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**HOWARD COUNTY AGRICULTURAL PRESERVATION BOARD (APB)  
AND STATE AGRICULTURAL PRESERVATION ADVISORY BOARD (APAB)**

**July 22, 2019**

**Attendance:**

Board Members: Ann Jones (Vice Chair)  
Abby Gibbon  
Cathy Hudson  
Savannah Kaiss  
Jamie Brown  
Denny Patrick

Staff: Joy Levy, Administrator (ALPP)  
Lisa O'Brien, Senior Assistant County Solicitor  
Beth Burgess, Chief, Resource Conservation Division  
Amy Gowan, Deputy Director, Planning & Zoning  
Matthew Hoover, Administrative Aide, Office of Community Sustainability

Guest: Charles Sharp, Resident  
Jeff Driscoll, Tall Brothers Inc.  
John Canoles, Eco-Science Professionals  
John Carney, Benchmark Engineering  
James Hurt, Resident  
Natalie Ziegler, Resident

The meeting began at 7:02 PM

**Action Items**

**1) Request for Approval, Meeting Minutes June 24, 2019**

There were no comments or corrections. Ms. Hudson motioned to approve and Ms. Gibbon seconded the motion. All members in attendance approved the minutes.

**2) Request for Approval, Child Lot, Hurt property, HO-89-06-E(S), 55.14 acres (APB)**

Ms. Levy provided a summary of the staff report and the contents included in it. The easement came into the program in December of 1989 and was put in by James Hurt who is the current owner. The easement provides a child lot for each of his children and a lot for the grantor. There has been no previous lot request on this property. In October, there was a request for a commercial solar facility (CSF). Per Section 15.509 of the pre-1993 Agricultural Land Preservation Code the Board may approve the release of a one-acre child's lot from the easement after determining that the lot is located to minimize any disruption of agricultural activities.

The lot proposed will be along the easterly edge of an intra-field road. It will be just north of the paved section of the farm lane that comes in takes a right and heads towards where Mr. Hurt's owner lot is. The child lot it proposed to take access from the intra-field road. Mr. Hurt wanted to point out to the Board that there is a wide gap in between the northern boundary of the child lot and the property boundary to leave room for the passage of agricultural equipment. The staff recommendation is to approve the child lot request, which is subject to the recordation of the amended deed of easement, the approval of a sub-division plat be recorded and the repayment to the county for the acre.

Ms. Jones asked if there were any questions. Ms. Hudson asked where the CSF location was proposed, and Ms. Levy showed on the map where it was. Ms. Hudson asked if it is currently being farmed between where the primary residence is, and the proposed child lot will be, and Mr. Hurt stated, yes. Ms. Jones asked why it wasn't closer to the road and it is because his brother owns the other half of the property.

Mr. Brown motioned to approve, and Mr. Patrick seconded the motion. All members in attendance were in favor of the proposed child lot.

### **3) Request for Approval, Wetland Mitigation, Ziegler property, HO-96-05-E, 350.5 acres (APB)**

Ms. Levy gave the staff report and the documents that were included with it. Ms. Zeigler was in attendance to represent the request. The property is a 350-acre farm on the west side of Manor Lane that came into the program in October 1996. Ms. Ziegler is part owner, and her sister, Jessica, is the trustee of trust, that currently owns the property. They own it jointly. About 204 acres are currently being utilized as crop land.

The request that is becoming before the Board is a wetland mitigation easement area of about 1.5 acres. It is being proposed for the southwest corner of the eastern most section of the property. It is in an area where there are row crops, but this portion of the field is typically wet and is limited in production. The proposed project is going to expand on the existing wetland resources and will be contiguous with a forested stream valley, which is in an existing forest conservation easement area. The site was evaluated by Mr. Canoles of Eco-Science Professionals and Mr. Carney of Benchmark Engineering. They looked at the site for its suitability of the project for both enhancement and creation. The mitigation site and the impact area are being done to mitigate for a project called King's Forest, which is a residential development. They are within a mile from each other and are in the Patuxent River watershed. The mitigation site is going to expand on some farmed non-title wetland areas. There is about 24,500 square feet of new wetlands that will be created.

Wetland delineation was recently performed on the site by the Maryland Department of Environment and the Army Corp of Engineers who concluded that 9,950 square feet are regulated wetland. Ms. Levy attached the Boards wetland mitigation policy. It mentions that the Soil Conservation District needs to weigh in on the proposal. There needs to be an up to date conservation plan and it needs to be worked into the conservation plan. The Howard Soil Conservation District submitted a letter and confirmed everything that is being put forth by the property owner and her representatives. Based on the proposal being consistent with the boards Wetland Mitigation Policy the staff is recommending approval.

Ms. Hudson wanted to know what is on the southside and she was advised it is an existing road that can fit a tractor through it. Ms. Jones wanted to know why it doesn't go all the way down to where the road is. It was advised they could extend the easement wherever they wanted. They didn't include the trees because they would be affected by the project. Ms. Hudson asked if this is in the green infrastructure network (GIN) and was advised the GIN is north of it.

Ms. Jones asked if there were any other questions. Mr. Brown motioned to approve, and Mr. Patrick seconded the motion. All board members in attendance approved the request.

**4) Request for Approval, Forest Conservation, Sharp's Wild Horse Meadow, LLC property, HO-02-06-E, 50 acres (APB)**

The request is for a forest conservation mitigation area. Ms. Levy went over the staff report and the contents included with it. Mr. Sharp is in attendance to represent for the request. The property is part of the Waterford Easement and it takes access from Jennings Chapel Road. Sharp's Wild Horse LLC is the current owner, which came into the program in June 2002. Pierce Dunn was the grantor of the easement. There have been no previous requests on the property.

Ms. Levy referred the Forest Conservation Policy and in that policy the GIN areas are one of the four that are eligible for forest conservation planting. The entire planting area lies within the GIN Cattail Creek Forest 3 Hub. The proposed planting area will be adjacent to another forest conservation mitigation area on the property to the east and will also fill a "donut hole" in a large swath of existing forested land in this portion of the hub. Also, a shallow water impoundment on the eastern edge of the property, that is partially on the farm and the adjacent property, is included in the proposal.

In the Board's Forest Conservation Mitigation planting policy, it meets the basic criteria of being in the GIN. The Howard Soil Conservation District provided a letter of recommendation for approving the proposal. The staff recommendation is for approval, because it is consistent with the Board's Forest Conservation Planting policy.

Ms. Jones asked if there were any questions or comments. Ms. Hudson motioned to approve, and Ms. Kaiss seconded the motion. All member in attendance were in favor of approving the request.

**5) Request for Approval, Relocation of Principal Dwelling, Sharp's Wild Horse Meadow, LLC property, HO-06-04-E, 29.1 acres (APB)**

Ms. Jones reviewed the staff report for the request to relocate a principal dwelling. The property is located on Monticello Drive in Cooksville. The property was put in the program in June 2006 by Chuck and Denise Sharp. The original principal dwelling location burnt down. There is an existing tenant house on the property. There have been no previous requests.

Ms. Levy went over the contents of the staff report. She referred to the aerial map overview to show where the original principal dwelling was, where the tenant home site is and where the proposed principal dwelling location is. Per Section 15.514(c)(1), the Board is free to look at the ability to replace an existing dwelling that is no longer habitable, provided that the existing dwelling is demolished. The Board is to make the determination that the proposed location will minimally disrupt existing or future agricultural activities. Access would be taken from an existing driveway. The previous principal dwelling was in the pasture, so relocating it would free up space for an additional pasture or to build agricultural structures. It would also move the dwelling outside of the 65-decibel line from I-70. Staff recommends approval, subject to getting the necessary permits and approvals.

Ms. Jones asked if there were any questions. Ms. Kaiss asked what a little blip was on the map was and Mr. Sharp advised it is a one-acre lot which is a septic percolation tank. She asked if there was a house on that one-acre lot and Mr. Sharp stated, no.

Mr. Brown moved to approve, and it was seconded by Mr. Patrick. All member is attendance approved the request for the relocation of the principal dwelling.

**Public Testimony**

**1) Mr. Hurt – Bond documents**

Mr. Hurt received a letter on 6/21/19 from M&T Bank to bring in the original signed bond document into them or to send it in by FedEx or UPS. He is concerned that some owners may have lost or misplaced their document over time through a generation change, a house change, or sales of the property. He suggests to the Board that a different process be used in obtaining the document if it was lost. If the person lost the document, he thinks they should put an ad in newspaper of general circulation and if no one responds that would be the end of it. He thinks there is at least one and probably two copies of it already. He feels the current process is an unnecessary burden for someone who has lost their document.

## **Discussion Items**

### **1) Program Updates**

There were no program updates.

### **2) Proposed Changes to the Howard County Agricultural Land Preservation Program (ALPP) Easement Pricing Formula**

Ms. Levy advised that the scoring system is used to determine what Howard County will pay the property owner for the development rights. The scoring system has been tweaked over the years to keep it relevant and reflective of what is happening within the community. They started doing some analysis of the various aspects of the scoring formula. The idea behind the scoring system is to grade the property on how good of agricultural land it is.

The Board's role in this, according to the code, is to review and make a recommendation to the County Executive. Anything that the County Executive would want to take from the Board's recommendation would be introduced as legislation to the Council and they would need to approve any changes.

Ms. Levy went over the proposed changes and explanation for the changes. While going over the changes, she discussed each scoring category with the board.

The Board may suggest shifting some points from one category to another to cover areas they think are more important. The Board wants defined what a fully and partially implemented soil conservation plan is. DPZ will come up with scenarios to clarify some of the proposed changes the Board has questions about.

Mr. Brown moved to adjourn, and Ms. Kaiss seconded the motion. The meeting concluded at 9:03 PM.