

## **GARRETT COUNTY AGRICULTURAL LAND PRESERVATION**



### **DISTRICT FACT SHEET**

Garrett County Agricultural Land Preservation Districts help to preserve productive local farmland and woodland. The program is voluntary on the part of landowners and starts with a District Agreement, which, by statute, is in effect for a minimum of 3 years. The District Agreement provides the security of knowing that the land is protected from development and is a valuable first step in securing more permanent protection.

The District program helps screen and pre-qualify landowners wanting to sell a perpetual conservation easement to the Maryland Agricultural Land Preservation Foundation. The program also assists property owners in the Bear Creek Rural Legacy Area desiring to sell a perpetual conservation easement using Rural Legacy Funding. Under the terms of these easements, the development rights of a property are purchased and the use of the land is perpetually restricted to agricultural purposes. The ability to sell an easement is dependent on available funding.

Approved District properties are also eligible for a County Tax Credit on all agricultural lands and woodlands. Taxes continue to be assessed on all residential and agricultural structures, however, the property tax on all real estate is 100% rebated under the Tax Credit Program. Should the District be terminated, the landowner shall be responsible for all back property taxes plus interest.

#### **PROCEDURES FOR DISTRICT ESTABLISHMENT**

Planning & Land Development staff can provide Property Description and District Agreement forms and assist you in their completion. The Property Description form will be completed with assistance from the Garrett Soil Conservation District (301) 334-6951. The District Agreement must be signed and notarized by the landowner.

Once the forms are completed, the Garrett County Agricultural Land Preservation Advisory Board and Garrett County Planning Commission will review the application and make recommendations to the Board of Garrett County Commissioners. A public hearing will be held to determine final approval of the District.

If approved by the Board of Garrett County Commissioners, County representatives will sign the District Agreement and have it recorded in the land records of the County. The date of recordation of the agreement is the official establishment of the agricultural preservation district.

## **ELIGIBILITY CRITERIA FOR DISTRICT ESTABLISHMENT**

**SIZE**- The minimum district size is 50 contiguous acres. Neighboring landowners with smaller parcels can join together to form a collective total of 50 contiguous acres. A smaller parcel may also qualify if it adjoins an existing district. Landowners of less than 50 acres may be eligible if the County finds the property has extraordinary agricultural capability and is of significant size.

**PRODUCTIVITY** - A district is formed on land that is either currently being used for producing food or fiber or has the capability to do so. Woodland management and harvesting operations are eligible. The Garrett Soil Conservation District can help determine if the land area of the proposed district meets one of the following soil productivity categories:

- 1) The majority of the land consists of USDA Soil Capability Classes Class I, II or III;  
or
- 2) The majority of the land consists of USDA Woodland Group 1 or 2 soils when applied to wooded areas only; or
- 3) A minimum of 60% of the land consists of USDA Soil Capability Classes Class I, II or III on cropland and pasture & Woodland Group 1 or 2 on wooded areas only; or
- 4) The majority of the land less the acreage contained within the 100-Year Floodplain and State or Federal designated wetlands meets criteria 1, 2 or 3 above; or
- 5) Land with lower soil capabilities may qualify if the applicant submits to the County a letter from the appropriate U.S. Department of Agriculture district conservationist stating that the soils on the applicant's farm have a cropland or pasture rating similar to Classes I, II, and III, or Woodland Groups I and II. Farm areas with extensive specialized production, including but not limited to dairying livestock, poultry, fruit, or berry production may also be considered by the County to be included in a district.

**LOCATION** -Land within the boundaries of a 10-year water and sewer service area plan is generally not eligible unless it has extraordinary productive capability and is of significant size.

**COMMITMENT**- The landowner must abide by all the stipulations listed in the District Agreement and agree to keep the land in agricultural use for a minimum of 3 years. The agreement forbids the subdivision and development of the land for residential, commercial, or industrial purposes during this period unless the County grants prior approval. Although the agreement requires a 3-year minimum commitment, a landowner may stay in district status indefinitely without needing to renew the agreement.