



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

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

January 23, 2017

Attendance:

Board Members:

Lynn Moore, Chair
Rickey Bauer, Vice Chair
Mickey Day
Jamie Brown
Howie Feaga
Ann Jones

Public:

Amy Bruckmann
Ted Mariani, Oakdale Manor
Keith Ohlinger, Howard Soil Conservation District Board
Alice Settle-Raskin, Alice's AgriMaryland
Teresa Stonesifer, Triple Creek Farm
George Streaker Jr., Clearview Farm
F. Reed Wills, SunEast Development LLC

Staff:

Joy Levy, Administrator, Agricultural Land Preservation Program
Amy Gowan, Deputy Director, Department of Planning & Zoning
Lisa O'Brien, Senior County Solicitor, Office of Law
Beth Burgess, Resource Conservation Chief, Department of Planning & Zoning
Mitch Ford, Planning Technician, Agricultural Land Preservation Program

Ms. Moore called the meeting to order at 7:10 p.m. and conducted introductions.

Action Items

1) Minutes from the meeting of December 19, 2016

Ms. Moore called for the approval of the December 19, 2016 meeting minutes. Mr. Feaga moved to approve. Mr. Brown seconded the motion, which passed unanimously.

2) Request for Approval, Commercial Solar Facilities policy

Ms. Moore read the draft Commercial Solar Facilities (CSF) policy, giving the Board members time to comment after each section. Ms. Jones questioned the portion of the policy's purpose statement which states that the intent of Council Bill 59-2016 (CB 59-16) was solely to ensure that farmers remain economically viable. She stated her belief that the purpose of CB 59-16 was primarily to support State and County solar energy goals. Ms. Levy noted that the legislation did highlight several *PlanHoward 2030* policies related to the expansion of alternative energy options, in addition to the language regarding

benefits to the farming community. The Board agreed to add a section of the *PlanHoward 2030* language to the intent statement.

Ms. Jones referred to the first standard of review and suggested replacing the word 'residue' (used to describe the portion of the property not utilized for the CSF) with something that emphasizes the significance of the land remaining in agricultural use. After much discussion, the Board agreed on alternate language that accomplished this goal.

Ms. Moore questioned what is meant by the standard regarding placement of the CSF as it relates to a property's environmental features, stating that the current language is vague and needs clarification. Staff indicated that streams, wetlands and Green Infrastructure areas would be included. Ms. Jones inquired whether the intent of this item is to state that CSF placement should minimize impact on any of the listed environmental features, and if so, the word "respect" should be replaced accordingly. Ms. Levy agreed that the intent is to minimize impact. The Board agreed with this change, as well listing the environmental features that should be protected for clarification.

Ms. Jones and Mr. Brown recommended a few additional edits for the submission requirements section to make it consistent with the rest of the policy document. Ms. Moore suggested language to stress that the Soil Conservation and Water Quality Plan must be current for any property proposing a CSF. The rest of Board agreed that this would be an appropriate revision.

After completion of the policy review, the Board agreed that it would be best to table the vote on the policy until the February meeting once the edits have been made to the document.

Discussion Items

1a) Program Updates

Ms. Levy noted that the three properties recently approved by the County Council (Iglehart, Cattail Meadows, and Pickett-Frey) are proceeding toward settlement, with the hope of finalizing all three by mid-February or early-March. The Sachs property will be reviewed by Council in March.

1b) Agricultural Land Preservation Board Chair Appointment

Chairwoman Moore's term ends in April 2017, leaving an open seat on the Board. Ms. Moore asked about the process of selecting a candidate to take her place. Ms. Levy commented that the Department has been working on a list of possible candidates, but encouraged the Board members to contact David Lee in the County Executive's office if they would like to make any recommendations.

1c) MALPF Uses Policy Guidelines

Ms. Moore brought up the proposed MALPF Uses Policy Guidelines that were recently due for comment by the ALPB. Ms. Levy stated that she has already submitted the few Board comments she received to MALPF, but that additional comments could potentially be added. Ms. Moore stated that her only concern is how MALPF could realistically monitor the customer capacity limitations set forth in the Guidelines. Mr. Feaga remarked that MALPF Board Trustee Michael Calkins has been working on reducing some of these restrictions on behalf of the farmers in Howard County.

1d) Upcoming Legislation: Growth Tiers Amendment & Right-to-Farm Amendment

In February, the County Council will review the County Executive's amendments to the Growth Tiers (SB 236-2012) and the Right-to-Farm legislation. Ms. Jones asked whether the Right-to-Farm legislation included a disclaimer statement for properties being sold adjacent to farmland in the County. Keith Ohlinger of the Howard Soil Conservation District Board stated that there is Right-to-Farm disclaimer language above the signature line on closing documents that advises homeowners of adjacent agricultural activity. Mr. Ohlinger added that this is a voluntary inclusion agreed to by the Maryland Association of Realtors, with whom he has been working closely. Mr. Ohlinger stated that ideally, legislation would be passed that would make it mandatory.

1e) ZRA 175: Exemptions to setback requirements

Ms. Moore discussed ZRA 175, which proposes to amend Section 128 of the Zoning Regulations to exempt farms in the RC Zoning District, and farms 20 acres or larger in the RR Zoning District, from Animal Shelter and Riding Academies and Stables setback requirements from dwellings on new residential lots. Mr. Feaga stated that this amendment would allow farmers the right to build these types of farm structures in accordance with property line setbacks, but would only be applied to new dwellings being constructed next to a farm. He noted that he would like make the setback requirement applicable only to farms in preservation and retroactive to when the farm came into the program. Mr. Feaga stated that he would support the Growth Tiers amendment only if the Council were to make the setback requirement retroactive. Current setbacks for animal shelters greater than 500 square feet are 200 feet from an existing dwelling, and animal shelters less than 500 square feet are 100 feet from an existing dwelling.

Ms. Gowan commented that ZRA 175 will be brought to the Planning Board on February 2, 2017. Ms. Moore suggested that the Board members should testify at the public hearing, either as a group or individually. With numerous opinions around the table, Ms. Moore called for a motion. In general, the Board agreed that the grandfathering clause should be removed from the ZRA, so that the farmers would not need to follow the dwelling setback regulations on any dwelling, regardless of whether it is new or existing. As a result, the animal shelter or riding academy/stable would follow the same setback as any other structure on the property. Mr. Bauer recommended that it would be easier to argue the case for this exception on ALPP properties only, rather than for all of the farms in the County. Mr. Brown disagreed with this perspective, citing that it would exclude farmers that are not in the program. Ms. Jones remarked that any farm is allowed to apply to the program, if they meet the eligibility requirements.

Mr. Brown introduced the following motion: exempt all agricultural properties from the grandfathering clause in ZRA 175. Ms. Moore called for the approval of Mr. Brown's motion. With no second, the motion died.

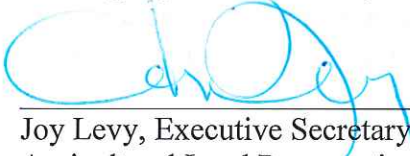
Mr. Feaga introduced the following motion: exempt all ALPP properties from the grandfathering clause in ZRA 175. Mr. Brown seconded the motion. The motion passed 5-1 with Mr. Brown in the dissent.

Ms. Moore stated that she would be in Hershey, Pennsylvania the day of the public hearing, noting the need for a representative to deliver testimony on behalf of the Board. Mr. Bauer volunteered to testify as Vice Chair, and Mr. Brown agreed to testify independently in support of his own motion.

1e) Howard Soil Conservation District Manager

Mr. Ohlinger announced that the Howard Soil Conservation District has hired David Plummer to replace Bob Ensor as District Manager. Mr. Plummer has served as the District Manager of the Montgomery Soil Conservation District for the past fourteen years. He is expected to take office on February 6, 2017.

Mr. Feaga moved to adjourn the meeting, which was seconded by Mr. Day and carried unanimously. The meeting adjourned at 9:30 p.m.



Joy Levy, Executive Secretary
Agricultural Land Preservation Board