



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

**Meeting Minutes
January 12, 2009**

Attendance:

Board Members: Sean Hough, Chairman
John Komsa, Vice Chairman
Ricky Bauer
Jim Eacker
Shirley Matlock
Lynn Moore

Petitioners: Natalie Ziegler
John Zeigler
Megan Handshu, Department of Recreation and Parks

Public: Lori Paserchia

Staff: Joy Levy, Administrator, Agricultural Land Preservation Program
Mary Smith, Secretary, Agricultural Land Preservation Program

I. Action Items

1. Minutes from December 15, 2008 Meeting – Chairman Hough called the meeting to order at 7:30 p.m., and then asked for additions or corrections to the minutes of the December 15, 2008 meeting. There being none, Mr. Komsa motioned to accept the minutes as distributed. Mr. Bauer seconded the motion. The motion carried unanimously.

2. Request for Approval, Relocation of Previously Approved Child's Lot (Section 15.509(e)(3) of the pre-1993 Howard County Code); Harry and Christine Reinhardt property, HO-90-22-E; 57 acres (ALPB) Ms. Levy stated that Harry and Christine Reinhardt are the current owners and original grantors of the easement on the subject property, which was placed in the Howard County Agricultural Land Preservation Program (ALPP) on December 20, 1990. Per the original deed of easement, the grantors may release from the easement a lot for themselves, and lots for each of their three children. The Reinhardts previously received approval from the Board to create lots for their children Edwin, Mary and Sara.

Ms. Levy noted that the current request before the Board is for an alternate location for Edwin's lot. The previously approved location did not perc, so they are proposing to site the lot on Penn Shop Road, adjacent to another residential lot. The new location has been approved by the Health Department for well and septic.

Ms. Levy stated that Staff recommends approval of the request to relocate a previously approved child lot, subject to the following conditions:

1. 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 release of a portion of the easement for one (1) one-acre child lot.

2. Applicant must repay \$5,000 to the County for the one-acre lot released.
3. 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.

Chairman Hough called for questions.

Ms. Matlock asked if lots should be perced prior to coming before the Board.

Ms. Levy explained that typically prior to incurring engineering expenses, the property owner receives the Board's lot location approval. If the site does not perc, the owner requests an alternate lot location.

Ms. Matlock motioned to accept staff's recommendation. Mr. Eacker seconded the motion. The motion was unanimously approved.

3. Request for Approval, Forest Conservation planting; Horner property, HO-90-07-E, 54 Acres – Ms. Levy stated that Ann Horner is the current owner of the subject property, which was placed in the ALPP on July 10, 1990 by her parents, Merhle and Evelyn Pickett. Ms. Horner is proposing to create a forest conservation easement area on a portion of the farm, and the request is being made by Howard County Department of Recreation and Parks (DRP), as part of their Private Forest Conservation Easement (PFCE) initiative.

Ms. Levy asked the Board to refer to the maps provided by Ms. Handshu of DRP, noting that the proposed 1.483 acre planting area will buffer a stream and wetland in the northeast corner of the farm. According to Ms. Handshu, over 200 feet of stream in the Cattail Creek watershed will be buffered by this proposal.

Mr. Eacker asked for a brief review of the PFCE. He also asked for clarification regarding the length of stream being buffered. Ms. Hanshu explained that it's 100 feet on both sides of the stream, so it is counted as 200 feet of buffering.

Referring to the aerial map, Mr. Komsa asked if there was a spring in the vicinity of the planting. Ms. Handshu stated that the spring ran to the pond. She indicated that Soil Conservation District (SCD) staff was concerned that planting there would cause gulying, so the original planting proposal was amended.

Ms. Levy stated that she and Ms. Handshu have worked closely with the SCD on the PFCE requests. She indicated that her concern is that the proposed plantings meet the ALPP planting policy, but that SCD often has helpful comments that would not have been addressed otherwise. She stated that this proposal is a good example of the agencies working together to resolve issues before coming to the Board.

Ms. Levy stated that staff recommends approval of the proposed forest conservation planting area on the Horner property. Chairman Hough called for questions. There being none, Ms. Matlock motioned to accept staff's recommendation, and it was seconded by Mr. Eacker. The motion was unanimously approved.

4. Request for Approval, Forest Conservation planting; Ziegler Family Irrevocable Trust property, HO-96-05-E, 350 Acres (ALPB) – Ms. Levy stated that Natalie Ziegler and Jessica Ziegler, trustee of the Ziegler Family Irrevocable Trust, are the current owners of the subject property, which was placed in the ALPP on October 3, 1996 by Mary Carter Carroll Ziegler, et al. Ms. Levy stated that the request was to create a forest conservation easement area on a portion of the farm, and is being made by DRP as part of their PFCE initiative.

Ms. Levy and the Board Members reviewed the aerial map showing the 4.22 acres that comply with the ALPP Forest Conservation Planting policy, and another .422 acres using the 10% allowance. She indicated that most stream sections that run through this property are very well buffered already, and this proposal will fill the few gaps.

Mr. Komsa questioned the location of the 10% allowance area, stating that it wasn't needed where it is currently proposed, and would be more appropriate in the other area proposed for planting. He indicated that the 10% is only supposed to be used to straighten out a planting line, and suggested a specific place on the aerial map where the 10% allowance would be more beneficial.

Mr. Bauer indicated that he knew from farming the land that the original area proposed by Ms. Handshu is a very steep slope and would benefit from being planted.

Mr. Eacker and Mr. Bauer both had questions regarding whether they should recuse themselves from voting. Mr. Eacker explained that he is a neighbor of the Zieglers, and on the board of the Howard County Conservancy, which holds an easement on another piece of property owned by the Ziegler family. Mr. Bauer farms the subject property. Ms. Levy advised that she didn't feel that Mr. Eacker needed to recuse himself, but that Mr. Bauer should.

Ms. Levy stated that staff recommends approval of the proposed forest conservation planting area on the Ziegler property. Ms. Moore moved to accept the staff's recommendation. Mr. Komsa seconded the motion. The motion was unanimously approved.

5. Request for Approval, Forest Conservation planting; Carroll Ziegler property, HO-06-08-PPSD, 23 Acres (ALPB) – Ms. Levy stated that Mary Carter Carroll Ziegler, et al., are the current owners and grantors of the easement on the subject property, which was placed in the ALPP in November 2006. The request is to create a forest conservation easement area on a portion of the farm, and is being made by DRP, as part of their PFCE initiative.

Ms. Levy and the Board Members reviewed the aerial map showing the proposed 1.954 acres that comply with the ALPP Forest Conservation Planting policy, and another .195 acres using the additional 10% allowance. Ms. Levy noted that the 10% allowance was being used as it was designed, to fill in an area that would otherwise be a cut off pocket of farmable ground.

Ms. Levy stated that staff recommended approval of the proposed forest conservation planting area on the Carroll Ziegler property. Mr. Komsa questioned the alignment of the 10% area, expressing his concern that its boundary did not exactly coincide with the main part of the planting area. There was discussion about the implications and possible solutions to this problem. Mr. Komsa suggested tapering the corners so that the edge of the planting area was straighter.

Chairman Hough called for a motion. Mr. Komsa made a motion to accept staff's recommendation with the adjustment to the planting boundaries as discussed. Ms. Matlock seconded the motion. The motion was unanimously approved.

The meeting was adjourned at 8:15 p.m.

Joy Levy, Executive Secretary
Agricultural Land Preservation Board