MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION OPEN MEETING MINUTES March 27, 2018

Trustees Present:

Michael Calkins, Chair Jerome Klasmeier, representing Comptroller Peter Franchot Susanne Brogan, representing Treasurer Nancy Kopp Deborah Herr Cornwell, representing Acting Secretary Robert McCord, Maryland Department of Planning Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture William Allen Catherine Cosgrove Taylor Huffman Bernard L. Jones, Sr. Tom Mason Ralph Robertson Joe Wood J. Bruce Yerkes

Trustees Absent:

Others Present:

Michelle Cable, MALPF Lead Administrator Diane Chasse, MALPF Administrator Chana Turner, MALPF Administrator Amanda Wilson, MALPF Fiscal Specialist Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator Tamekia Dent, MALPF Office Secretary Carol S. West, MALPF Executive Director Justin Hayes, Assistant Attorney General, Department of Agriculture Patrick Martyn, Assistant Attorney General, Department of General Services Katrina Tucker, Kent County Program Administrator Olin Davis, Kent County Landowner Allen Davis, Kent County Landowner Donna Landis Smith, Queen Anne's County Program Administrator Jeanine Nutter, Prince George's County Program Administrator

Others Present By Phone Conferencing:

None

Mr. Calkins, Chair, called the meeting to order at 9:03 a.m. at the Maryland Department of Agriculture building, Annapolis, Maryland. The guests and then the Board and staff introduced themselves.

I. APPROVAL OF MINUTES

A. Approval of Open Minutes from February 27, 2018.

Motion #1:To approve minutes from February 27, 2018.Motion:WoodSecond:KlasmeierAbstained:BroganStatus:Approved

II. ADDITION / DELETION OF AGENDA ITEMS

N/A

III. ANNOUNCEMENTS

Ms. Cable requested the Board to establish a new committee to review the Stream and Wetland Easement Overlay Policy. Since the Policy was established and requests have been submitted based on the criteria, some issues have risen that should be addressed. Mr. Allen and Mr. Yerkes volunteered to be the Board representatives on the committee, with Mr. Allen serving as chair. Ms. Cable will send out request to county administrators for volunteers.

Ms. West reminded the Board that the position of Vice Chair needs to be filled and that the atlarge members are eligible. Ms. West will send a reminder e-mail to the Board members asking for volunteers with the decision to be made at the April Board meeting.

Ms. West informed the Board that no new approval offers for the FY 2017/2018 application cycle will be requested and therefore requested the cycle to be officially closed.

Motion #2:	To close the FY 2017/	2018 easement a	application cycle.
Motion: Status:	Allen Approved	Second:	Jones

IV. EASEMENT AMENDMENTS

- A. KENT COUNTY
 - 1. File #14-97-03 Olin Davis, Jr. ~295 acres

Request:

(1) Request approval of the release of an additional .5 acre surrounding a pre-existing dwelling, and in conjunction therewith,

(2) Request approval of ~3.5 acres to be released from the easement in exchange for ~5.096 acres adjacent to the easement property together with 1 development right to be added to the easement. The development right shall be a 1.0-acre non-subdividable building envelope.

Recommendation:

Staff recommends approval of the release of an additional .5 acre for the –pre-existing dwelling lot pursuant to Article – Agriculture – Annotated Code of Maryland, §§ 2-513 (6) and (7).

Staff recommends approval of the land exchange, as it meets all criteria of COMAR 15.15.11.03 C.

As part of the land exchange, Staff also recommends approval of the transfer of a development right from the adjacent poultry farm to the easement property. The

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development right will be transferred to the easement property as a 1.0-acre nonsubdividable building envelope, ensuring that the easement property will always have a house associated with it. Kent County supports the prospect of associating a nonsubdividable house right to the easement property in perpetuity.

Ms. Turner introduced the item. Ms. Tucker and Messers. Davis were available to address the Board.

Motion #3: (1) Approve the request to the release of an additional .5 acre surrounding a pre-existing dwelling; the area of release totaling 1.5 acres.
(2) Approve the request of ~3.5 acres to be released from the easement in exchange for ~5.096 acres adjacent to the easement property together with 1 development right to be added to the easement. The development right shall be a 1.0-acre non-subdividable building envelope. In addition, a declaration of restrictions will be recorded that will extinguish an additional 5 development rights on the adjacent property, with 2 development rights remaining

Motion:	Mason	Second:	Allen
Status:	Approved		

- B. CARROLL COUNTY
 - 1. Item withdrawn.
- C. HARFORD COUNTY
 - 1. File #12-79-02 Richardson, James & Barbara ~208 acres

Request:

Request approval for a tenant house for currently existing pre-existing dwelling.

Recommendation:

Staff recommends approval of a tenant house.

Ms. Chasse introduced the item.

Motion #4: To approve the request to designated the existing pre-existing dwelling as a tenant house.

Motion: Jones Status: Approved	Second:	Oberg
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2. File #12-79-02 Richardson, James & Barbara ~208 acres

Request:

Request to re-designate a previously approved tenant house located in the middle of the farm as a pre-existing dwelling, assuming the smaller pre-existing dwelling currently occupied by the tenant, Ms. Wright, is approved as a tenant house.

If the previous tenant house request (Agenda Item IV.C.1) is approved, then the preexisting dwelling that Ms. Wright/tenant currently lives in becomes a tenant house and request is hereby made that it's "pre-existing dwelling status" be assigned to another dwelling in the middle of the farm (this dwelling is the previously approved tenant house).

Recommendation:

If the new tenant house request (Agenda Item IV.C.1) is approved, then the pre-existing dwelling right can be assigned to the previously approved tenant house.

Staff requests approval because an exchange will redesignate the larger house as a preexisting dwelling, which permits the Richardsons to live in that house. Staff recommends the approval be conditioned on an easement amendment to document that both dwellings are non-subdividable.

Ms. Chasse introduced the item.

Motion #5:	To approve the re-designation of a a previously approved tenant house located in the middle of the farm as a non-subdivideable pre-existing dwelling.

Motion: Status:	Brogan Approved	Second:	Jones

Request:

Request for a dairy operation (Uses Policy Category is #10 "Processed (value-added) farm and forest products")

<u>Recommendation</u>: Staff recommends approval.

Ms. Chasse introduced the item. She noted that the operation would require product(s) from off-site, which is why they need to make the request.

Motion #6: To approve the establishment of a dairy operation under the Uses Policy #10 "Processed (value added) farm and forest products".

Motion:	Cosgove	Second:	Oberg
Status:	Approved		-

D. FREDERICK COUNTY

1. File #10-97-02 Valentine, Michael & Denise ~213.4 acres

Request:

Request to exclude up to 2.0 acres from the easement for an child's lot for daughter Samantha.

<u>Recommendation</u>: Staff recommends approval.

Ms. Chasse introduced the item. She pointed out that there are two sites for which approval is being requested and that the Valentine's preferred location is the preferred location of staff, as well.

Motion #7: To approve the request to exclude up to 2.0 acres from the easement for a child's lot for Samantha Valentine.

Motion:	Cosgrove	Second:	Jones
Status:	Approved		

V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

A. HARFORD COUNTY

1. 12-17-02 Whiteford Packing Co., Inc. ~388.269 acres

Request:

Request to change the location of proposed building envelope.

<u>Recommendation</u>: Staff recommends approval. Ms. Chasse introduced the item. The landowner requested the change.

Motion #8: To approve the request change the location of the proposed building envelope.

Motion: Status:	Cosgrove Approved	Second:	Jones

VI. **PROGRAM POLICY**

Α. Queen Anne's County Recertification

Request:

To approve the Queen Anne's County request for recertification for the period July 1, 2018 through June 30, 2021.

Ms. Cable and Ms. Herr Cornwell introduced the item. Ms. Landis Smith was available for comments or questions.

Motion #9: To approve Queen Anne's County's request for recertification for the period July 1, 2018 through June 30, 2021.

Motion:	Jones	Second:	Cosgrove
Status:	Approved		-

- Β. Withdrawn
- C. Withdrawn
- D. Withdrawn
- E. Frederick County Recertification

<u>Request:</u> To approve the Frederick County request for recertification for the period July 1, 2018 through June 30, 2021.

Ms. Chasse and Ms. Herr Cornwell introduced the item

Motion #10: To approve Frederick County's request for recertification for the period July 1, 2018 through June 30, 2021.

Motion:	Huffman	Second:	Oberg
Status:	Approved		-

F. Legislative Update

Ms. Turner provided the Board with an update of the legislation of interest to the Foudnation for the 2018 General Assembly.

VII. INFORMATION AND DISCUSSION

N/A

VIII. **CLOSED SESSION**

Mr. Calkins 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): (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 #12: To adjourn the regular session at 9:55 a.m. 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

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with counsel to obtain legal advice; and to consult with staff, consultants, or other individuals about pending or potential litigation.

Motion: Cosgrove S Status: Approved

Second: Jones

The Closed Meeting of the Board was held from 10:05 a.m. to 11:25 a.m. on March 27, 2018 at the Maryland Department of Agriculture building, Annapolis, Maryland, pursuant to the provisions of the General Provisions Article Section 3-305 (b): Annotated Code of Maryland:

General Provisions Article Section 3-305(b):

(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: Michael Calkins, Chair, Jerome Klasmeier, representing Comptroller Peter Franchot, Susanne Brogan, representing Treasurer Nancy Kopp, Deborah Herr Cornwell, representing Acting Secretary Robert McCord, Maryland Department of Planning, Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department of Agriculture, William Allen, Cathy Cosgrove, Taylor Huffman, Tom Mason, Ralph Robertson, Joe Wood, and J. Bruce Yerkes.

The following Board members were absent: Bernard Jones

The following legal representatives were also present during the closed session meeting: Justin Hayes, Assistant Attorney General, Maryland Department of Agriculture, and Patrick Martyn, Assistant Attorney General, Maryland Department of General Services.

TOPICS DISCUSSED:

- A. Approval of February 27, 2018 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. Request for Legal Action
- D. Statutory and regulatory criteria used to approve family lots
- E. Staff request to withdraw offer

Respectfully Submitted:

Michelle Cable, Lead MALPF Administrator