



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

February 22, 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:	Joseph W. Rutter	David Smith
	Theodore Mariani	Joseph Enzler
	Brigitte Kreitmann	Kathy Johnson
	Olivier Kreitmann	Keith Walker
	Tammie Bartee	Chuck Sharp
	Devin Keeny	Walter Serafyn
	Sharon Keeny	Judith Coleman
	Karen Moore-Roby	Frances Yuhas
	Mark Levy	

Action Items

1) Minutes from the meeting of January 25, 2021

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

2) Request for Recommendation to County Executive, Easement Acquisition, Moore-Roby property; 24.6 acres (APB) ([Staff Report](#))

Ms. Levy reviewed the Staff Report with the Board and the contents included with it. The request is from Karen Moore-Roby. The property is a 24.6-acre small horse farm and a little over half of it is woods. Ms. Levy reviewed some of the maps with the Board and provided some background details about the property and the owner. The Staff recommendation is for approval, because all eligibility criteria is met.

Ms. Levy reviewed the Price Formula Worksheet with the APB and her recommendation for the APB points. She provided details of why the staff recommended the points.

The Board reviewed each section of the Agricultural Preservation Board Points. There were no changes to the scoring that was recommended by the staff.

Ms. Jones motioned to accept the proposal as presented and it was seconded by Ms. Kaiss. All Board Members in attendance approved the motion.

3) Request for Recommendation to County Executive, Easement Acquisition, JRNL LLC property; 39.25 acres (APB) ([Staff Report](#))

Ms. Levy reviewed the Staff Report with the Board and the contents included with it. The request is from JRNL, LLC. The property is a 39.5-acre property comprised of three separate parcels that is run as one farm. The owner intends to merge the parcels prior to easement settlement and it was scored based on the merger of the parcels. Ms. Levy reviewed some of the maps with the Board and provided some details about the property and the owner. The Staff recommendation is for approval.

Ms. Levy reviewed the Price Formula Worksheet with the APB and the staff recommendation for the APB points. She provided information of why the staff recommended the points. It was asked about where the GIN was, and they were advised that information will be sent out to the Board later.

The Board reviewed each section of the Agricultural Preservation Board Points. There were no recommended changes from what the staff recommended.

Ms. Kaiss motioned for approval of accepting the proposal as presented and it was seconded by Ms. Hudson. All members in attendance approved the motion.

4) Request for Recommendation, Amendments to Sections 15.514(b) and 15.514(c)(3)(ii) of the Howard County Code ([Staff Report](#))

Ms. Levy advised what amendments are being proposed and reviewed them with the Board. She provided a summary and referred to the last meeting when these two sections were discussed.

15.514(b) the recommended change is increasing the density of unrestricted lot rights from the current one lot per fifty acres to one lot per fifty acres or portion thereof. She advised the change is adding "or portion thereof" and explained what that would mean. She went over the history of it and the number of properties it could impact.

15.514(c)(3)(ii) would extend the right to a principal dwelling on an unapproved parcel for properties over 50 acres to include properties between 20 and 50 acres. The recommended change is to get rid of the provision that currently states that the parcel must be 50 acres or larger. It would extend that right to anybody who is eligible to come into the Agricultural Land Preservation Program (ALPP) the right to a principal dwelling post easement. She reviewed the number of properties that could be impacted by the change.

The entirety of the proposed legislation was attached to the Staff Report. Included in the Staff Report is the language that is being proposed and it was highlighted what would change. Staff recommends approval of the code amendments as drafted.

Mr. Day recused himself from the discussion and the vote, so he had Ms. Jones lead the discussion. These amendments were brought to the APB to see if they would support them. It was advised that for pre-1993 acquisitions that are multiple parcels who elect to exchange their lot rights are given a choice to either merge the parcels, or they must delineate the parcels that make up the easement property, so when the amendment deed of easement is drafted the rights would be attributed to specific parcels. It would be clearly known which parcels would have those rights in the future. The Board was also advised that the APB reviews the lot requests and determines if the location of the dwelling impacts the farm.

Ms. Kaiss motioned to approve, and it was seconded by Mr. Brown. All members in attendance, except for Mr. Day because he abstained from voting, approved the motion. The motion passed to show support of the recommended changes to Sections 15.514(b) and 15.514(c)(3)(ii) of the Howard County Code.

5) Review of the Agricultural Land Preservation Program (APB) Community Solar Facility (CSF) [Policy](#)

The topic of discussion was if they should have a two-megawatt maximum requirement in the APB CSF policy. The Board discussed this previously, but never added the requirement to their policy. The APB discussed if it should be included in the APB Policy.

Ms. Hudson made a motion that they have a maximum allowance of two-megawatts in their CSF Policy and Ms. Jones seconded the motion. Mr. Day, Ms. Kaiss, Ms. Hudson, Ms. Jones and Ms. Gibbon all approved the motion. Mr. Brown voted against the motion. The vote was five to one in favor of the motion, so the motion passed.

6) Review / Response to [ZRA 197](#) – Amendments to Solar Zoning

Mr. Zoller pulled up ZRA-197 to review with the Board. The Board discussed the ZRA and what they thought should be included and highlighted in it. They discussed wanting them to include an alternative farming practice or pollinator habitat, that the maximum allowance be two-megawatts or less and to make sure that it is ancillary to the farming operation.

What the letter would include is to make it clear in the ZRA that the CSF operation is ancillary to the farming operation, the request that in there is a limit of two megawatts on Agricultural Preservation ground, and they want them to include the agricultural practice or pollinator requirement within the area.

Ms. Hudson motioned to have the APB write a letter to the County Council and send a copy to the Administration regarding the upcoming legislation. The letter is to let the County Council know what the APB policy is and ask that the legislation follow the APB policy while also highlighting the three different topics discussed. Ms. Jones seconded the motion. All members in attendance were in favor of the letter.

Discussion Items

1) Program Updates

In a future meeting they will review some of the agricultural programs being funded by agricultural preservation funds.

Ms. Levy advised what the next steps are for the two acquisition easement properties that came to the board tonight.

There are some properties that are in various stages of the ALPP approval process. The first one to go to the County Council will be the Lowery property that the Board reviewed in November.

They are currently working on February's Installment Purchase Agreements (IPA). Some of them have the original documents and some must go through the substitute process. There are still some people that are working through the substitute process of the previous IPAs in August.

Public Testimony

Ted Mariani – He thinks it is very important that that the APB not only send the letter to the Council, but also make a personal appearance at the various work sessions and the public hearings. He thinks they should do this, so they can respond to questions that might arise concerning the Board's position on CSF's on Agricultural Preservation Land.

Ted Mariani – He wanted to discuss the IPA substitute process because some residents are struggling to find the original document. He stated that it wasn't highlighted that they would need to hold onto the original document. He feels the process in place is very expensive for something that has been active and recognized for thirty years. He thinks someone should look at this because there are number of people affected by this and it doesn't seem fair to be charged for something that is owed to them.

Ms. Levy explained the substitute process for people that can't locate the original IPA document. She reviewed how the cost is calculated and collected.

Meeting Adjourned

Ms. Hudson motioned to adjourn, and it was seconded by Ms. Jones and all in attendance approved. Meeting adjourned at 8:37 PM.