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

**February 25, 2019**

**Attendance:**

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

Staff: James Zoller, Executive Secretary / Agricultural Coordinator (OCS)  
Beth Burgess, Planning Manager  
Joy Levy, Administrator (ALPP)  
Lisa O'Brien, Senior Assistant County Solicitor  
Matthew Hoover, Administrative Aide (OCS)

Public: Keith Ohlinger  
David Garratt

Ms. Jones called the meeting to order at 7:06 PM and had everyone from around the room introduce themselves.

**Action Items**

**1) Request for Approval, Agricultural Rules of Procedures (APB)**

Mr. Zoller went over the Agricultural Rules of Procedures. Mr. Zoller advised, if everyone is okay with the draft it needs to be published in two newspapers and then they must call a public hearing at the meeting to vote it in. The changes that were made were typos, code number changes and they added in the telephone provision update. No motion was called because they couldn't vote on it, due to requirement of the "Howard County Administrative Procedure Act, Title II, Subtitle I of the Howard County Code which James advised the Board of.

**2) Request for Approval, Meeting Minutes of January 28<sup>th</sup>, 2019**

Ms. Jones asked if there were any comments or corrections for the January 2019 minutes. There were no comments or corrections. Ms. Kaiss motioned to approve and it was seconded by Mr. Patrick. All members in attendance approved the minutes.

**3) Request for Approval, Child Lot, Garratt property, HO-86-01-E, 90 acres +/- (APB)**

Ms. Levy went over the request from David and Mary Garratt. The property is on the eastside of Forsythe Road near the Carroll County Line. The request is a child lot for their daughter Amanda. They are the current owners and the original grantors of the easement. They came into the County Agricultural Land Preservation Program in January of 1986. Per the easement, they are entitled to a one-acre lot for themselves, and for each of their children. There have been no previous requests. 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.

Ms. Levy referred to the staff report packet's aerial picture where it shows the proposed child lot and the access to it. The applicant appears to meet the criteria of minimizing any disruption, because the lot is going to be located along the edge of the woods and the access to it will be an extension from the driveway that currently serves the principle dwelling. Ms. Levy's recommendation is approval of the request to release the one-acre lot, subject to amending the deed of easement to reflect their release of the one-acre and the repayment for the one-acre lot being released. They also must obtain all of the County and State permits and approvals.

Ms. Jones asked if anyone on the board had any questions and the Board had no questions. Mr. Brown motioned to approve and it was seconded by Mr. Patrick. All the Board Members in attendance voted to approve the child lot.

#### **4) Request for Approval, Water Resource Conservation Overlay policy (APB)**

Ms. Jones recused herself from the discussion. Mr. Brown asked if the stream buffers were always fifty feet? Mr. Zoller advised that it was written to match what the County had. He asked why it didn't match the state and it was advised, because it would be less than what the County zoning has. Ms. Kaiss asked, why the County doesn't match the state? It was advised that the county can be more conservative than the state, but it can't be less than what the state requires. The Board members in attendance wanted the policy to state thirty-five feet for fencing, grazing and crop land and it would be fifty feet for new structures.

Mr. Brown made a motion to approve the Water Resource Conservation Policy, with the proposed change of the stream buffer to be thirty-five feet for fencing, grazing and crop land. It will remain fifty feet for buildings, structures and roadways. It was seconded by Mr. Patrick. All members in attendance, except for Ms. Jones who recused herself, approved the Water Resource Conservation Overlay policy.

#### **Discussion Items**

##### **1) Program Updates**

**a. Maryland Agricultural Land Preservation Foundation (MALPF) Meeting** – Ms. Levy advised that the Reuwer request, which the Board looked at for moving of the boundary line, is going to be reviewed by MALPF.

MALPF may do their first easement offers. It is either going to be at tomorrow's meeting or they may begin in March. MALPF is trying to do it, if all the steps in the process are done, quickly. They will try to make offers as they are ready, instead of waiting until everyone is completed. The Robb property offer, which was reviewed during the June 2018 Board meeting, may be reviewed by MALPF soon.

**b. Community Solar Farms** – Ms. Levy advised that the Triple Creek and Khademi Properties, which were reviewed during the June 2018 Board meetings, have been submitted for their Conditional Use petitions. She doesn't know when they will get on the Hearing Examiners Schedule.

**c. Donated Easement** – Ms. Jones advised about a donated easement which is located between 144, 70 and 97. It has a lot of wetland and ponds and is 60.79 acres. It was donated to the Maryland Environmental Trust.

## 2) Continued Discussion on Solar Policy from previous meeting

Mr. Zoller thought at the end of last meeting the Board wasn't sure they were going to make any changes. The Board members in attendance agreed with that.

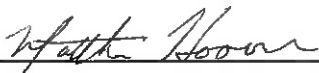
Mr. Brown attended the Pre-Submission Community meeting for the Warfield and Hurt properties and there were about twenty-five people in attendance. There were no County employees in attendance for the meeting. He stated, the meeting seemed to be chaotic and he didn't understand why those meetings take place. Ms. O'Brien advised, the purpose of the pre-submission community meetings is to allow the petitioner to provide information to the community regarding the proposed conditional use and to allow community residents to ask questions. This also gives the community the opportunity to discuss any issues they have concerning the proposal. No County employees should be at the meeting, because the meeting is for the community to meet in an unorganized non-County influenced environment. He found out that the Hurt's property already has a thirty-five-year lease. They have a twenty-five-year contract with two five year extensions, which were already been picked up. A concern brought up by the community was the property values.

Ms. Jones went back to the discussion of the Board Solar Policy. She recalls that the Board felt it didn't respond to enough, in previous submittals, to the provision that says that they can evaluate the request against the impact of the Agricultural Preservation Land (APL) and the reasons for which the land was preserved. She thought that the Board wanted to see if that would give them enough wiggle room, going forward, to make comments on requests they thought were not good. The Board doesn't have to make an approval but could offer suggestions. The Board members in attendance agreed with that. Ms. Levy stated that the Board is making a recommendation, which is what Ms. Gowan stated during the previous meeting, and that they didn't have to make an approval or non-approval. Ms. O'Brien stated that it doesn't have to be conclusion but can be more like a question the Board is asking, which will make the petitioner have to be prepared to answer these types of questions from the Hearing Examiner.

## 3) Public Testimony

**Keith Ohlinger on the Spending Affordability Advisory Committee** – The committee will receive a draft of the report tomorrow, February 26, 2019, and it will be submitted to the County by March 1, 2019. With the agricultural changes, the overall shortfalls appear to be 138 million over the next six years and 1.2 billion over the next twenty years. One of the recommendations was to gut the Agricultural Preservation Fund and give the money to something else. The report is stating the transfer tax will go back to the County and the County will decide where the funds go. Mr. Ohlinger felt the Agricultural Preservation Board should be aware of this information.

Ms. Jones asked if there were any other items and there were none. Mr. Brown motioned to adjourn and it was seconded by Ms. Kaiss. All members were in favor. The meeting concluded at 7:56 PM.

  
Matthew Hoover, Administrative Aide  
Office of Community Sustainability