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**HOWARD COUNTY AGRICULTURAL PRESERVATION BOARD (APB)  
AND STATE AGRICULTURAL PRESERVATION ADVISORY BOARD (APAB)**

**May 21, 2019**

**Attendance:**

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

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

Guest: Samantha Moxey, Ecotone  
Catherine Hoy, Ecotone  
Howie Feaga, Farmer  
Mike Caulkins, Howard Soil Conservation District; Stormwater Management Specialist

Mr. Day called the meeting to order at 7:01 PM.

**Action Items**

**1) Request for Approval, Meeting Minutes March 25, 2019**

There were no comments or corrections. Ms. Jones motioned to approve and Ms. Kaiss seconded the motion. All members approved the minutes.

**2) Request for Approval, Child Lot, EDW Partnership property, HO-91-16-E, 61.10 acres (APB)**

Ms. Levy went over the request from Dixie Morris. EDW Partnership is the current owner of the subject property, which was placed in the Howard County Agricultural Land Preservation Program (ALPP) on August 23, 1991 by Mary Ellen Wilson McManus, mother of the members of the partnership. EDW is currently requesting approval to create a child lot for Dixie Morse and location approval for future lots for her two siblings. There have been no previous requests.

Ms. Levy went over the aerial overview map provided in the staff report packet to show the location of the lots requested, stating that Ms. Morse is the only child who wishes to release her lot now. The lots for her siblings are indicated, so the Board can see the big picture plan for the farm and confirm consistency with their Lot Location policy. Ms. Morse currently lives out of state, but plans on retiring soon and moving back. Mr. Patrick motioned to approve the child lots and Ms. Kaiss seconded the motion. All members of the board were in favor of the lots.

**3) Request for Approval, Conservation Practices Overlay, Indian Cave LLC property, HO-86-06-E, 345.14 acres +/- (APB)**

Ms. Jones recused herself from this part of the meeting.

Ms. Levy went over the request from Indian Cave Farm, LLC. Indian Cave Farm is the current owner of the subject property, which was placed in the Howard County Agricultural Land Preservation Program on November 24, 1986 by Ridgely and Helen Jones. The LLC is comprised of their children, Ann and Philip and Philip's son, Tim. Indian Cave is a 345-acre former dairy farm that has been in the Jones family for ten generations. Currently the land is in crops with some limited livestock use. Tim Jones is the primary operator and is in the process of deciding the farm's operational future since he stopped milking and sold his cows. Previous requests to the APB included three unrestricted lots.

Ecotone, who would be working on the project, explained what they were going to do. They displayed a map to show the location of the project and what work would be completed. The project will focus on restoring three tributaries to the South Branch Patapsco River that are currently in a degraded state, exhibiting vertical banks exceeding three feet and excessive bed and bank scour. The high rate of erosion is most likely from build-up of sediment on top of the historic floodplain. This has restricted the stream and resulted in a lack of floodplain access during high flow events increasing velocities and flows within the channel.

The goal of the restoration is to improve water quality, improve channel stability, increase the habitat availability and habitat variety. They are going to realign the stream to be more natural. They are going to put in two panel crossings for animals and equipment. An existing farm path will be used to access where the restoration work is being done.

Ms. Hudson asked if anything is being done to fix upstream and currently there are no plans. She also asked if this was in the Green Infrastructure Network (GIN) and Ms. Levy stated, no. It was asked who would maintain it? Ecotone will maintain it for five years and then it would be transferred to the State Highway Administration (SHA). SHA is trying to buy it and maintain it for credits.

Mr. Day asked if there were any additional questions and there were none. Ms. Hudson motioned to approve and Mr. Brown seconded the motion. All the members, except Ms. Jones who recused herself, were in favor to approve the request.

**Discussion Items**

**1) Discuss wording/calculation for unrestricted lots for Agricultural Preservation. Sec. 15.514 (b) – back to the previous wording.**

**Current:** *Limited Number of One-Acre Lots.* This subsection applies only to parcels of 50 acres or more. A landowner may subdivide one one-acre lot per 50 acres of the total contiguous acreage which is subject to the easement. The County will release the easement for each one-acre lot permitted after all the following conditions are met:

**Proposed:** *Limited Number of One-Acre Lots.* This subsection applies only to parcels of 50 acres or more. A landowner may subdivide one one-acre lot per 50 acres "or a portion thereof" of the total contiguous acreage which is subject to the easement. The County will release the easement for each one-acre lot permitted after all the following conditions are met:

The way it is currently worded is if the parcel is 50 acres they would be allowed an unrestricted lot and at 100 acres they would be allowed two unrestricted lots, so every 50 acres they would be allowed one unrestricted lot. If the wording was changed to a "a portion thereof" at 50 acres they would be allowed one lot and at 51 acres they would qualify for two unrestricted lots and at 101 acres they would be allowed three lots.

**Current: 50 acres 1 lot  
100 acres 2 lots  
150 acres 3 lots**

**Proposed: 50 acres 1 lot  
51 acres 2 lots  
101 acres 3 lots**

Ms. Levy reviewed a tracking chart that shows the 22 remaining pre-1993 easements that still retain grantor/child lot rights, 19 of which would be impacted by a change to the exchange ratio. Most of the parcels on the on the lists have completed their letter of intent, which provides the named children the flexibility to claim their lots through the completion of the estate settlement process of the original grantor(s). The reason the law changed in 2006 was to reduce the impact of additional lots.

Mr. Feaga came to the meeting to encourage the Board to make the recommendation to change the wording back. He was the one who realized the change in the wording and brought it to the Board's attention. He said, it helps the families get an additional lot, which could help them financially. He also stated that by doing this it can help begin a new generation of farmers, because it gives someone outside the farming community the opportunity to purchase the land, so they can farm it.

Ms. Levy noted that she advises the pre-1993 easement owners to exchange the family lots for unrestricted if their children are not interested in utilizing their child lots because the unrestricted lots are a great financial asset. Ms. Levy reiterated that the family lots are extinguished upon the transfer of the property, whereas the unrestricted are market lots that run with the land.

Mr. Brown made a motion to change the wording of Sec. 15-514(b) to include "*a portion thereof*" and Mr. Patrick seconded the motion. Mr. Day asked if there were any other questions or discussions and there were none. Ms. Gibbon, Mr. Patrick, Mr. Brown and Ms. Kaiss voted for the change. Ms. Jones and Ms. Hudson voted against it. Mr. Day abstained from voting. The vote was four to two in favor of recommending the change to the County Council and the County Executive to update the wording of Sec. 15-514 (b).

Ms. Levy advised she would get a list of properties of over fifty acres.

## **2) Program Updates/Announcements**

- a. Mr. Zoller advised that Roving Radish is in its third week and is averaging about 275 kits a week. Maryland Public Television (MPT) is featuring the Roving Radish on its Farm and Harvest program which will air in November.
- b. HoCo Fresh has had six restaurants that have qualified. There are three tiers which are based on the amount of money spent on buying products from Howard County farms. The announcements will be made during the beginning of June. The businesses that qualify will receive a plaque and stickers. The restaurant doesn't have to be in Howard County. <http://hocofarms.com/we-are-hoco-fresh/>
- c. It was advised that the Transfer Tax discussion be put on the agenda on a future APB meeting.
- d. Kelly Hensing may be addressing the board in the future on some issues she is having with a neighbor next to her new farm.

Mr. Day asked if there were any other items to discuss and there were none. Ms. Jones motioned to adjourn the meeting and Mr. Patrick seconded the motion. All the members were in favor and the meeting concluded at 8:27 PM.