



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

July 26, 2021

Attendance:

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

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

Guest: Fred T. Lewis Edward (Ted) Lewis
Johnathan R. Dickey Alan Sharp
Josh Wynne Joseph Warren Rutter
Theodore F. Mariani Mike Lewis
Terry Fisher Keith Walker
Timothy D. Lewis Brian t. Wynne
Richard Watson Chuck Sharp

Action Items

1. **Minutes from the meeting of June 28, 2021**

No additions or corrections. Ms. Jones motioned for approval and it was seconded by Ms. Gibbon. All board members in attendance were in favor of approving the minutes.

2. **Request for Approval, MALPF Easement Acquisition, Spence property, 14.36 acres (APAB) ([Staff Report](#))**

Ms. Levy reviewed the Staff Report with the board and provided some background information about the property. The location of the property is at 2825 Florence Road in Woodbine. The request is for approval of a MALPF easement acquisition for the property. Some of the maps in the staff report were reviewed with the board to show the location of the property and the surrounding areas.

The farm is improved with a principal dwelling, a main barn, a greenhouse and two run-in sheds. About 70% of the property is currently in active agricultural use, and 100% of the soils are in Classes I-III. According to the Soil Conservation District, there is a current Soil Conservation and Water Quality Plan that is fully implemented.

The requirements and the steps of how the acquisition is acquired by the state was reviewed with the Board. The application meets MALPF's agricultural preservation easement eligibility criteria, so the staff recommends approval.

Mr. Brown motioned for approval and Ms. Jones seconded the motion. All MALPF members in attendance were in favor of approving the easement acquisition.

3. **Request for Approval, ALPP Easement Acquisition, Dickey property, 130.78 acres (APB) ([Staff Report](#))**

Ms. Levy reviewed the Staff Report with the board. The request is for approval of an ALPP easement acquisition. The property is located on 13700 North Forsythe Road in Sykesville. The maps were reviewed with the board to show the location of the property and its surrounding areas. It is a little over 130 acres and it is primarily a corn and soybean rotation. The property is under contract and is being sold to Chuck Sharp. Chuck Gingrich, who the property is currently leased to, will continue to farm the property in the short term. The farm is improved with a principal dwelling, a bank barn and three equipment sheds.

Ms. Levy reviewed the score sheet with the board and provided the proposed scoring with them. She reviewed the proposed optional points with the board and provided the reasoning of why these points were being suggested. The staff recommendation is for approval, because the property significantly exceeds the eligibility criteria.

The proposed scoring is based on the current owner. It is believed that the property will transfer prior to easement settlements and it would be the new owner putting it into the program. When processing a request during a transfer they include all parties involved with the property to make sure everyone is okay with it. It was advised that any price change would have to come back to the Board.

Ms. Levy and the Board reviewed each category and the points being proposed for each. There were no recommended changes to the proposed scores.

Ms. Jones motioned to propose 10 points for the discretionary points due to the size and that the property is being sold to a farming family. Mr. Brown seconded the motion. All Board members in attendance were in favor of adding the 10 discretionary points. The motion passed.

Ms. Jones motioned to accept all the proposed APB points, and it was seconded by Ms. Gibbon. All board members in attendance were in favor of the motion. The motion passed.

Ms. Jones motioned to accept the full proposed scoring sheet with the additional 10 points for a total of 920 points and it was seconded by Ms. Gibbon. All members in attendance were in favor of accepting the proposal as presented with the additional 10 discretionary points.

4. **Request for Approval, Child Lot, Lewis property, HO-90-19-E, 98.22 acres (APB) ([Staff Report](#))**

Ms. Levy reviewed the Staff Report with the Board. The request is for three one-acre child Lots for the Lewis' sons Jeffrey, Michael and Edward. The property is located at 6005 Ten Oaks Road. The property was placed in the Howard County program in December 1990 by Dr. Fred Lewis and Ms. Agnes Lewis. The trust is currently requesting the approval for the three lots.

The child lot policy was reviewed with the Board and it was also included in the staff report. The sons currently live out of state and are very interested in relocating back to Howard County to be closer to their father. The family has submitted the required letter of understanding along with birth certificates for each child.

The Staff recommends approval, subject to the following conditions of an amended deed of easement is to be prepared, executed and duly recorded in the land records of Howard County that would reflect the release of the three one acre lots, the applicant must repay \$6000 to the County for each of the one acre lots released and meet all appropriate county and state permits and approvals, including the approval of a subdivision plat to be recorded concurrently with the amended deed of easement.

Mr. Brown motioned for approval and it was seconded by Ms. Jones. All members in attendance approved the release of the three child lots.

5. **Request for Approval, Tenant House, Wynne property, HO-16-01-E, 58.7 acres (APB) ([Staff Report](#))**

Ms. Levy reviewed the Staff report and its contents with the Board. The property is located at 15685 Old Frederick Road in Woodbine. The request comes from Wynne Family LLC and it is for a tenant house. AFS placed the property in the Howard County program in January 2016. She reviewed the APB policy for tenant houses which was also included in the staff report. Ms. Levy reviewed the maps, included in the staff report, with the Board to show the location of the proposed tenant house.

The Wynne Family LLC wants to release the lot and build the dwellings in the same exact locations that the APB approved for AFS in 2019. Mr. Wynne's son, Josh, will reside in the proposed tenant house and will be responsible for upkeep of the farm and its structures. He will assist Mr. Gingrich, who runs the farm, as needed.

Staff recommends approval of the request to construct a tenant house, subject to the following conditions. The applicant must obtain all appropriate county and state permits and approvals and include the approval of a subdivision plan to be recorded concurrently with the amended deed of easement.

Mr. Brown motioned for approval and it was seconded by Ms. Gibbon. All members in attendance were in favor of the request for the tenant house.

6. **Request for Approval, Exchange of Land Under Easement for Unencumbered Land, Mariani property, HO-92-02-E, 175.41 acres (APB) ([Staff Report](#))**

Ms. Levy reviewed the Staff Report with the Board. The request is from Oakdale Farm LLC and it is for an exchange of land under easement for unencumbered land. The property is located on 16449 Ed Warfield Road in Woodbine. The property was placed in the program in January of 1992. The maps were reviewed with the APB to display the pieces of land that was proposed to be exchanged. They are requesting the exchange because they want to provide a better spatial buffer for the historic Governor's Mansion on the Oakdale property.

Staff recommends approval of the request for exchange of land under easement for unencumbered land, subject to the following conditions. An amended deed of easement is to be prepared, executed, and duly recorded in the land records of Howard County. The amended deed of easement will reflect the exchange of land under easement for unencumbered land. The applicant must obtain all appropriate county and state permits and approvals, including the approval of a subdivision plat to be recorded concurrently with the amended deed of easement.

The easement access to Jennings Chapel Road was included in the acreage tally. It was advised that the only added traffic would be for one house. The 25-foot driveway will connect to the lot from an already existing roadway.

Ms. Jones motioned for approval and it was seconded by Ms. Hudson to approve the exchange. All Board members in attendance were in favor of the motion for approval. The motion passed.

7. **Request for Final Advisory Comments, Commercial Solar Facility (CSF), Cahill Luigard Living Trust property, HO-97-04-PPCL(B), 37 +/- acres (APB) ([Staff Report](#))**

Request for final advisory comments for a CSF that was presented during the previous meeting. After the meeting they held last month, the board was provided more background information on the farming operation and how the CSF supported the farming operation. The Board looked carefully at the balance of the property to verify the CSF is ancillary to the primary farming operation.

Mr. Brown motioned for the Board recommendation for option one and it was seconded by Ms. Jones. All Board members in attendance were in favor of recommending option one.

Discussion Items

1. **Program Updates**

The Lowery property has gone to settlement and there are several other properties getting prepared for settlement. Sowell, Moore-Roby and JRNL have all gone to council and have been approved. Site visits have been completed for JRNL and Moore-Roby.

The Agricultural Innovation Grants have had another round go out.

The Roving Radish season is going well, and they are purchasing a lot of their produce from local farms.

At a future meeting, the APB will discuss ideas for spending agricultural preservation funds.

2. **Discussion of Commercial Solar Facilities (CSF) request submission requirements**

The new two-step process was discussed with the Board. The two-step process was implemented because of the update to the ZRA. They are looking into the possibility of skipping the second step, which is another meeting with the APB, if the Board is comfortable with the CSF plans presented to them during the first meeting. It was also mentioned, the possibility of adding some language to the submission process to recommend the applicants provide a narrative of how the CSF is ancillary to the farming operation.

Public Testimony

No public testimony

Meeting Adjourned

Mr. Brown motioned to adjourn, and it was seconded by Ms. Hudson. All members in attendance approved the motion. The meeting concluded at 8:27PM.