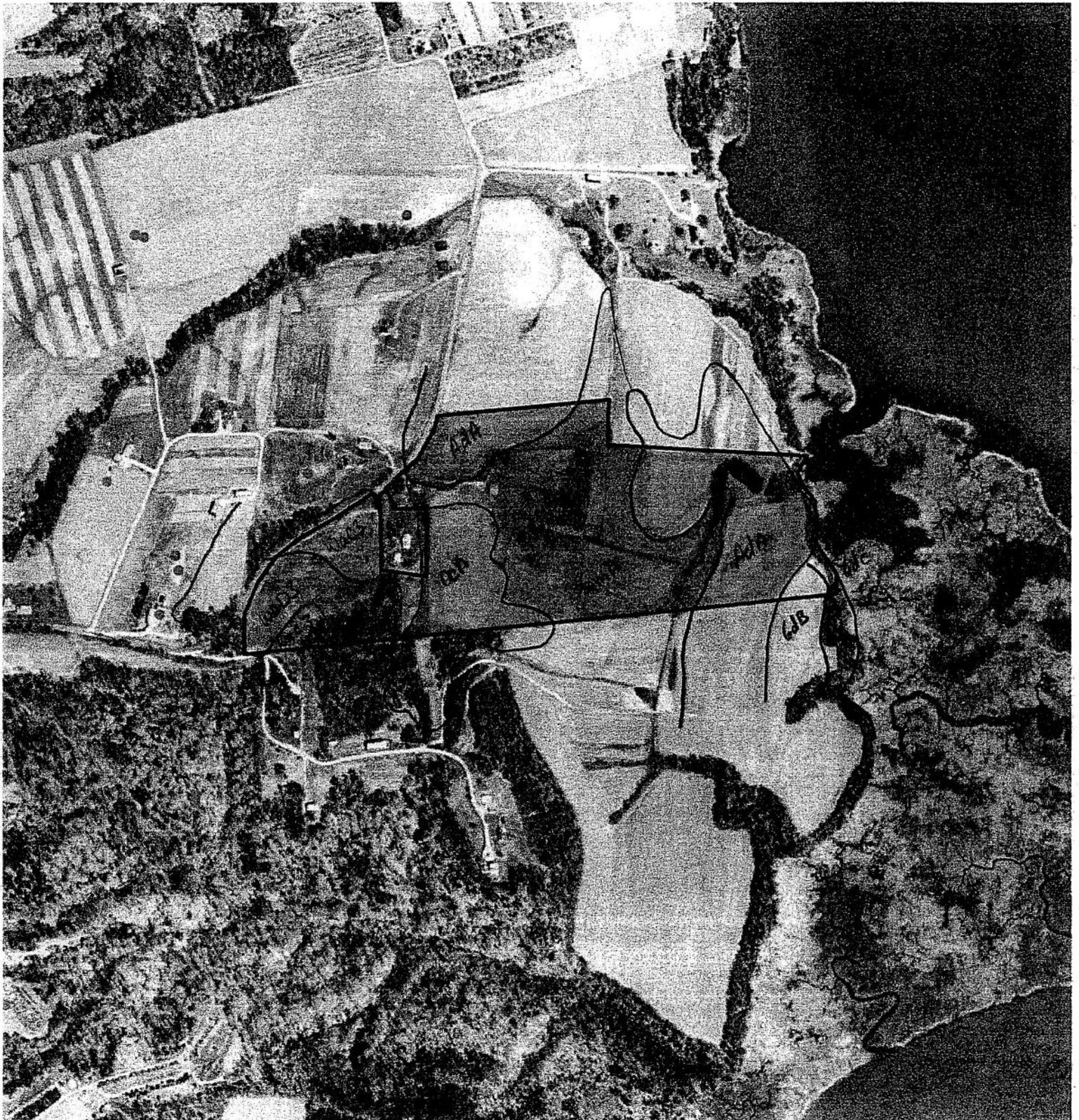
All acres have been planimetered by electronic hand planimeter. All acres are approximate and are to be used for soil investigational purposes only.

Investigation completed and prepared by Prince George's Soil Conservation District 01/10/06.

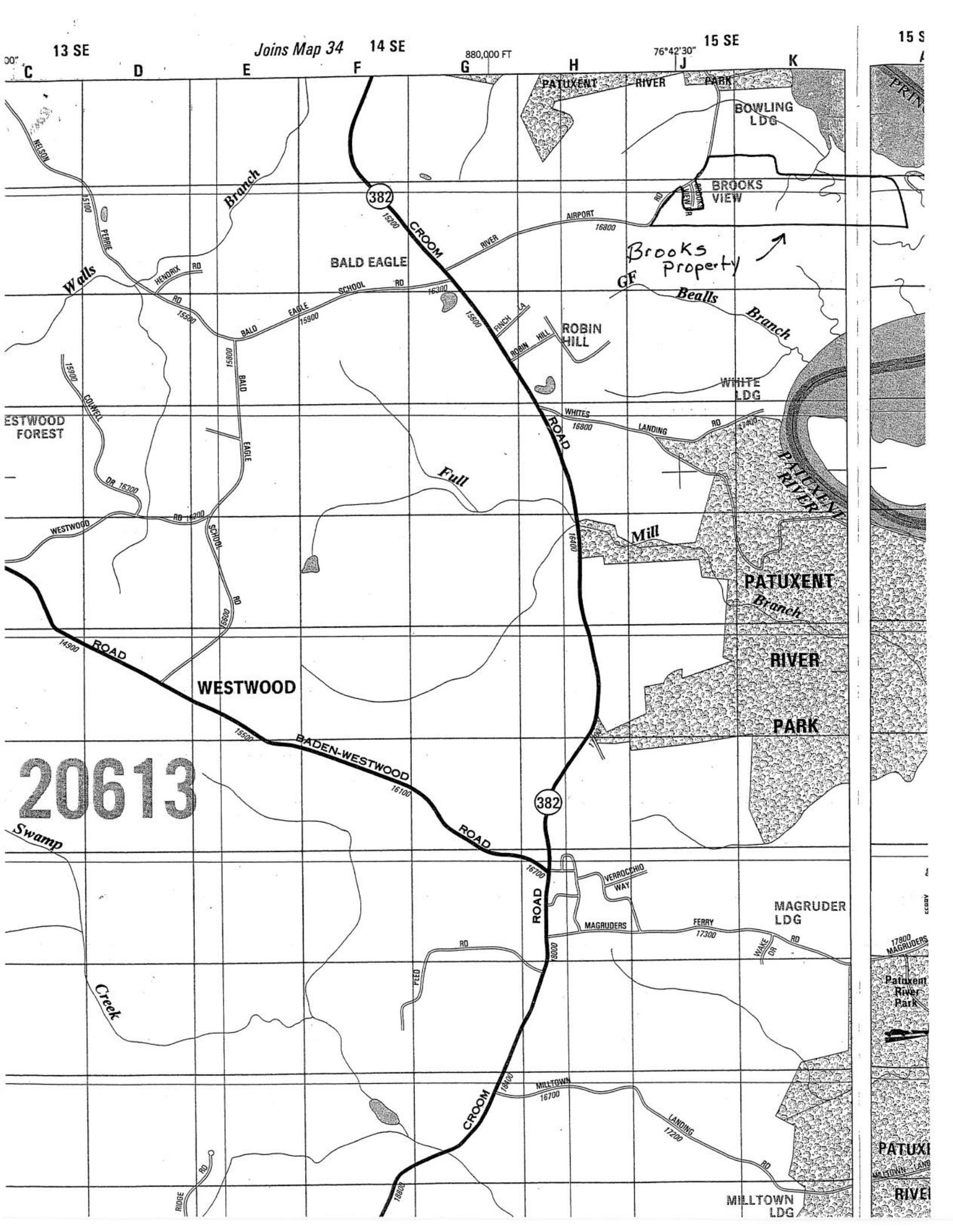
David and Cynthia Brooks
17200 River Airport Rd.
Brandywine, Md. 20613

MALPF Soils Investigation

1/09/07
RYC
Scale: 1"=660'
Sheet 54



I II III



13 SE

Joins Map 34

14 SE

15 SE

880,000 FT

76°42'30"

C D E F G H J K

15 S

Walls

Branch

382

CROOM

PATUXENT RIVER

PARK

BOWLING LDG

BROOKS VIEW

Brooks Property

Bealls

Branch

BALD EAGLE

SCHOOL RD

BALD EAGLE

ROBIN HILL

WHITE LDG

ESTWOOD FOREST

CONCRETE DR

WESTWOOD

Full

ROAD

Mill

PATUXENT

Branch

RIVER

PARK

20613

WESTWOOD

BADEN-WESTWOOD

ROAD

382

Swamp

VERROCCIO WAY

MAGRUDERS

MAGRUDER LDG

FERRY

WAKE DR

Creek

PEED RD

CROOM

MILLTOWN

LANDING

MILLTOWN LDG

17800 MAGRUDERS

Patuxent River Park

PATUXENT

MILLTOWN

RIVER

Push Pin Results

Property

Record 1 [Expand/Collapse Records](#)

View entire record for: [BROOKS,CYNTHIA G & DAVID A](#)

Tax Account: 0256107

Premise Address: 015200 BROOKS VIEW DR
, MD 20613-

Legal Description: *Plat: Block: Lot: Parcel:*
Description: AG TX
Subdivision:
Acreage: 67.808
Liber: 13150 *Folio:* 636
Tax Map Grid: 158F2 *WSSCGrid:* 219SE15
Assessment District: 04
Planning Area: 86B
Planning Analysis Zone: 280M

Owner Information: BROOKS,CYNTHIA G & DAVID A
15200 BROOKS VIEW DR
BRANDYWINE, MD 20613-8343

Assessor Data: *Sales Price:* \$0 *Transfer Date:* 19990616
Full Cash Value - Land: \$19,060 *Current Assessment:* \$41,860
Improvement Cash Value: \$22,800
Structure (sq/ft): 0000000 *Assessor Zone Code:* 003

View entire record for: [BROOKS,CYNTHIA G & DAVID A](#)

Tax Account: 0256099

Premise Address: 017201 RIVER AIRPORT RD
, MD 20613-

Legal Description: *Plat: Block: Lot: Parcel:*
Description: HOMESITE
Subdivision:
Acreage: 1
Liber: 13150 *Folio:* 636
Tax Map Grid: 158F2 *WSSCGrid:* 220SE15
Assessment District: 04
Planning Area: 87A
Planning Analysis Zone: 280N

Owner Information: BROOKS,CYNTHIA G & DAVID A
15200 BROOKS VIEW DR
BRANDYWINE, MD 20613-8343

Assessor Data: *Sales Price:* \$0 *Transfer Date:* 19990616
Full Cash Value - Land: \$60,000 *Current Assessment:* \$169,952
Improvement Cash Value: \$109,952
Structure (sq/ft): 0001316 *Assessor Zone Code:* 003

Zoning

Record Classification Zoning Categories

1 O-S [View Guide \(.pdf file\)](#)

Special Exception

No Features Found

Residential Planned Community

No Features Found

Development District Overlay

No Features Found

Transit District Overlay

No Features Found

Chesapeake Bay Critical Area Overlay

No Features Found

Aviation Policy Area

No Features Found

Municipality

No Features Found

WSSC Grid

Record	Grid
1	220SE15

Tax Grid

Record	Map/Grid
1	159-A2

Planning Area

Record Number	Name
1	87A Westwood Area

Policy Analysis Zones

Record	PAZ Number
1	280N87A

Councilmanic Districts

Record	District	Member	Party	Telephone	E-mail
1	9	Marilynn M. Bland	Democrat	301-952-3820	mmbland@co.pg.md.us

Election Districts

Record	Election District Number
1	4

2000 Census Tract

Record	Tract	Total Population	Owner Occupied Housing Units	Median Price	Renter Occupied Housing Units	Census Data
1	800800	3309	1006	222200	124	View

FEMA Flood Plain*No Features Found***Watershed****Record Name**

1 LOWER PATUXENT RIVER

Water Categories**Record Water Description** Water and Sewer Categories1 INDIVIDUAL SYSTEM [View Guide](#) (.pdf file)**Sewer Categories****Record Sewer Description** Water and Sewer Categories1 INDIVIDUAL SYSTEM [View Guide](#) (.pdf file)**Sewer Envelope****Record Availability**

1 NO COMMUNITY SYSTEM PLANNED

Historic Sites*No Features Found***Marlboro Clay***No Features Found***Master Plan ROW***No Features Found***Municipality One Mile Buffer***No Features Found***M-NCPPC Park Lands***No Features Found***TCP1 Submitted***No Features Found***TCP2 Submitted***No Features Found*

TCP Submitted Exempt

No Features Found

Tiers

Record	Tier
1	Rural

Wetlands

No Features Found

Zipcode

Record	Zip Code
1	20613

Historic Sites Env Settings

No Features Found

Legislative Districts

Record	Legislative District
1	27A

Green Infrastructure Plan

Record	Green Infrastructure Category	Green Infrastructure Plan
1	Network Gap	View Guide (.pdf file)

AAFB Noise Contours

No Features Found

DRD Districts

No Features Found

Traffic Analysis Zones

Record	Zone Number
1	2745

Enterprise Zones

No Features Found

COG TAZ

Record	TAZ Number
1	1014