



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

September 25, 2017

Attendance:

Board Members: Ricky Bauer, Chair
Jamie Brown
Howie Feaga
Ann Jones
Savannah Kaiss
Denny Patrick

Staff: Joy Levy, Administrator, Agricultural Land Preservation Program
Lisa O'Brien, Senior Assistant County Solicitor
James Zoller, Office of Community Sustainability

Public: Denise Dixon, Triple Creek Farm
Tom Meachum, Carney Kelehan, LLP
Eric Stonesifer, Triple Creek Farm
Gary Stonesifer Triple Creek Farm
Teresa Stonesifer, Triple Creek Farm
Barb Sullivan, Oak Springs Equestrian
Herbert Sullivan, Oak Springs Equestrian
Reed Wills, Sun East

Mr. Bauer called the meeting to order at 7:05 p.m. and conducted introductions.

Action Items

1) Minutes from the meeting of June 19, 2017

Mr. Bauer called for the approval of the June 19, 2017 meeting minutes. Mr. Patrick moved to approve. Mr. Feaga seconded the motion, which passed unanimously.

2) Request for Approval, Tenant House, Sullivan property, HO-86-09-E, 84 +/- acres (ALPB)

Ms. Levy read the staff report, providing the history of the ownership, exchange of rights and previous requests. The current owners are siblings Herbert and Kimberlie Sullivan, children of the original grantor. Ms. Levy stated that two of the three allowable tenant houses have already been approved and built, and are resided in by the owners. The current tenant house request is for Michael Sullivan, Herbert's son, and his wife, Ashton.

Ms. Levy stated that various improvements have been made on the farm over the years as the horse operation has grown, including the construction of barns, indoor and outdoor riding rings, and fencing. The remainder of the farm is still in crops and cattle. According to the current request letter, Michael Sullivan is involved with daily upkeep and maintenance on the farm, and his role will increase over time. Ashton Sullivan is an accomplished equestrian, with expertise in Western horsemanship. She is already bringing business to the farm due to this specialized niche. In addition to enhancing the existing equine operation, she will be involved with day-to-day chores and will manage lessons and clinics. The couple will be able to take on these additional responsibilities more easily if they can live on site.

Ms. Levy noted that staff conducted a site visit on September 12 to review the operation and see the proposed dwelling location, which is on a knoll in a hay field about halfway back into the property, and close to the existing farm lane. The house will be between 1,800-2,000 square feet, and it doesn't appear that it will have any negative impact on the farming operation.

Staff recommended approval of the request to locate a tenant house, subject to the applicant obtaining all appropriate county and state permits and approvals.

Mr. Feaga asked where the principal dwelling is. Ms. Levy stated that there is no principal dwelling, but the right exists to request one. Both of the existing dwellings are considered tenant houses.

Mr. Bauer asked if there were any questions or comments. There being none, Mr. Brown made a motion to approve the tenant house request on the Sullivan property. Mr. Feaga seconded and the motion passed unanimously.

Discussion Items

1) Program Updates

1a) Ms. Levy announced that the Ziegler Family Trust and the Trust for the Benefit of Thomas Lee Carroll properties went to settlement on August 29. She added that these were the last two properties in the acquisition pipeline, and that the County Executive is currently reviewing potential changes to the scoring system to ensure the best remaining properties are preserved. She stated that the program is in a holding pattern until he has a chance to review. Ms. Levy thanked the Board members for their work in reviewing the acquisitions.

Ms. Jones asked if the County Executive is considering not funding the program in the future. Ms. Levy said she doesn't think that is his intent. She stated that he wants to make sure that the scoring system reflects our current priorities for acquisition and that we maximize the money that is available.

Ms. Jones opined that if the ag preservation money gets reallocated in the future that she hopes that it will be looked at comprehensively, because there are a lot of ways the funding could benefit the ag community. Ms. Levy stated that once the first crop of IPAs gets paid off in the next handful of years that there will be an increasing amount of money available in the fund and not much land left to acquire easements on. She agreed that a comprehensive analysis of how that money should be spent, if reallocated, is the best approach.

1b) Ms. Levy introduced James Zoller, ag ombudsman within the County's Office of Community Sustainability, to discuss his role as liaison to the ag community. She stated that she invited Mr. Zoller because of the Board's recent concerns about members of the ag community having a sounding board when they encounter various problems with the County. The County Executive has given Mr. Zoller the

role to serve as the initial point of contact for complaints. Mr. Zoller can then notify the appropriate staff member in other departments to address the issue.

Mr. Zoller stated that his position is new and developing. In addition to his other duties, his role as ombudsman will focus on keeping communications open between the ag community and the administration. He proposed that he schedule time for an open forum each month prior to the Board meeting for any member of the community to air their concerns, and he recommended that at least one Board member sit in. He also stated that he can make himself available for private meetings with citizens, if requested.

Mr. Bauer noted that at a previous meeting the Board members were advised to talk to the County Council members about amending Section 15.518 if they were not satisfied with Ms. O'Brien's opinion that their current responsibilities don't include fielding grievances. Mr. Bauer stated that he and several other Board members have spoken to Council members, some of whom believe that 15.518 provides this role as written. Ms. O'Brien stated that her advice has not changed.

Mr. Bauer raised questions regarding Section 4.06 in the Board's Rules of Procedure that states, "any landowner requesting an Easement Request shall have the opportunity to provide written or oral testimony in support of the request to the Board at the meeting. The Board may ask questions or request additional information from the landowner during this process." Mr. Bauer believes that this provision grants the Board the authority to hear input from citizens on any matter of concern. Ms. O'Brien stated that this provision is specific to landowners requesting to utilize their rights under the easement.

Mr. Feaga stated that the Board doesn't want to answer questions on farming in general, just concerns regarding easement properties.

Since this discussion was not put on the agenda, staff and the Board decided to put it on the next meeting agenda. Ms. Levy reminded the Board that the County Executive has decided that Mr. Zoller would be the point of contact for grievances.

Ms. Jones asked Mr. Zoller how people would know about his availability. He stated that he would advertise it through Farm Bureau and on relevant web sites.

2) Review and Comment, Commercial Solar Facility, Triple Creek LLC property, HO-89-07-E, 97 +/- acres

Ms. Levy noted that this item is before the Board for informal review at this time because the applicant has not submitted all of the required materials yet, but wanted to get some feedback before they moved too far forward. She read the staff report, focusing on the Board's policy items and the specifics of the proposal that meet the requirements of the policy provisions.

Mr. Feaga asked for confirmation about the current policy regarding commercial solar facilities (CSFs) and the existence of an active IPA. Ms. Levy stated that the applicant can take the proposal through the approval process while the IPA is in place, but construction and/or operation of the CSF cannot begin until after the IPA has matured.

Ms. Levy noted that Mr. Brown contacted her prior to the meeting to inquire about the implications for property taxes and whether SDAT has figured out how it would calculate the area taken up by the CSF. Ms. Levy stated that they have a formula that will separate out the land that is still in ag use, which will retain the ag use assessment, and the rest will be taxed commercially. Mr. Brown shared information about how the cell tower on his farm has been assessed, and raised the concern that it has a significant

impact. He stated that the cell company pays for theirs. Ms. Stonesifer stated Sun East will be paying for the difference on her property.

Mr. Bauer asked about Greg Fox's statement that the CSF would have to be contained to 2% of the land acreage. Ms. Levy stated that the Zoning Regulations don't include CSFs in the section that limits most conditional uses on ag preservation to 2%, so she's not sure what he's referring to. She stated that CSFs were moved into the subsection of Section 106.1 that has no acreage limitation for the use.

Ms. Jones asked the members of Triple Creek LLC about the proposed configuration of the CSF and whether it's taking up too much farmable ground. Her main concern was the narrow distance between the edge of the CSF and the property boundaries. Ms. Stonesifer replied that she will still have plenty of land for pasturing her cattle with the current design. There was a long discussion about the merits of how the CSF is sited relative to other features on the farm.

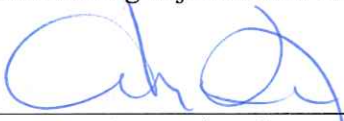
Mr. Wills stated that Sun East is working on the materials for the conditional use application, some of which are necessary for the formal request to the Board. They hope to be ready in time for the next meeting, in November. They've been working with Triple Creek for several months on the design, but had to wait for the revised policy regarding the ability to get approval while the IPA is in place before they complete the application. He told the Board that what is before them now is close to a finished product, but Sun East wanted any input the Board may have that might improve the project.

Mr. Wills talked about ground cover and how the trend in the industry is to go for native grasses and wildflowers to encourage pollinators. He said that Sun East has gotten on board with using ground cover to support pollinators as a best management practice. He said they want to be good neighbors in general and that applies to buffering adjacent properties as well.

Mr. Feaga stated that he thinks Sun East has done a fine job of designing the CSF. Mr. Brown asked how many more properties Sun East is considering. Mr. Wills said they are focused on this one right now.

Ms. Jones said she wanted to get on the record that Triple Creek will still be farming. Ms. Stonesifer confirmed that is the case, showing some of her plans for future expansion of pasture areas.

Ms. Jones moved to adjourn the meeting, which was seconded by Mr. Feaga and carried unanimously. The meeting adjourned at 8:15 p.m.



Joy Levy, Executive Secretary
Agricultural Land Preservation Board