



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Voice/Relay

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HOWARD COUNTY AGRICULTURAL LAND PRESERVATION BOARD AND STATE AGRICULTURAL PRESERVATION ADVISORY BOARD

May 21, 2018

Attendance:

Board Members: Mickey Day, Chair
Ann Jones, Vice Chair
Jamie Brown
Abby Gibbon
Cathy Hudson
Savannah Kaiss
Denny Patrick

Staff: Beth Burgess, Chief, Resource Conservation Division, DPZ
Joy Levy, Program Administrator, Agricultural Land Preservation Program

Guests: James Zoller, Agriculture Coordinator, Office of Community Sustainability

Mr. Day called the meeting to order at 7:05 p.m. and conducted introductions.

Action Items

1) Minutes from the meeting of January 22, 2018

Mr. Day called for the approval of the January 22, 2018 meeting minutes. Mr. Patrick moved to approve. Ms. Jones seconded the motion, which passed unanimously.

2) Minutes from the meeting of February 26, 2018

Mr. Day called for the approval of the February 26, 2018 meeting minutes. Ms. Jones moved to approve. Mr. Brown seconded the motion, which passed unanimously. Ms. Jones requested clarification about the information provided by Mr. Glendenning at the February meeting regarding treasury strip income coming to the County on the IPAs when they reach maturity. Her concern was making sure that the easement property owners receive the full balloon payment that they are due. Ms. Levy confirmed that is the case, and referred to the cash flow analysis, which shows the income amount each year.

3) Minutes from the meeting of March 26, 2018

Mr. Day called for the approval of the March 26, 2018 meeting minutes. Mr. Brown asked for the status of the lot right exchange issue, inquiring who volunteered to discuss it with the Council. Ms. Levy stated that Mr. Bauer indicated he would initiate the effort to amend the Code language but that she didn't know

if he had done so. Ms. Levy stated that she would ask Mr. Bauer and report back. Mr. Brown moved to approve. Ms. Jones seconded the motion, which passed unanimously.

4) Election of Chair and Vice Chair

Ms. Jones nominated Mr. Day, and Mr. Patrick seconded the motion. Mr. Brown nominated himself. The motion died for lack of a second. Ms. Kaiss asked if there would be discussion and Mr. Brown said that there wouldn't be on a nomination. Mr. Day took the vote and it passed unanimously, except for Mr. Day, who abstained.

Mr. Day nominated Ms. Jones for Vice Chair and Mr. Patrick seconded the motion. It passed unanimously with Ms. Jones abstaining.

Ms. Hudson referred to the Rules of Procedure and asked if there would be a new vote in January. Ms. Levy indicated that there would. Mr. Patrick expressed concern about having to vote again so soon. Ms. Burgess clarified that the same people could be voted for.

5) Request for Approval, Location of Principal Dwelling and Unrestricted Lot; Cissel property, HO-13-01-E; 51 +/- acres (ALPB)

Ms. Levy read the staff report, stating that Rob and Kelly Hensing are the contract purchasers and are requesting to construct a principal dwelling and release one unrestricted lot, as provided for in the deed of easement. They are presenting these requests as a phased plan for the property, with the construction of a principal dwelling for their use now, that will in the future be the site of the unrestricted lot release. They are also seeking approval for what will become the principal dwelling once the unrestricted lot is released and subdivided.

Ms. Levy noted that per the deed of easement, the Board may approve the location of a dwelling or an unrestricted lot after determining that it will be located so as to minimize disruption of agricultural activities. She stated that the applicant appears to have met the criteria by locating the original dwelling, which will become the unrestricted lot in the future, proximate to and taking direct access from, Jennings Chapel Road. This location is also adjacent to another residential lot, with two others nearby.

The future principal dwelling location will only be utilized if the unrestricted lot is created around the original principal dwelling. The Hensings have chosen the site of the future principal dwelling because it sits back on the farm and works well with the topography of the land. The dwelling would be accessed by an extension of the farm lane that services the future barn, so the house and its access won't cause disruption to the agricultural use of the property.

The Hensings have a pasture-based farm, of which the main operation is a small dairy. They also have Jersey cows, heritage pigs, hair sheep and a menagerie of chickens. Ms. Levy recommended approval of the request to locate a principal dwelling and an unrestricted lot, phased as presented, subject to the applicant obtaining all appropriate county and state permits and approvals.

The Board had a long discussion about several aspects of the request. Their main concerns were:

- 1) The access for the future principal dwelling. Ms. Hensing explained that it will be a new driveway from Jennings Chapel Road, and that it will not be shared. Mr. Hensing added that they're not sure exactly where it will be located, but that it will first service the barn, once built.
- 2) The status of the proposed future principal dwelling if the initial dwelling and unrestricted lot are not created. The concern was whether someone could create the unrestricted lot in the future

principal dwelling location. Ms. Levy assured the Board members that she reviews all subdivision plans in the Rural West and she would not approve a lot in a location that the Board hasn't approved.

- 3) The ability for the future principal dwelling to be built as a large estate home and not have a farm operation associated with it. Ms. Levy noted that the Deed of Easement requires that the property be available for farming, but not that it be actively farmed. She also stated that the ALPP has no house size maximum.
- 4) County regulations changing prior to the Hensings moving forward with their plans.
- 5) The proposed lot line of the unrestricted lot not being right up against the adjacent property. Ms. Hensing explained that this is due to sight distance on Jennings Chapel Road. She said the sliver of land in between could potentially be a driveway to the farm parcel.

Ms. Jones moved to approve the construction of a principal dwelling for the applicant's immediate use that will ultimately be placed on an unrestricted lot and sold, in the location as presented. Ms. Jones also moved to approve the unrestricted lot in the proposed location and granted the ability to move it slightly to conform to any county regulation changes, conditioned on the frontage remaining on Jennings Chapel Road. Ms. Hudson seconded the motion and it passed unanimously, except for Mr. Brown.

Mr. Brown moved to approve the location of the permanent principal dwelling, as presented, emphasizing that it could not become the location of the unrestricted lot in the future. Ms. Hudson seconded the motion. It passed unanimously, except for Ms. Jones.

Discussion Items

1) Program Updates

a. **Reference Binders for New Members** – Ms. Levy provided the reference binders to Ms. Gibbon and Ms. Hudson, and distributed some updated materials to the existing Board members.

b. **Follow up on Status of Scored Property Owners** - Ms. Levy stated that in response to questions raised at the February meeting, she compiled a list of the 51 properties she scored in the current application cycle. She indicated that she included a column on the chart for the status of the property, noting whether the easement was acquired or if the property is in for subdivision review.

c. **MALPF applicant** – Ms. Levy informed the Board that there is one applicant for this upcoming cycle and that MALPF received decent funding from the legislature this year. She noted that the Robb property will be coming before the Board in June for the APAB's recommendation, as is required by MALPF. Ms. Jones stated that since MALPF does have funding this year, there should be a concerted effort to encourage people to apply. Ms. Hudson asked Ms. Levy to send the unencumbered properties on the scored list a letter informing them of the opportunity. Regarding the county program, there were questions about the status of the County Executive's decision to not purchase additional easements. Ms. Levy confirmed that he stated he would reexamine the transfer tax revenue each year to see if the projected shortfall based on APFO changes holds true.

d. **MALPF inspections** – Ms. Levy noted that she will be conducting the required yearly MALPF inspections soon, noting that she will be visiting 4 or 5 properties. Mr. Brown inquired about a specific MALPF property and whether it could be put on the list due to concerns about how the farm is being used. Ms. Levy indicated that she would discuss it with Kim Hoxter, who is the Monitoring Program staff person for MALPF.

2) **Annual Report to the County Executive and the County Council** – Ms. Levy referenced the report that she distributed to the Board members in their packets. Ms. Jones asked if the report could go to the new Council members in addition to the current ones. There was discussion about doing educational outreach to the new Council members.

Mr. Brown moved to approve the report. Ms. Jones suggested that the history of the Program and its importance be a part of the outreach effort, and asked if the motion could be amended to include this suggestion. Mr. Brown amended his motion. Ms. Kaiss seconded the motion, which passed unanimously.

There was discussion about the upcoming special meeting with Council Chair Mary Kay Sigaty, confirming that June 28 is the date that works best for all. The Board members asked for as much time as possible with the draft revisions to Section 15.518.

3) **Soil Conservation District newsletter** – Ms. Levy distributed an extra copy to Mr. Day.

Ms. Jones moved to adjourn and Mr. Brown seconded. The motion passed unanimously and the meeting adjourned at 8:30.



Joy Levy, Executive Secretary
Agricultural Land Preservation Board