

CECIL COUNTY
AGRICULTURAL PRESERVATION ADVISORY BOARD

Minutes

Friday, January 18, 2013 at 9:00 AM
In the Bainbridge Room, County Administration Building

BOARD MEMBERS PRESENT: Miller, Balderston, Halsey, Hastings,

BOARD MEMBERS ABSENT: Davis

OTHERS PRESENT: Eric Shertz, OPZ, Michelle Cable, MALPF, Jon Quinn

Meeting called to order at 9:01 am.

Approval of Minutes for September and October 2012 meetings were postponed until February meeting.

Due to time constraints of Ms. Halsey, Action Items will be heard first to allow for motions.

Action Items

1. MALPF Request: Bohemia Stable, LLC

Application was introduced by Mr. Shertz, Ms. Cable presented the specific details of the request and the criteria that the Board members needed to take into consideration when making their motion.

The Board had previously heard a request from Bohemia Stable, LLC at their meeting on September 21, 2012 for a proposed agricultural subdivision; recommendation for approval of the request was made at that meeting. In the process it was discovered that additional requests would be needed and a comprehensive reconfiguration plan was developed by the landowners, County and MALPF staff. Reconfiguration request consists of three parts:

1. Agricultural subdivision of easement #07-91-08Ae, #07-87-10e, and #07-87-11
2. Reclassify existing office as an agricultural structure, and relocate the pre-existing dwelling of easement #07-87-10e, on same parcel.
3. Relocation of pre-existing dwelling of easement #07-87-05e to #07-87-12 (new).

The motion was made in two parts; 1) The Board recommended approval of the reconfiguring of the parcel lines, and relocation of the pre-existing dwelling on File #07-87-10e. The Board also recommends approval of reclassifying the current pre-existing structure on File #07-87-10e as an agricultural structure, more specifically as an office for the farm. 2) The Board cannot approve the request to relocate one of the existing structures from File #07-87-05e to the proposed reconfigured #07-87-10e, as there is no established policy to grant such a request. The Board would be willing to reconsider the request, if the MALPF Board of Trustees was able to enact such a policy.

Motion was made by Mr. Balderston, and seconded by Ms. Halsey; vote was unanimous.

Ms. Halsey had to leave meeting due to prior obligation, she asked to be notified of results via email later in the day.

2. MALPF Request: duPont-Prickett, Caroline

Application was introduced by Mr. Shertz, Ms. Cable presented the specific details of the request and the criteria that the Board members needed to take into consideration when making their motion.

Ms. duPont-Prickett has submitted a request to subdivide 4, 7 acre parcels from her easement properties. The easement process was started in 2000, at which time Ms. duPont-Prickett determined that she wanted the ability to convey portions of the farm to her grandchildren at some point in the future. To accommodate this, she created four, 7 acre areas, each containing 1 acre that would be unencumbered by the easement to allow for the construction of a dwelling; the easements went to settlement in 2002. In 2012, Ms. duPont-Prickett submitted a subdivision plan to the Office of Planning and Zoning to create the four, 7 acre parcels through the County's subdivision process. Upon contacting MALPF to confirm what information they wanted submitted, they informed Mr. Shertz that the parcels did not have the ability to be subdivided, as they do not meet the established criteria for agricultural subdivision from the easement. Ms. duPont-Prickett asked that her request be taken before the MALPF Board of Trustees for consideration.

The motion was made that the Board could not approve the request as it does not meet the established criteria for an agricultural subdivision. However, if the MALPF Board of Trustees were able to come to an amenable agreement with Ms. duPont-Prickett, the Board would be willing to reconsider the request.

Motion was made by Mr. Balderston, and seconded by Ms. Hastings. Vote was unanimous, with Chairman Miller casting a vote.

Informational Items:

1. Update of MALPF FY2013 Easement Cycle: County submitted the top eight applications to the State for appraisal and consideration; the list was submitted without the revisions suggested by the Board.
2. Update of Carson and McCoy easements: Carson easement was settled in November 2012. McCoy easement needs additional paperwork submitted to NRCS for review, no anticipated settlement date.
3. Update of County Preservation District proposal: Proposal to be presented to the Planning Commission for recommendation on January 23, 2012.

General Discussion

Chairman Miller stated that he had received an email from Bill and Phyllis Kilby indicating that an upcoming change may require an easement purchase of their farm. Mr. Miller and Mr. Shertz both stated that they would follow up with the Kilby's.

Meeting was adjourned at 11:37am.

CECIL COUNTY
AGRICULTURAL PRESERVATION ADVISORY BOARD

Minutes

Friday, February 15, 2013 at 9:00 AM
In the Bainbridge Room, County Administration Building

BOARD MEMBERS PRESENT: Miller, Balderston, Hastings, Davis

BOARD MEMBERS ABSENT: Halsey

OTHERS PRESENT: Eric Shertz, OPZ

Meeting called to order at 9:04 am.

Motion was made by Mr. Balderston, and seconded by Ms. Hastings for approval of Minutes for September 2012, October 2012, and January 2013 meetings as drafted; vote was unanimous.

Informational Items:

1. Update of County Preservation District proposal: Proposal to be presented to the County Council for introduction on February 19, 2013. Cecil County Planning Commission voted to recommend approval at their meeting on January 23, 2013.

Action Items

1. MALPF Request: Bohemia Stable, LLC

This item was presented to follow up with proposal that the Board had previously heard at their meeting on January 18, 2013. The Board passed the following motion for the requested relocation of the pre-existing dwelling right:

"The Board cannot approve the request to relocate one of the existing structures from File #07-87-05e to the proposed reconfigured #07-87-10e, as there is no established policy to grant such a request. The Board would be willing to reconsider the request, if the MALPF Board of Trustees was able to enact such a policy."

At their meeting on January 22, 2013 the MALPF Board of Trustees vote to approve the request based on the following:

"...since both farms are subject to a MALPF easement, in the same area, and owned by the same person, they decided to approve the request, subject to the county's board's decision."

This approval was subject to the final recommendation of the Cecil County APAB.

Based that the MALPF Board of Trustees feels that the request does meet the current established guidelines and is permitted under Agricultural Article, Section 2-513(b)(8) of the Annotated Code of Maryland, Office of Planning and Zoning staff requested that the Board make motion to approve the request as submitted.

Motion was made by Mr. Balderston, and seconded by Ms. Hastings. Vote was unanimous, with Chairman Miller casting a vote.

2. MALPF Request: duPont-Prickett, Caroline

This item was presented to follow up with proposal that the Board had previously heard at their meeting on January 18, 2013. The Board passed the following motion for the requested relocation of the pre-existing dwelling right:

"The Board cannot approve the request as it does not meet the established criteria for an agricultural subdivision. However, if the MALPF Board of Trustees is able to come to an amenable agreement with Ms. duPont-Prickett, the Board would be willing to reconsider the request."

At their meeting on January 22, 2013 the MALPF Board of Trustees tabled the request to allow MALPF staff to research possible alternatives and/or alternatives to the request. County and MALPF staff met with Ms. duPont-Prickett on February 11, 2013 to discuss the request and potential resolutions. Ms. duPont-Prickett reiterated her desire to create the four, 7 acre parcels as opposed to 1 acre building lots.

County staff proposed at that meeting, with approval from Ms. duPont-Prickett, that the request for subdivision be withdrawn, and ask for MALPF to revise the deeds of easement due to the fact that they were not originally drafted with language to provide for Ms. duPont-Prickett's request. It was determined that changing the request to argue that an error was made would allow Ms. duPont-Prickett to achieve her desired outcome, but also allow MALPF to approve the request without setting a precedent for a non-conforming agricultural subdivision.

Office of Planning and Zoning staff requested that the Board make motion to approve the request as submitted.

Board discussed the requested motion and determined that additional information and review would be necessary to make an appropriate recommendation. The Board requested that Mr. Shertz gather copies of the ABAP meeting minutes that discussed this Ms. duPont-Prickett's original request, in addition to information from Ms. Carol West from MALPF.

Motion was made to table the request and have it placed on the March meeting agenda for further discussion. Motion was made by Mr. Balderston, and seconded by Ms. Hastings. Vote was unanimous, with Chairman Miller casting a vote.

General Discussion

Mr. Shertz indicated that he had spoken to the Kilby's regarding their letter submitted to Mr. Miller the previous month. Mr. Shertz advised them that he was not expecting MALPF easement offers to be made until after July 1, 2013.

Mr. Shertz advised the Board that the required Public Hearing for SB 236 and the submitted Tier Map would be held on February 19, 2013. The Board had previously discussed SB 236 and what position that Board should take, if any. Mr. Shertz read bullet

points that were drafted in September 2012. The Board stated that those items were acceptable and to forward to the County Executive and County Council. Mr. Shertz stated that he would send the comments to the needed parties.

Meeting was adjourned at 10.51am.

CECIL COUNTY
AGRICULTURAL PRESERVATION ADVISORY BOARD

Minutes

Friday, March 15, 2013 at 9:00 AM

In the Bainbridge Room, County Administration Building

BOARD MEMBERS PRESENT: Miller, Halsey, Hastings

BOARD MEMBERS ABSENT: Balderston, Davis

OTHERS PRESENT: Eric Shertz, OPZ, Michelle Cable, MALPF, Caroline duPont-Prickett, landowner

Meeting called to order at 9:03 am.

Motion was made by Ms. Hastings, and seconded by Mr. Miller for approval of Minutes for February 2013 meeting as drafted; vote was unanimous.

Informational Items:

1. Update of County Preservation District proposal: Proposal to be presented by the County Council for public comment on March 19, 2013.

Action Items

1. MALPF Request: duPont-Prickett, Caroline

This item was presented to follow up with proposal that the Board had previously heard at their meeting on January 18, 2013 and February 15, 2013. The Board tabled discussion at the February meeting asking for additional information from Staff and MALPF.

Ms. Cable relayed that MALPF had discussed options with the Office of Attorney General and had determined that MALPF has the ability to cite that a mistake was made in accepting the two (2) seven acre "parcels" associated with File #07-91-16 and #07-91-17. As no changes had occurred to the easement documents since they were originally settled, the MALPF Board of Trustees would have the ability to recognize "parcels" as withheld from the original easements. If the Board of Trustees were to hear and approve the request for those two "parcels", Ms. Prickett would be required to pay back the amount received at the time of easement for the acreage. Additionally, deed restrictions would be placed so that each of the "parcels" would be restricted to one development right that ran with the land.

Ms. Halsey made the motion that the two (2) seven acre "parcels" be encumbered by MALPF with an easement as a mistake 2003. That MALPF should designate the two "parcels" as withheld acreage from the easements and require Ms. duPont-Prickett to repay any funds received from MALPF, as well as place a deed restriction on the "parcels" to restrict them to retaining only one development right that would run with the land. Motion was seconded by Ms. Hastings. Vote was unanimous, with Chairman Miller casting a vote.

Discussion continued pertaining to the two (2) seven acres “parcels” associated with File #07-91-18. Ms. Cable states the after discussion with the Office of Attorney General, the easement would not have the ability to be revised since an amendment to the easement document was recorded in 2011. Mr. Shertz asked why the change in the easement document would negate the MALPF Board of Trustees ability to state that mistake happened just as with the other two easements. He further stated that the request that revised the easement document would not have led to an in-depth review of the entire easement that would have started the current discussion. Ms. Cable stated that the discussion of terms between legal counsel of MALPF and the landowner would have discussed the impacts of the revised easement document; Ms. Prickett stated that she had no conversation with her lawyers to that effect.

The Board asked Ms. Cable to research further the options for the two (2) seven-acre parcels associate with File #07-91-18; Ms. Prickett stated that she would go through her records for any correspondence she may have retained from discussions with her lawyer. This item will be tabled until additional information is available.

2. MALPF Request: Hummel, Allaire & Suarez, Virginia

Both Ms. Hummel (Map 48, Parcel 144) & Ms. Suarez (Map 48, Parcel 150) are each current owners of 50+ acres that were originally part of Bohemia Stable, LLC; both properties are currently encumbered under a MALPF easement.

Ms. Suarez’s (Parcel 150) property contains two single-wide mobile homes which were considered to be pre-existing dwellings by MALPF, as they were on site at the time the easement was settled. Per MALPF regulations, pre-existing dwellings have the right to be released and subdivided from the property.

Since Ms. Hummel’s (Parcel 148) property does not contain any dwellings, nor has the right to request one; she and Ms. Suarez (Parcel 150) would like to create the opportunity to create an approved building site associated with Ms. Hummel’s parcel. As corrective deeds of easement will need to be created for these two parcels as part of the current reconfiguration of the Bohemia Stable, LLC parcels, this is the opportune time to create this change in the parcels.

It was discussed that this request could not be approve via the some factors that the other lot relocation requests from Bohemia Stable, LLC as the parcels were under different ownership. The landowners work with Ms. Cable to create a request that would meet the established MALPF requirements.

Mr. Shertz explained the reasons behind the OPZ Staff recommended lot location, and the additional variance request required for the landowners preferred location. Ms. Cable explained that it is not uncommon for a lot location request to have multiple sites shown to allow for any unforeseen issues.

Mr. Miller asked about right-of-way to access the lot and if one would need to be shown on the MALPF request. Mr. Shertz stated that once completed, the access to the lot would be on the same parcel, so a right-of-way would not be required. The County’s subdivision regulations would take precedence for accessing the lot.

Motion was made by Ms. Hastings to recommend approval of the following items:

1. Relocate one pre-existing dwelling right to southern edge of Parcel 150.
2. Subdivide a one-acre lot around relocated pre-existing dwelling.
3. Via add-on plat and corrected deed, add one-acre building lot to Parcel 148.

Motion was seconded by Ms. Halsey. Vote was unanimous, with Chairman Miller casting a vote.

General Discussion

Mr. Shertz mentioned that the Board should start to think about the County's current approved Ranking Formula for easement applications, as he hopes to propose a revised system. Chairman Miller raised the idea of allowing for a discounted asking price, as was once the case.

Meeting was adjourned at 10:24 am.

CECIL COUNTY
AGRICULTURAL PRESERVATION ADVISORY BOARD

Minutes

Friday, May 17, 2013 at 9:00 AM

In the Bainbridge Room, County Administration Building

BOARD MEMBERS PRESENT: Miller, Hastings

BOARD MEMBERS ABSENT: Halsey, Balderston, Davis

OTHERS PRESENT: Eric Shertz, OPZ

Meeting called to order at 9:05 am.

The minutes for March 2013 meeting were not reviewed for approval, as not enough members present for a quorum. Item will be placed on the June 2013 agenda

Informational Items:

1. Update of County Preservation District proposal: Program approved by the County Council and the County Executive; will go into effect as of June 1, 2013. Mr. Shertz stated that he sent letters to landowners with current MALPF Districts notifying them of the change, and that no action was required for their continued participation. Mr. Shertz also stated that the legal paperwork assigning the existing District to the County from MALPF was in the process of being signed by the required parties. Mr. Shertz further stated that new application paperwork was being drafted.

Mr. Miller asked if establishing a District enabled a landowner to submit an application for MALPF easement. Mr. Shertz stated that currently MALPF does not have that requirement and that it was a point that he wanted to discuss in regards to the County Ranking Formula. Mr. Shertz would like landowners to be able to submit applications for MALPF easement without establishing a Preservation District, and be able to award ranking points to those that have created a Preservation District. Mr. Miller agreed that it would be an additional incentive to landowners to participate.

Discussion continued on the existing County Ranking Formula. It was agreed that any items that could not be quantified and supported by data, should be removed from the formula. It was also discussed that discounting the asking price should be factored into the formula. Mr. Shertz stated that discounting could be used as a second level of ranking that could be applied to applications that are to be submitted to MALPF for consideration. He also stated that the County's Priority Preservation Areas need to be allowed for in the revised ranking formula. Mr. Shertz stated that he will be work on a proposed revised formula and present it to the board at a future meeting.

2. Update on MALPF: Mr. Shertz stated that he expects to receive information on easement offers around July 1. MALPF has stated that County's will be allocated approximately \$867,000 for first round offers; and that the County has allocated \$46,608.73 as Matching Funds. Ms. Hastings asked how the State determines how much funding each County receives, Mr. Shertz explained the process.
3. Board Positions: Mr. Shertz stated that three positions on the Board will be vacant as of August, 1, 2013. He asked that any people that members think would be interested in applying, to direct them to the application on the County's website. Mr. Miller stated that he knew of a few people who would be a benefit to the Board, and that he would reach out them to gauge interest.

Action Items

NONE

Meeting was adjourned at 9:45 am.