



HOWARD COUNTY OFFICE OF COMMUNITY SUSTAINABILITY
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**HOWARD COUNTY AGRICULTURAL PRESERVATION BOARD (APB)
AND STATE AGRICULTURAL PRESERVATION ADVISORY BOARD (APAB)**

January 25, 2021

Attendance:

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

Staff: James Zoller, Executive Secretary/Agricultural Coordinator (OCS)
Morenike Oyenusi, Senior Assistant County Solicitor
Joy Levy, Program Administrator, (ALPP)
Beth Burgess, Chief, Resource Conservation Division
Matthew Hoover, Administrative Aide, (OCS)
Mary Kendall, Deputy Director, (DPZ)

Guest: Donald Reuwer III
Kathy Johnson
Thoedore GF Mariani
David Yungmann

Action Items

1) Minutes from the meeting of November 23, 2020

No additions or corrections. Ms. Jones motioned for approval and it was seconded by Ms. Kaiss. All board members in attendance approved the minutes.

**2) Request for Recommendation to County Executive, Easement Acquisition, Sowell property; 30 acres (APB)
([Staff Report](#))**

Ms. Levy provided the Staff Report and reviewed the contents that were included with it. The request is for the review of a Howard County agricultural Easement Acquisition for a property owned by Larry and Peggy Jo Sowell. The property is 30 acres and is located in Woodstock. It is currently comprised of two parcels and is operated as one farm. The owners are intending to merge the two parcels prior to settlement, so the scoring is based off a one 30-acre parcel. It was advised that the dwelling rights would remain the same.

Over the years they have raised feeder cattle and boarded horses. They have about 14 acres of pasture. They have planted over 2,200 trees and they maintain the wooded acreage in the Maryland Woodland Assessment Program. The Sowell's maintain the fences, mow four pastures and maintain the paddock areas. They are currently boarding one horse.

They meet all eligibility criteria, so staff recommendation is for approval. Ms. Levy reviewed the scoring sheet with the board and her recommended points for the APB points. She filled out the recommended information for one through four and explained her basis for the recommended points.

The Board reviewed the optional APB points one through five. There were no changes to the recommendation of the optional APB points and no discretionary points were awarded.

Ms. Jones motioned to recommend the Sowell easement acquisition as presented and Ms. Kaiss seconded the motion. No other discussions. All board members in attendance were in favor of the motion and the motion passed.

3) Request for Recommendation to Department of Planning and Zoning, Parcel Reconfiguration, Donald Reuwer, III property, HO-01-01-PPSC; 52 +/- acres and 3330 Rogers Avenue, LLC property, HO-00-05-PPSD; 37 +/- acres (APB) ([Staff Report](#))

Ms. Levy presented the Staff Report to the board. There are two parcels involved in the request. The first parcel is owned by 3330 Rogers Avenue LLC, which is located at 18461 Penn Shop Road in Mt. Airy, and is about 37 acres. The second parcel is owned by Donald Ruewer II, which is located at 18321 Penn Shop Road in Mt. Airy, and the property is 52 acres.

They are proposing to create a 3-acre preservation lot by shifting 34 acres from the LLC property to the Ruewer property. After the reconfiguration the LLC property will be a 3-acre preservation parcel with an existing house. The LLC property would be an approximate 86-acre parcel with an existing house and a horse barn. The two properties are adjacent to one another and they are run as one equine and hay operation.

The request is being made possible by a recent amendment to the zoning regulations on Nov 4, 2020. The Council passed [CB58 2020](#) and it provides the opportunity for sub-dividing a dedicated preservation parcel after recordation. Included in the Staff Report was the text that came from CB58 2020 and the language allowing for the combination of two adjoining preservation parcels.

Staff recommendation is that the proposal is consistent with the Zoning Regulations recently amended by CB58 2020. The recommendation is that the APB would recommend approval to the Department of Planning and Zoning.

The Board discussed the request. It was asked if there would be any residential rights and it was stated there were no additional residential rights granted because of the configuration. It was asked if solar would be allowed and they were advised yes and that it would have been allowed before. It was advised that dedicated easements don't have any kind of subdivision potential and both properties are dedicated easements.

Mr. Brown motioned to approve, and it was seconded by Ms. Kaiss. No other discussion. All Board members in attendance approved the recommendation of the parcel reconfiguration.

Discussion Items

1) Principle Dwellings and Exchange Ratios – Presented by Councilman David Yungmann

The first topic Mr. Yungmann wanted to discuss with the Board was Section 15.514 (c)(3)(ii) of the Howard County Code. He was discussing the idea of removing the 50-acre requirement. Currently, if an easement comes into the program that is less than 50 acres they are not granted the ability to build a primary residence after the acquisition. The Board along with Mr. Yungmann discussed what they thought about the code and if it should be amended. Some of the discussion was about making it a requirement to add a principle dwelling within a certain timeframe or to give the right and they can decide later if they want to build a principle dwelling.

The second topic Mr. Yungmann wanted to discuss is the lot exchange ratio in Section 15.514 (b) of the Howard County Code. A brief history of the code was provided. The unrestricted lots that were created in 1993 when they first came into the program were given 1 for 50 "or portion thereof." In 2003 the code provision was amended to get rid of "or portion thereof," so those rights were given at 1 per full 50. It applies to not only new easement properties, but also applies to the pre-1993 easement properties who still have the owner and child lots that have not yet exchanged the family lots for unrestricted lots.

They were discussing the possibility of adding back in "or a portion thereof" which was previously in the code wording. They talked about if the change is made should it be going forward or if it should be done retroactively. Statistics were provided of the number of properties affected if it was amended going forward or if the changes were made retroactive.

2) Program Updates

They are going to discuss some ideas they have for the Roving Radish Market Place that may be of interest to farms during a future meeting.

The Deer harvesting program had about 17 deer donated.

They purchased proteins from local farms to help the food banks and bought freezers for several of the local pantries in Howard County.

It was asked why the recommendations of the APB were not included in the changes for the Solar ZRA that is going to the Planning Board this week. It was advised the sustainable practice is there, but it is worded different. They were advised that the two megawatts stipulation was not included because the Office of Law stated it couldn't be regulated. The board was advised they would get more information of why the two megawatts wasn't included in the ZRA. They were advised that they based the 34% acreage amount max on one of the previous CSF policies put in place by the APB. Some members of the Board thought they voted on a two-megawatt limit. The Board was advised that the past meetings would be reviewed to verify if it was.

Last month the letters went out to uncommitted land owners who are eligible for the Agricultural Land Preservation Program (ALPP), and they have been receiving some responses.

Sharp, Lowery and now Sowell are continuing to move through the rest of the easement acquisition approval process. A new application just came through and will be presented to the APB in February. There are three other properties that are in various stages of being scored.

They are heading into the February 2021 group of the installment purchase agreements. Letters have gone out to everybody in that cohort to let them know that their maturity date is coming up. They are still working on processing some installment purchase agreement from the August 2020 group. There were some people in the August 2020 group who were not able to locate their originals and are in various stages of the substitute process.

Public Testimony

Mr. Mariani urged that a member of the APB should attend the upcoming Planning Board session on February 4, 2021. He thinks an APB member should explain to the Planning Board their position on the acreage allowance. He also states they should give their position on the two-megawatt limit which he thinks was voted on by the APB.

Ms. Jones motioned to adjourn, and Mr. Brown seconded no other discussions, and all were in favor of adjourning.

Meeting adjourned 8:57PM.