

## Cecil County Agricultural Preservation Advisory Board Minutes

Thursday, May 09, 2002

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**Board Members Present:** Bob Knutsen (Chair), Dan Derr (Vice-Chair), Jack McKeown, David Davis, Wayne Stafford.

**Board Members Absent:** None

**Others Present:** Sandra Edwards (MALPF Program Administrator)

Chairman Knutsen called the meeting to order at 8:05 p.m. Chairman Knutsen then called for a motion on the March minutes. Mr. Stafford made a motion to approve the minutes as written. Mr. Derr seconded the motion. All were in favor, the motion carried.

### Old Business

It was noted that the Commissioners proposed FY'03 Budget includes \$50,000 for use in the MALPF FY '03 Matching Funds Program.

### New Business

District application from Joseph and Andrea Mahoney for lands located at 250 & 252 Wilson Road, Rising Sun, 6th Election District. Ms. Edwards explained that two contiguous tax parcels are being combined to form one 136-acre district, 87% of the soils are in USDA Soil Suitability Classes I - III, which exceeds the minimum eligibility criteria, the current land use is a mix of hay, corn, beans, beef cattle and equine. Ms. Edwards also noted that the property is zoned NAR and is not located within a planned 10-year water or sewer service area. Mr. Derr made a motion to recommend approval of the Mahoney district. Mr. Stafford seconded the motion. All were in favor, the motion carried.

### General Discussion/Updates

Check-off Box Program - Ms. Edwards reported that the County Attorney, Dwight Thomey, still hasn't received a response from the Office of the Attorney General regarding a determination on whether or not enabling legislation will be required to enact such a program.

With there being no further business, Mr. Stafford made a motion to adjourn, which was seconded by Mr. McKeown. All were in favor the motion carried.

Meeting adjourned at 8:35 p.m.

# Cecil County Agricultural Preservation Advisory Board Minutes

Thursday, June 11, 2002

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**Board Members Present:** Dan Derr (Vice-Chair), Jack McKeown, David Davis, and Wayne Stafford.

**Board Members Absent:** Bob Knutsen (Chair).

**Others Present:** David Black (MALPF Program Administrator).

Vice-Chairman Derr called the meeting to order at 8:15 p.m. Vice-Chairman Derr asked for a motion on the May minutes. David Davis made a motion to approve the minutes as written. Jack McKeown seconded the motion. All were in favor, the motion carried.

Vice-Chairman Derr welcomed Mr. Black as the new Ag Preservation staff person.

## Old Business

### 1. Check-off Box Program

Mr. Derr questioned the status of the Check-off Box Program. He advised that Mr. Thomey was to check with the Office of the Attorney General. Mr. Black stated he would call Mr. Thomey tomorrow. Mr. Derr explained the Check-off Box Program, stating that it is a notice that is placed in the County's tax bills advising residents that they can donate money to be used toward the County's matching ag land preservation funds. The County Commissioners have budgeted \$50,000 matching funds for the coming fiscal year. The donation would be tax deductible.

## New Business

### 1. District application for Cliff and Elise Stearns, 746 Conowingo Road, Conowingo, MD, 21918. Tax Map 9, Grid 21, Parcel 281; 97.95 acres; Eighth Election District; zoned Northern Agricultural Residential (NAR).

Mr. Black presented the district application. Subtitle Title 15, Subtitle 15.03.D of the Department of Agriculture code sets the criteria for establishment of an Agricultural Preservation District. It further requires that all districts have "a minimum of 60% of the land area shall consist of USDA Soil Capability Classes I, II, and III on cropland and pasture, and Woodland Groups 1 and 2 on wooded areas. The Stearns' proposed district contains 24.7 acres of Class II soil, 31.7 acres of Class III soil, 1.4 acres of Woodland Group 1 and 8.8 acres of Woodland Group II. Thus, 66.6 acres, or 68.3%, of the 97.95 acre proposed district consists of the required soil types. This exceeds the required 60%.

Title 15, Subtitle 15.03.D.2.a., as amended October 1, 2001, requires that all districts consist of 50 contiguous acres. The Stearns district application, consisting of 97.95 acres, meets this requirement.

The approximately 1.2 acres of land zoned BG, located along Route 1, shall be withheld from the district per Title 15, Subtitle 15.03.A.1.ii. The Stearns have already satisfied this requirement in their district agreement.

If the members of the Board vote favorably on this petition, then the Stearns' application will proceed to the County Planning Commission for their recommendation, and ultimately to the Board of County Commissioners.

Mr. Derr asked if they have a Conservation Plan and Forestry Plan? Mr. Black answered in the affirmative. Mr. Black advised that the Stearns applied for establishment of a district in 1990, but were denied because at that time the property had to be at least 100 acres or be contiguous to a district parcel. At that point, the Nancy duPont parcel was not a district. Mr. Derr advised that the Dallas Green property is in an environmental trust with MET.

Mr. Stafford made a motion to recommend approval to establish an agricultural district of the Stearns parcel. Both Mr. McKeown and Mr. Davis seconded the motion. All were in favor, the motion carried.

## **2. Request from Joseph and Beverly Mackie for a child's lot exclusion, west side of Rock Church Road; Tax Map 13, Grid 4, Parcel 160; .993 acre (proposed lot only, Fourth Election District; zoned Northern Agricultural Residential).**

Mr. Black presented the request for child's lot exclusion. He explained that the request is for their son, Mark Hurm. Title 15, Subtitle 15.05.N(3) of the Department of Agriculture Code sets the criteria for the exclusion of lots within an MALPF easement. The following criteria must be satisfied:

1. The landowner must submit a signed application to the Foundation;
2. The landowner must declare that the proposed lot is for the landowner's child, and provide a copy of the child's birth certificate;
3. The Agricultural Preservation Advisory Board and Office of Planning & Zoning must approve;
4. The landowner must describe the land to be disturbed by both the dwelling and the access to the dwelling and gauge the impact the proposed dwelling will have on the farm;
5. A survey plat of the proposed lot must be provided.

Items #1, 2, 4, and 5 have been satisfied. Item #3 is outstanding.

Mr. Black read a letter from Beverly Mackie, which is summarized as follows: There will be a stone, two-story colonial reproduction home. When choosing this site, several goals were met - the preservation of the existing farmland, preservation of scenic vistas, clustering to other existing houses and farm outbuildings. The site has not been farmed for 35 years due to the erodibility of the soil and a grade of 15%. Tall fescue is grown at the site and is mowed three times per year. The site neighbors several existing houses, a 50 x 100 pole barn, a 60 x 90 stone barn ruin, a garage, milk house, and a granary. The driveway leading to the site is an existing gravel road and cart path. Perc tests have been performed.

Additionally, any property within a district or easement has a maximum amount of 10 lot exclusions, and lot exclusions are only permitted at a density of 1:20 acres.

An owner's lot and two child's lots have previously been approved. A child's lot for Sean Casey Hurm (Rock View, Lot 6) was approved by MALPF on 3/23/99. A child's lot for Heather H. Lukk (Rock View, Lot 7) was approved by MALPF on 7/24/01. Should this proposed child's lot be approved, four lots on 231 easement acres will exist, for a density of 1:57.75.

If the members of the Board vote favorably on this petition, then the Mackies' application will proceed to MALPF for their approval.

MALPF exclusion must be granted prior to recordation of the subdivision plat (Rock View, Lot 8).

Mr. Derr questioned the length of the driveway. Mr. Black stated it is approximately 300 to 400 feet.

Motion made by McKeown, seconded by Stafford, and unanimously carried to recommend approval of the Mackie's child's lot exclusion.

## **3. Recommendations for filling Board vacancies caused by the expiration of Mr. Derr's and Mr. McKeown's terms.**

Mr. Black thanked Messrs. Derr and McKeown for their service and dedication to the Ag Advisory Board. Mr. Derr recommended the Board wait to make a recommendation for replacements until Chairman Knutsen is present. Mr. Black advised that Messrs. Derr and McKeown's terms expire on August 1, 2002, therefore the successors should be appointed prior to that time. The Board can operate with just three members, which would constitute a quorum. Mr. Stafford asked if the new members have to be from the same areas as Messrs. Derr and McKeown? Mr. Black advised that the Code says the Board shall consist of five members, at least three of whom shall be owner/operators

of commercial farms who earn 50% or more of their income from farming. Several names were suggested by the Board members.

Mr. Stafford made a motion to table the recommendation for filling the Board vacancies. Mr. Derr seconded the motion and it was unanimously carried.

## **General Discussion/Updates**

### **1.New District Applications.**

Mr. Black advised that he has received two inquiries for establishing districts. One from Tom Dill, which consists of 60.48 acres, and the other from Fred and Carol Williams, who own property outside Chesapeake City on MD Rte. 213.

### **2. Round One/Two Offers**

Mr. Black advised that no acceptance letters have been received since he has assumed his new position.

### **3. Federal Farmland Protection Grant**

Mr. Black advised that Cecil County has applied for 2002 grant from the federal government. Some prioritization was done of the 15 properties that have applied to sell an easement for FY03. The properties were ranked by a Federal system, Land Evaluation and Site Assessment (LESA), which is not the ranking system that the Ag Advisory Board uses. The top three properties, based on the results of LESA ranking, are Mahoney and two England farms. LESA ranking doesn't place as much emphasis on contiguity, but on soils and productivity. Mr. Derr advised that the State encouraged the County to place emphasis on contiguity because they didn't want a lot of isolated agricultural parcels with subdivisions surrounding them.

### **4. Position Statement**

Mr. Derr stated that he thinks the Ag Advisory Board should come up with a position statement on where the Board stands on ag land preservation and would like to encourage the County Commissioners to provide infrastructure to take the pressure off the ag land. He feels that part of the Ag Advisory Board's responsibility is promotion and education. He advised that if the Board thinks it is a good idea, he would write something up and give it to Chairman Knutsen.

With there being no further items to discuss, Mr. Stafford made a motion to adjourn. Mr. Davis seconded the motion. Meeting adjourned at 8:57 p.m.

## Cecil County Agricultural Preservation Advisory Board Minutes

Thursday, August 8, 2002

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**Board Members Present:** Bob Knutsen (Chair) and David Davis.

**Board Members Absent:** Wayne Stafford.

**Others Present:** David Black (OPZ staff), Jodi Lynn Spotts (citizen) and Carl Spotts (citizen).

Chairman Knutsen called the meeting to order at 8:15 p.m. Chairman Knutsen asked for a motion on the July minutes. David Davis made a motion to approve the minutes as written. Bob Knutsen seconded the motion. All were in favor, the motion carried.

### New Business

**1. Request from William & Janet Hill for relocation of a child's lot previously approved for Jodi Lynn Spotts. PROPERTY LOCATION: West side of Wood Valley Road . Tax Map 5, Grid 20, Parcels 98 & 97. ACREAGE: 1.0 (proposed lot only), 9th Election District. PRESENTLY ZONED: Northern Agricultural Residential (NAR)**

Mr. Black advised that there are currently three homes on this farm. This is the first step in the process. The Board of Trustees will make the ultimate decision at their next meeting. Then the lot must go through the County's minor subdivision process.

Motion made by Davis to approve the relocation of a child's lot previously approved for Jodi Lynn Spotts. Knutsen seconded the motion. All were in favor, the motion carried.

### Old Business

**1. Recommendations for filling Board vacancies caused by the expiration of Mr. Derr's and Mr. McKeown's terms.**

Mr. Knutsen advised that the Ag Preservation Advisory Board suggests names to serve on the board and the County Commissioners appoint the members. Mr. Knutsen asked if he should contact the persons recommended by the Board before submitting the names to the County Commissioners. Mr. Black thought that was a good idea. He feels that the more names submitted to the Commissioners, the better off the Board would be.

Three members of the board must be owner/operators of commercial farms who are full-time farmers. Mr. Knutsen advised that the Board has always operated with five full-time farmers.

The recommendations are as follows:

1. Jay Milburn
2. Floyd Allred
3. Steve Balderston

Possibly Allred or Balderston could be an alternate.

Motion made by Davis, seconded by Knutsen, and unanimously carried to recommend consideration of the three names listed to fill the vacancies on the Board, after they are contacted by Chairman Knutsen.

## **General Discussion/Updates**

### **1. Check-off Box Program**

Mr. Knutsen questioned the status of the Check-off Box Program. Mr. Black advised that Mr. Thomey was to check with the Office of the Attorney General on the legalities and/or enabling legislation requirements. Mr. Knutsen stated that it would cost approximately \$3,600 to print and insert the pamphlets in tax bills.

### **2. Position Statement**

Mr. Black advised that the Position Statement was adopted March 11, 1999 . He suggested that some of the preservation data could be updated.

Mr. Knutsen stated that he feels the Ag Advisory Board's primary interest is recommendations to the Planning Commission or the County Commissioners ' for approval or disapproval of applications for districts.

Mr. Black advised that the Director of Planning and Zoning is currently working with consultants to do a Transfer of Development Rights (TDR). A study is currently being undertaken, and hopefully a TDR can be adopted at the completion of that study. That is some progress since the Position Statement was adopted in 1999.

Mr. Knutsen suggested that Mr. Black make a rough draft of the updates. Then the full Board could adopt that at the next meeting.

### **3. Update of Establishing Districts.**

Mr. Knutsen asked for an update on the two inquiries for establishing districts. Mr. Black advised that he has the soils information and they will qualify for the program. The soil capabilities are over the 60% threshold. He stated that he hasn't received any follow-up on them. The Eastern Shore Land Conservancy is working on a possible easement on the Dill property in Warwick.

### **4. Meetings**

Discussion ensued concerning the legalities of meeting over the phone when there is a small agenda, as well as skipping months if there weren't a lot of items on the agenda. There was also discussion on the possibility of meeting every other month in the office and every other month on the phone.

With there being no further items to discuss, Mr. Davis made a motion to adjourn. Mr. Knutsen seconded the motion. Meeting adjourned at 8:50 p.m.