

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES**

July 23, 2024

This meeting was held via internet and telephone conference call.

Trustees Participating:

William Allen, Chair
Cricket Goodall, Vice Chair
Deborah Herr Cornwell, representing Secretary Rebecca Flora, Maryland
Department of Planning
Alex Butler, representing Comptroller Brooke E. Lierman
J. Bruce Yerkes
Michael Calkins and Steve Connelly, representing Secretary Kevin Atticks, Maryland
Department of Agriculture
Elizabeth Hill

Trustees Absent:

Catherine Cosgrove
Gilbert "Buddy" Bowling
Gary Dell
Joseph Wood

Others Participating:

Michelle Cable, Executive Director
Elizabeth de Mozenette, MALPF Administrator
Kim Hoxter, MALPF Monitoring and Stewardship Coordinator
Chana Turner, MALPF Administrator
Rama Dilip, MALPF Administrator
Mike Steadman, Jr., Assistant Attorney General, Department of Agriculture
Patrick Martyn, Assistant Attorney General, Department of General Services
Cara Frye, Assistant Attorney General, Department of General Services
Renee Dyson, Assistant Attorney General, Department of General Services
Elisa Deflaux, Talbot County Program Administrator
Jennifer David, Calvert County Program Administrator
Summer Roen, Calvert County staff
Jenna Zimmerman, Frederick County Staff
Beth Beales, Caroline County Program Administrator
Mike Weyand, Montgomery County Program Administrator
Billy Gorski, Anne Arundel County Staff
Joy Levy, Howard County Program Administrator
Lauren Longo, Howard County Staff
J.P. Smith, Jr., Carroll County Program Administrator
Eddie Franceschi, Anne Arundel County Program Administrator
Joe Pippin, Queen Anne's County Staff
Roy Cool, Allegany County Program Administrator
Cal Carpenter, Charles County Staff
Shannon O'Neil, Frederick County Program Administrator
Donna Landis-Smith, Queen Anne's County Program Administrator
Rob Tracey, Kent County Program Administrator
Lisa Ledman, St. Mary's County staff
Megan Benjamin, Baltimore County Program Administrator
Julie Enger, Department of General Services Appraiser
Joan Becker, attorney for Colmont, LLC (Howard County owner)
Anthony Brown, Colmont, LLC, Howard County landowner
Andrew Toms, Frederick County citizen
Jane Susi, Attorney for Frederick County landowner
Ronald Clark, Frederick County Realtor representing contract buyer request

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Dave Wilkinson, Auburn Farms, LLLP, Frederick County landowner
Bill Buckel, Garret County resident, surveyor
Sean Hough, MD Agricultural Commission member, Howard County resident

Bill Allen, Chair, called the meeting to order at 9:04 a.m. via internet and telephone conference call. Ms. Cable stated the names of the participants on the conference call, for the record, and asked anyone that was not named to identify themselves.

I. APPROVAL OF MINUTES

A. Approval of Minutes of June 25, 2024

Motion #1: To approve minutes from June 25, 2024.

Motion:	Yerkes	Second:	Hill
Status:	Approved		

II. ADDITION / DELETION OF AGENDA ITEMS

Ms. Cable announced that Item IV.D.2. had been withdrawn.

III. ANNOUNCEMENTS

Ms. Cable informed the Board that MALPF received a total of 218 applications as of July 1st for the FY25/26 easement application cycle. MALPF staff have begun reviewing applications and then they will be submitted to DGS for appraising.

Ms. Cable announced that MALPF formally received notice that the two new staff positions included in the FY25 budget have been created, but that she is waiting for authorization from Human Resource to begin the recruitment process.

Ms. Cable announced the MD Horse Forum will be held on August 8th at the McDonogh School in Owings Mills. All are welcome and there is no registration fee. Ms. Goodall provided more information and also encouraged participation.

Ms. Cable asked the county staff that were on the call whether anyone had any announcements to make; there were none.

Ms. Cable asked all participants to keep themselves muted, and when unmuted, to clearly state their names before asking a question, or making a motion, etc. She reminded the Board members that when motions were made, Board members only needed to state their names if they were voting in opposition to the motion, rather than saying "aye" to vote in favor of a motion.

IV. EASEMENT AMENDMENTS

A. HOWARD COUNTY

- | | | | |
|----|-----------------|--------------|------------|
| 1. | 13-80-05 sub #2 | Colmont, LLC | ~192 acres |
|----|-----------------|--------------|------------|

Request – Howard County:

Request approval for Christmas tree sales area under the "farm markets and roadside stands" of the Permitted uses policy, requesting waiving the guideline that the majority of the products must be grown on site for up to 8 years.

Recommendation:

After reviewing the request and considering the criteria set forth in COMAR 15.15.07.03 and considering the historical relationship of the requested activities to farming, Staff recommends approval, including waiving the majority of products must be grown on site, with the following conditions:

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1. Owner must provide an update, in writing, to MALPF at the end of the first three years of selling all off-site Christmas trees, whether the sales were successful and met the owner's expectations to proceed with planting trees on the farm.
2. If the owners are not proceeding to plant trees in year three, owners shall provide written notice to MALPF informing us of this fact. At that time, the MALPF approval is void to sell all off-site trees on the MALPF property.
3. If the owners do proceed to plant trees in year three, owners shall notify MALPF in writing when the trees have been planted and on how many acres.
4. If MALPF does not receive the update after the third year, nor the notification whether or not the owners are proceeding with planting Christmas trees on the farm, the MALPF approval shall be void and the owners may not continue the sale of all off-site Christmas trees on the farm.

Ms. Cable introduced the item. Ms. Levy, Ms. Becker, and Mr. Brown were available to answer questions from the Board. Ms. Cable informed the Board that the Howard County Ag Advisory Board recommended approval of the request during their meeting the evening before. Ms. Levy informed the Board that the local Board discussed the definition of "regional" in relation to where the off-site trees would be sourced. Mr. Brown stated that the most likely location to purchase the trees will be North Carolina. There was also discussion regarding the length of time the owners will need to be able to plant the trees and then have them ready to start selling as the majority of product. After the discussion, it was determined that the owner would need MALPF's approval to sell a majority of off-site trees at the Christmas tree stand for up to 10 years (rather than the originally contemplated 8), , until their on-site trees are ready to harvest. With the new information provided, the Board's motion to approve included revised conditions to what was originally presented as part of the request memo, as stated below (underlined areas notes difference from original request memo).

Motion #2: To approve the request for a Christmas tree sales area, waiving the guideline that the majority of the products must be grown on site, for up to 10 years, and that the off-site trees may be sourced regionally as defined by the Policy, as well as from North Carolina. In addition, the following conditions were incorporated in the motion to approve, as presented:

1. Owner must provide an update, in writing, to MALPF at the end of EACH of the first three years of selling all off-site Christmas trees, whether the sales were successful and met the owner's expectations to proceed with planting trees on the farm.
2. If the owners are not proceeding to plant trees in year three, owners shall provide written notice to MALPF informing us of this fact. At that time, the MALPF approval is void to sell all off-site trees on the MALPF property.
3. If the owners do proceed to plant trees in year three, owners shall notify MALPF in writing when the trees have been planted and on how many acres.
4. If MALPF does not receive the update after the third year, nor the notification whether or not the owners are proceeding with planting Christmas trees on the farm, the MALPF approval shall be void and the owners may not continue the sale of all off-site Christmas trees on the farm.

Motion: Hill Second: Yerkes
Status: Approved

B. FREDERICK COUNTY

1. 10-22-01 Auburn Farms, LLLP ~172.0976 acres

Request – Frederick County:

Request approval of an agricultural subdivision to divide the property to create a ~89-acre parcel and a ~83-acre parcel.

Recommendation:

Per the terms of COMAR 15.15.12, et al, Staff recommends approval of the request, with the following conditions:

1. The sale of the farm to Daniel Lapp and David Esh must be finalized before the agricultural subdivision process shall begin.
2. All regulatory requirements must be satisfied.

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3. Transactional expenses shall be the responsibility of Lapp & Esh including, without limitation, title, survey, and settlement expenses.
4. All four pre-existing dwellings on the overall farm shall be non-subdividable (as agreed to by Lapp & Esh). The 83-acre parcel shall have three pre-existing dwellings with the remaining dwelling on the 89-acre parcel.
5. Lapp and Esh must identify which parcel retains the unrestricted lot right. The other parcel will have no lot rights.
6. Lapp and Esh shall submit to the Foundation a survey plat depicting the resulting newly divided ~89 acre and ~83-acre parcels of the land, together with legal descriptions of said parcels, in accordance with survey specifications to be provided to the landowners following MALPF's review of updated title work for the property.
7. Corrective easements shall be completed to formalize the approval.
8. Current owners and Lapp and Esh shall sign the Board approval letter to document their consent of the conditions of the agricultural subdivision approval.

Ms. Cable introduced the item. Ms. O'Neil, Ms. Zimmerman, Mr. Clark, and Mr. Wilkinson were available to answer questions from the Board.

Motion #3: To approve the agricultural subdivision, incorporating staff recommendations, as presented.

Motion: Herr-Cornwell Second: Goodall
Status: Approved

C.DELETED

D. ST. MARY'S COUNTY

1. 18-05-15 Mulford, William and Claire ~74.74 acres

Request – St. Mary's County:

Request approval to relocate a previously approved child lot of up to 2.0 acres for David Mulford.

Recommendation:

Staff recommends approval, subject to the following:

1. Receipt of correspondence from St. Mary's County Land Use and Growth Management department evidencing approval of this request as presented to the MALPF Board.
2. Subject to the conditions of David's child lot that was approved in 2013, a copy of which is attached.

Ms. Turner introduced the item. Ms. Ledman was available to answer questions from the Board.

Motion #4: To approve the relocation of a previously approved child lot, incorporating staff recommendations, as presented.

Motion: Herr-Cornwell Second: Yerkes
Status: Approved

2. WITHDRAWN

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

N/A

VI. PROGRAM POLICY

A. Request to Close FY 2024 Easement Acquisition Cycle Round One

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Motion #5: To close FY 2024 Easement Acquisition Cycle Round One, once the final Round One offer has been considered and decided upon during Closed Session.

Motion: Goodall Second: Herr-Cornwell
Status: Approved

VII. INFORMATION AND DISCUSSION

A. End of Fiscal Year 2025 Inspection Report
Ms. Hoxter presented the item to the Board, providing information regarding: the counties that have completed their required inspections and submitted the reports; the counties that have completed inspections, but have yet to submit reports; and counties that have yet to complete the inspections and submit reports. Ms. Hoxter will continue to work with the counties to ensure that the inspections are completed.

VIII. CLOSED SESSION

Mr. Allen asked for a motion for adjournment of the meeting to move into a closed session, pursuant to the applicable provisions of General Provisions Article Section 3-305 (b): (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (7) to consult with counsel to obtain legal advice; and (8) to consult with staff, consultants, or other individuals about pending or potential litigation.

Motion #6: To adjourn the regular session at 9:55 am to move into a closed session to consider the acquisition of real property for a public purpose and matters directly related to the acquisition; to consult with counsel to obtain legal advice; and to consult with staff, consultants, or other individuals about pending or potential litigation.

Motion: Yerkes Second: Goodall
Status: Approved

The Closed Meeting of the Board was held from 10:07 a.m. to 10:52 a.m. on July 23, 2024, via internet and telephone conference call, pursuant to the provisions of the General Provisions Article Section 3-305 (b): Annotated Code of Maryland:

General Provisions Article Section 3-305(b):

(3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition;

(7) to consult with counsel to obtain legal advice; and

(8) to consult with staff, consultants, or other individuals about pending or potential litigation.

During the Closed Meeting, the following Board members were present: William Allen, Chair, Cricket Goodall, Vice Chair, Deborah Herr Cornwell, representing Secretary Rebecca Flora, Maryland Department of Planning, Alex Butler, representing Comptroller Brooke E. Lierman, Michael Calkins, representing Secretary Kevin Atticks, and Elizabeth Hill.

The following Board members were absent: Cathy Cosgrove, Gilbert "Buddy" Bowling, Gary Dell, Joe Wood, and Bruce Yerkes.

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Elizabeth de Mozenette, Rama Dilip, Chana Turner, Kim Hoxter, Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture, Patrick Martyn,

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Assistant Attorney General, Maryland Department of General Services, Renee Dyson Assistant Attorney General, Maryland Department of General Services, and Cara Frye, Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

- A. Carroll County Round One Offer
- B. FY24 Round Two Offers
- C. Queen Anne's County FY24 easement re-configuration request regarding access ownership.
- D. Approval of June 25, 2024, Closed Session Minutes

Respectfully Submitted:



Michelle Cable, Executive Director