



AGENDA ITEM # 16
PGCPB MEETING OF 4-12-07

Prince George's Soil Conservation District

Marlboro Village Shopping Ctr. - 5010 Brown Station Road, Suite 195 - Upper Marlboro, MD 20772
Phone (301) 574-5162 - Fax (301) 574-5156

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

B. Leo Maenner And Hattie A. Maenner

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.

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

I hereby certify that on this 9th day of January 2006, before me the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared

B. Leo & Mattie Maanen
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

Meresa Arnold
Notary Public

My Commission Expires: June 24, 2008

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;

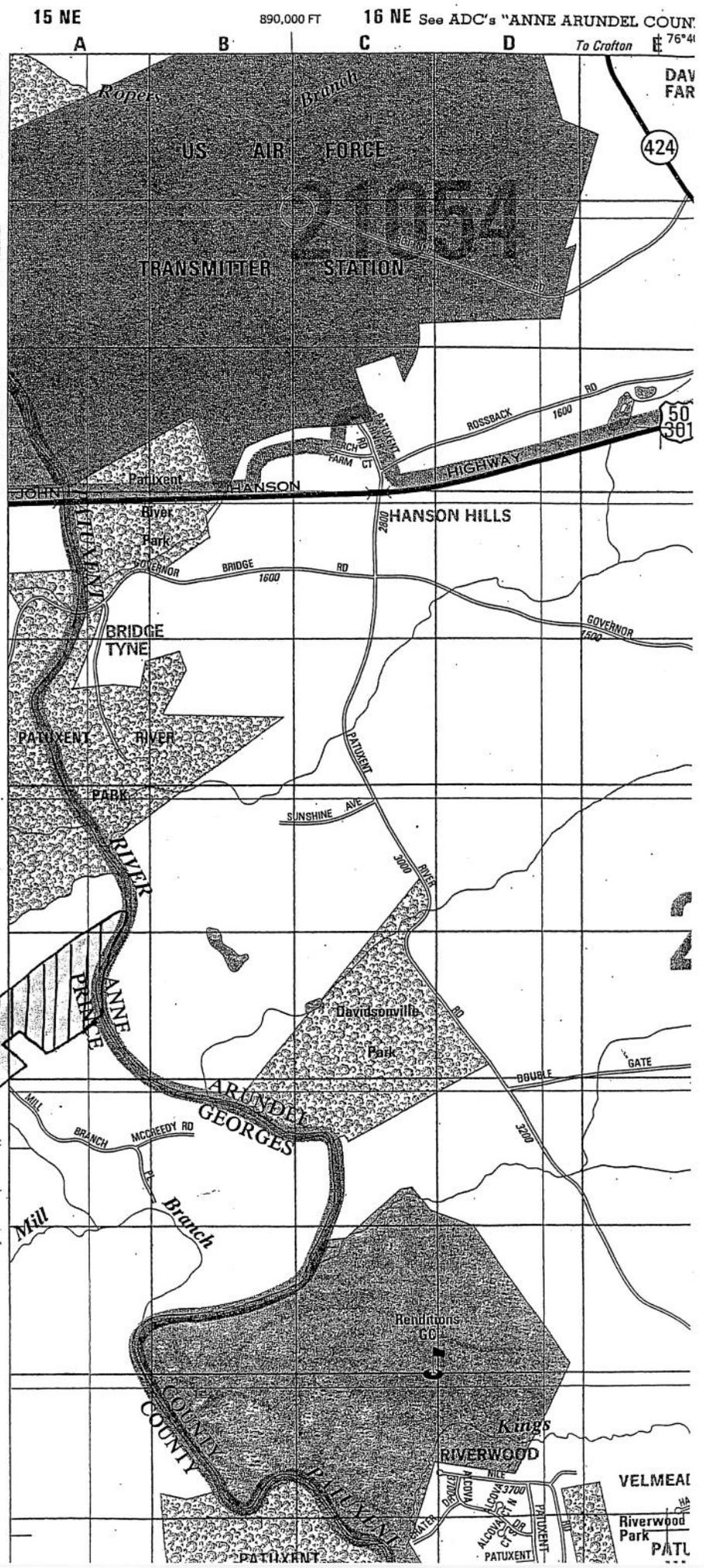
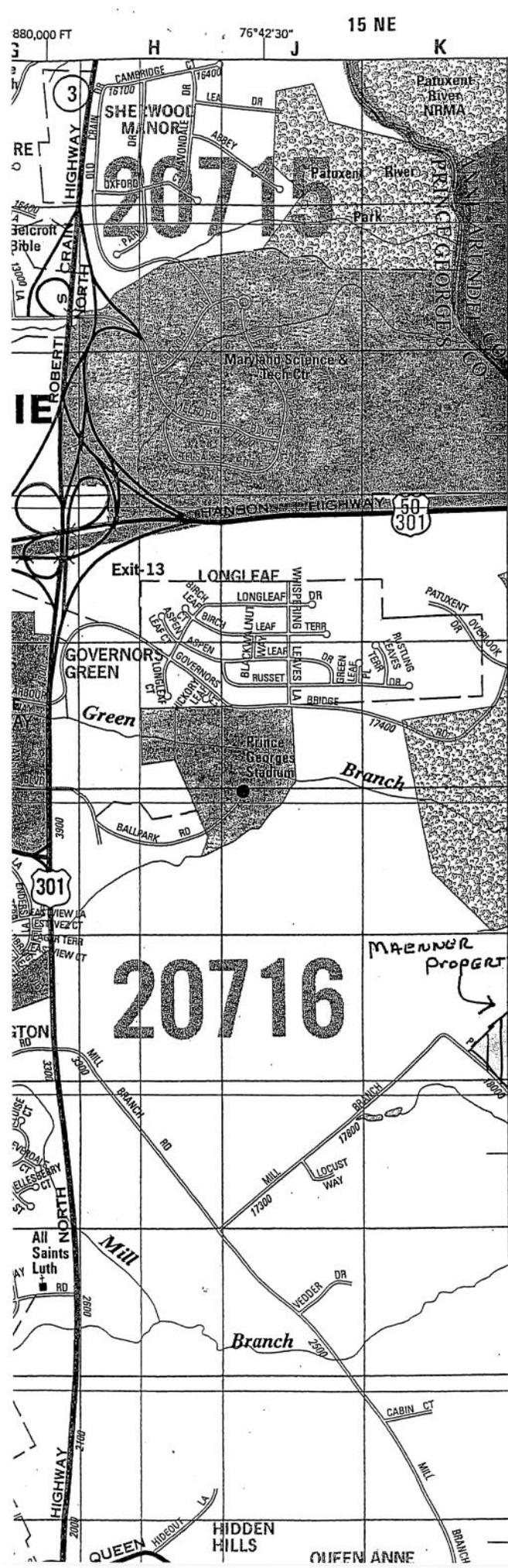
I hereby certify that on this _____ day of _____ 20____, before me the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared

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: _____



**Prince George's Agricultural Preservation Program
Soils Report For:**

**B. Leo and Hattie Maenner
17710 Mill Branch Pl.
Mitchellville, Md. 20716**

<u>Soil Type</u>	<u>Class</u>	<u>Acres</u>
Bo	III	12.2
CmB2	II	18.1
CmC2	III	4.2
CmE2	VI	4.6
GaB	IV	8.3
SaE	VII	<u>8.7</u>
	Total :	56.1

Total acres planimetered from soils map: 56.1ac

Total acres from tax map: 57.42.77

Total eligible acres: 57.4277

Difference of: 1.377ac

Total Class I, II, III soil: 34.5 planimetered from soils map

61 % of soils planimetered are class I, II, III

Parcel description:	Liber/ Folio:	Map/Grid/Parcel
	11253/393	56/B3/25

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 an 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.

Maenner, Leao and Hattie
17710 Mill Branch Place
Mitchellville, Md. 20716

1/8/07
RYC
Scale: 1"=660'
Sheet 20

Soils Investigation



II III IV

Total cres: 57.4277
Cropland: 28.8
Woodland: 11.1
Wetland: 16.5

Tax Acc: 07-0771790
Map/Grid/Parcel: 56/B3/25

Leo and Hattie Maenner
17710 Mill Branch Pl.
Mitchellville, Md. 20716

1/26/07
RYC



Push Pin Results

Property

Record [Expand/Collapse Records](#)

1

View entire record for: [MAENNER,B LEO & HATTIE A TRS](#)

Tax Account: 0771790

Premise Address: 017714 MILL BRANCH PL
BOWIE, MD 20716-0000

Legal Description: *Plat: Block: Lot: Parcel:*
Description: SUBJ TO AGTX (EFF 95 1.2965ATO 0771816 & 1.2376A
0771824 TRS)
Subdivision:
Acreage: 57.4277
Liber: 11253 *Folio:* 393
Tax Map Grid: 056B3 *WSSCGrid:* 205NE15
Assessment District: 07
Planning Area: 74B
Planning Analysis Zone: 265H

Owner Information: MAENNER,B LEO & HATTIE A TRS
17710 MILL BRANCH PL
MITCHELLVILLE, MD 20716-3510

Assessor Data: *Sales Price:* \$0 *Transfer Date:* 19970205
Full Cash Value - Land: \$15,790 *Current Assessment:* \$40,000
Improvement Cash Value: \$24,210
Structure (sq/ft): 0000000 *Assessor Zone Code:* 003

View entire record for: [MAENNER,B LEO & HATTIE A TRUSTEES](#)

Tax Account: 0771782

Premise Address: 017710 MILL BRANCH PL
BOWIE, MD 20716-0000

Legal Description: *Plat: Block: Lot: Parcel:*
Description: HOMESITE
Subdivision:
Acreage: 1
Liber: 11253 *Folio:* 393
Tax Map Grid: 056B3 *WSSCGrid:* 205NE15
Assessment District: 07
Planning Area: 74B
Planning Analysis Zone: 265H

Owner Information: MAENNER,B LEO & HATTIE A TRUSTEES
17710 MILL BRANCH PL
MITCHELLVILLE, MD 20716-3510

Assessor Data: *Sales Price:* \$0 *Transfer Date:* 19970205
Full Cash Value - Land: \$68,082 *Current Assessment:* \$242,572
Improvement Cash Value: \$174,490
Structure (sq/ft): 0001584 *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	205NE15

Tax Grid

Record	Map/Grid
1	56-B3

Planning Area

Record Number	Name
1	74B Collington & Vicinity

Policy Analysis Zones

Record	PAZ Number
1	265H74B

Councilmanic Districts

Record	District	Member	Party	Telephone	E-mail
1	4	Ingrid M. Turner	Democrat	301-952-3094	imturner@co.pg.md.us

Election Districts

Record	Election District Number
1	7

2000 Census Tract

Record	Tract	Total Population	Owner Occupied Housing Units	Median Price	Renter Occupied Housing Units	Census Data
1	800507	2283	488	320900	407	View

FEMA Flood Plain

No Features Found

Watershed

Record Name

1	MIDDLE PATUXENT RIVER
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Water Categories

Record	Water Description	Water and Sewer Categories
1	INDIVIDUAL SYSTEM	View Guide (.pdf file)

Sewer Categories

Record	Sewer Description	Water and Sewer Categories
1	INDIVIDUAL SYSTEM	View Guide (.pdf file)

Sewer Envelope

Record Availability

1	NO COMMUNITY SYSTEM PLANNED
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Historic Sites

No Features Found

Marlboro Clay

No Features Found

Master Plan ROW

No Features Found

Municipality One Mile Buffer

Record	Name
1	BOWIE

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 20716

Historic Sites Env Settings

No Features Found

Legislative Districts

Record Legislative District

1 23B

Green Infrastructure Plan

Record Green Infrastructure Category Green Infrastructure Plan

1 Evaluation Area [View Guide \(.pdf file\)](#)

2 Network Gap [View Guide \(.pdf file\)](#)

AAFB Noise Contours

No Features Found

DRD Districts

No Features Found

Traffic Analysis Zones

Record Zone Number

1 2420

Enterprise Zones

No Features Found

COG TAZ

Record TAZ Number

1 926