

3. A DROUGHT OR OTHER SIMILAR NATURAL CAUSE HAS ADVERSELY AFFECTED THE INCOME PRODUCING CAPABILITY OF THE LAND DURING THE 3-YEAR PERIOD CAUSING THE AVERAGE ANNUAL GROSS INCOME TO BE LESS THAN \$2,500; PROVIDED THAT THIS WAIVER SHALL NOT BE GRANTED FOR MORE THAN 2 CONSECUTIVE 3-YEAR PERIODS.

4. IN THE INSTANCE OF THE ESTABLISHMENT OF A NEW AGRICULTURAL ACTIVITY ~~ON-LAND-THAT-HAD-NOT-RECEIVED-THE-AGRICULTURAL--USE--ASSESSMENT~~, THE NATURE OR THE TYPE OF AGRICULTURAL ACTIVITY WHEN COMBINED WITH THE AMOUNT OF LAND IN AGRICULTURAL USE WOULD REASONABLY BE EXPECTED TO DERIVE AN AVERAGE ANNUAL GROSS INCOME OF \$2,500 HAD THE ACTIVITY BEEN IN EXISTENCE FOR A FULL 3-YEAR PERIOD. PROVIDED FURTHER THAT IN THE INSTANCE OF A NEW AGRICULTURAL ACTIVITY SUCH AS AN ORCHARD OR VINEYARD, THE DIRECTOR MAY EXTEND THE PERIOD OF THE WAIVER FOR AN ADDITIONAL 3-YEAR PERIOD.

(V) IN THE INSTANCE OF PARCELS OF LAND OF LESS THAN 20 ACRES, THE DEPARTMENT MAY REQUIRE THE OWNER OF THE LAND TO MAKE APPLICATION ON A STANDARD FORM PROVIDED BY THE DEPARTMENT UNDER OATH OR AFFIRMATION THAT THE MATTERS AND FACTS STATED IN THE APPLICATION ARE TRUE TO THE BEST OF THE APPLICANT'S KNOWLEDGE, INFORMATION, AND BELIEF. THE APPLICANT MAY BE REQUIRED TO PROVIDE COPIES OF SALES RECEIPTS OR INVOICES, LEASE AGREEMENTS, OR OTHER DOCUMENTS AS REQUIRED BY THE DEPARTMENT TO CERTIFY THE NATURE OR TYPE OF AGRICULTURAL ACTIVITY AND THAT THE AVERAGE ANNUAL GROSS INCOME IS OR WOULD BE \$2,500 OR MORE. THE APPLICATIONS SHALL BE FILED ON OR BEFORE THE FOLLOWING DATES:

1. FOR LAND RECEIVING THE AGRICULTURAL USE ASSESSMENT, THE JANUARY 1 OF THE FIRST YEAR OF THE TRIENNIAL ASSESSMENT CYCLE AS DEFINED IN § 14(B)(1) OF THIS ARTICLE.

2. FOR LAND NOT RECEIVING THE AGRICULTURAL USE ASSESSMENT, THE JANUARY 1 IMMEDIATELY PRECEDING THE TAXABLE YEAR IN WHICH THE USE ASSESSMENT IS SOUGHT.

(VI) IN DETERMINING WHETHER LANDS WHICH APPEAR TO BE ACTIVELY DEVOTED TO FARM OR AGRICULTURAL USE ARE IN FACT BONA FIDE FARMS AND IN ADMINISTERING THE PROVISIONS OF ~~SUBPARAGRAPH--(D)~~ SUBSECTION (B) OF THIS SECTION, THE DIRECTOR SHALL, FROM TIME TO TIME, CONSULT WITH THE SECRETARY OF THE ~~DEPARTMENT-OF-AGRICULTURE-FOR-THE-STATE-OF-MARYLAND~~ AGRICULTURE, OTHER OFFICIALS OF THIS STATE KNOWLEDGEABLE IN PERTINENT AREAS RELATED TO AGRICULTURE, REPRESENTATIVES OF THE AGRICULTURAL COMMUNITY, OFFICIALS OF COUNTY OR MUNICIPAL GOVERNMENTS IN THIS STATE, AND OTHER PERSONS AS DETERMINED BY THE DIRECTOR.

(VII) THE GROSS INCOME PROVISIONS OF THIS PARAGRAPH (B)(1) DO NOT APPLY IN THE FOLLOWING INSTANCES:

1. LAND WHICH RECEIVED THE AGRICULTURAL USE ASSESSMENT ON JULY 1, 1984 PURSUANT TO THE PROVISIONS OF THIS § 19(B) IN EFFECT PRIOR TO THIS ACT OR RULES OR REGULATIONS OF