

## Cecil County Agricultural Preservation Advisory Board Minutes

Thursday, April 10, 2003

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**Board Members Present:** Bob Knutsen (Chair), David Davis, Wayne Stafford, Stephen Balderston, and Fred Orr, Sr.

**Board Members Absent:** None.

**Others Present:** David Black and Jocelyn Beland (OPZ staff).

Chairman Knutsen called the meeting to order at 1:00 p.m. Mr. Black summarized the February minutes. Chairman Knutsen asked for a motion on the minutes. Mr. Davis made a motion to approve the minutes as written. Mr. Stafford seconded the motion. All were in favor, the motion carried.

### Old Business

**1. Reconsideration of district application from Mary Elizabeth Brown for property located at 145 State Line Road, Rising Sun, MD, 21911 (Tax Map 4, Grid 14, Parcel 8). ACREAGE: 55.56 acres; 9th Election District. PRESENTLY ZONED: Northern Agricultural Residential (NAR).**

Mr. Knutsen advised that he visited the property. According to regulations, the only way to create lots is for immediate children. Ms. Brown wants to withhold property in order to create lots for nieces and nephews. Mr. Stafford stated that Ms. Brown is withholding so much acreage that there wouldn't be much density left on the property, and the property being preserved couldn't be developed anyway. He is concerned that it barely meets the 50-acre criteria and is not contiguous nor in the vicinity of other preserved ag lands. Mr. Black explained that there are still two minor subdivision lots available on the property before it would have to be subdivided through the major subdivision process. Mr. Knutsen is concerned about the size of the parcel and the fact that it is not contiguous to any other preserved property. Mr. Orr opined that he would like to see larger tracts of land preserved.

Motion made by Mr. Orr, seconded by Mr. Stafford, and unanimously carried to disapprove, with a recommendation that Ms. Brown reapply at a later date if the amount of withheld acreage is reduced or if the former Marshall Farm (located immediately east of her property) enrolls in the MALPF program.

### 2. MALPF Program Funding

Mr. Knutsen spoke to Karen Smith, a governor's representative, about the MALPF program funding. She advised him that it will probably be a minimum of three years before any funding is available for ag preservation. Mr. Knutsen asked if the people that have sold easements, and not been paid for them yet, would not receive their money for three years? Mr. Black advised that there are currently 40 properties state-wide, ten of which are in Cecil County, that have applied and done all the necessary paperwork. They are just waiting for the state to cut a check.

### New Business

#### 1. Election of Vice-Chairperson

Mr. Orr nominated Mr. Davis for Vice-Chairperson. Mr. Stafford seconded the nomination. Mr. Davis unanimously elected Vice-Chairperson.

**2. Request for Partial Termination of District Property: Rosemarie Sherrard Linton. Property located at 55 Rolling Hills Ranch Lane, Port Deposit, MD, 21904 (Tax Map 22, Grid 18, p/o Parcel 9). ACREAGE: 2.41 acres; 7th Election District. PRESENTLY ZONED: Suburban Residential (SR).**

Mr. Black advised the Board that Ms. Linton is requesting a partial termination of her district property, which was established in 1996 and has remained in effect beyond the required five years. The proposed 2.41 acres would

remove approximately 1.4 acres of Woodland Group II from the district, and the district size would be reduced to 116.5 acres and would still meet the 60% required soils. The purpose of the termination is to create a lot for Ms. Linton's daughter. If the Ag Board recommends approval, then the request would go to the State Board of Trustees for their approval or disapproval.

Mrs. Linton advised that they have never received any money for the property. The daughter is an adopted daughter, who has been with the Lintons since the age of 16.

Motion made by Stafford, seconded by Balderston, and unanimously carried to approve.

**3. Request for a Tenant House: John L. Miller, Sr., et al. for property located at 64 Grove Miller Lane, North East, MD, 21901 (Tax Map 12, Grid 9, Parcel 24). ACREAGE: 157.94, 9th Election District. PRESENTLY ZONED: Northern Agricultural Residential (NAR).**

Mr. Knutsen stated that he didn't realize the Ag Board would have to approve a property for the placement of a tenant house. Mr. Black advised that because the property has an easement on it, then the County Ag Board and the State Board would have to approve it. If the property was in a district, then the Boards would not have to approve it. The home would be for Mr. Miller's assistant herdsman, who is a full-time employee of the farm. The County and State codes allow one tenant house per 100 acres. Since he has 157+ acres, he is within the requirements.

Motion made by Orr, seconded by Stafford, and unanimously carried to approve.

**4. Request for a child's lot exclusion for John L. Miller, Sr., et al. for property located at west side of Wood Valley Road, Rising Sun, MD, 21911 (Tax Map 12, Grid 3, Parcel 7). ACREAGE: 51.96 acres, 9th Election District. PRESENTLY ZONED: Northern Agricultural Residential (NAR).**

Mr. Knutsen advised that this is a lot for Robert, Mr. Miller's son. Since this property is in an easement, the State Board would also have to approve it. Mr. Black informed the Board that this will be the third child's lot. There is one on the north side of Rte. 213 and one on the south side. This lot is the second lot on the northernmost parcel. Regulations state that there can be one child lot per 20 acres. This meets those requirements.

Motion made by Balderston, seconded by Orr, and unanimously carried to approve.

## **General Discussion/Updates**

### **1. Land Preservation Workshop**

Mr. Knutsen advised that there is a land preservation workshop on Thursday, April 17, 2003, from 10:00 a.m. to 3:00 p.m. in the Commissioners' Board Room, hosted by the Cecil Land Trust. The County set a goal to preserve 55,000 acres by 2010, and it appears that the goal is not going to be realized. Perhaps Chesapeake Fields Enterprise will aid in this effort. He explained that Chesapeake Fields are trying to raise funds to provide unique markets for farmers, such as certain types of wheat or soy beans, etc. It is being patterned after a group in South and North Dakota that has been fairly successful. They are trying to keep the farmers on the Eastern Shore.

With there being no further items to discuss, Mr. Knutsen adjourned the meeting at 2:20 p.m.

## Cecil County Agricultural Preservation Advisory Board Minutes

Thursday, June 12, 2003

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**Board Members Present:** Bob Knutsen (Chair), David Davis, Wayne Stafford, Stephen Balderston, and Fred Orr, Sr.

**Board Members Absent:** None.

**Others Present:** David Black and Jocelyn Beland (OPZ staff).

Chairman Knutsen called the meeting to order at 8:00 p.m. Chairman Knutsen asked for a motion on the January minutes. Stafford made a motion to approve the minutes as written. Balderston seconded the motion. All were in favor, the motion carried.

### Old Business

### New Business

**1. Reconsideration of District Application: Mary Elizabeth Brown. PROPERTY LOCATION: 145 State Line Road, Rising Sun, MD, 21911. Tax Map 4, Grid 14, Parcel 8. ACREAGE: 55.56 acres, 9th Election District. PRESENTLY ZONED: Northern Agricultural Residential (NAR).**

Mr. Black advised that this application for a district was disapproved by the Ag Board and the Planning Commission, with a recommendation that the amount of withheld acreage be decreased, and possibly ask the adjoining property to partner with her. That contiguous property has filed an application to establish a district, which will be heard in July. Ms. Beland advised that Ms. Brown has also decided to place the entire property into a district. Mr. Stoltzfus' application (the adjoining property) indicates 63 acres. However, when the Soil Conservation Service did their work up, they show 70 acres. The board members believe the Brown application should not be decided until the Stoltzfus application is heard. It was decided to hear the Stoltzfus application tonight, and not wait until July.

**2. Application to Establish an Agricultural Preservation District: Amos F. and Sarah G. Stoltzfus. PROPERTY LOCATION: 201 Marshall Lane, Rising Sun, MD, 21911. Tax Map 4, Grid 5, Parcel 1. ACREAGE: 63 acres, 9th Election District. PROPERTY OWNER: Amos F. and Sarah G. Stoltzfus. PRESENTLY ZONED: Northern Agricultural Residential (NAR).**

Mr. Black gave the soil details of the Stoltzfus property. There are four dwellings on the property. There is a soil and water conservation plan and a forest management plan in effect. Discussion followed concerning the number of lots that Mr. Stoltzfus could obtain for child lots. Mr. Black advised that during "General Discussion" the Board would discuss the number of child's lots/owner's lots that an easement or district is allowed to have is going to change for new districts. The governor has recently signed that into law. Therefore, rather than being allowed the maximum of 10 dwelling units at the one-to-twenty density, they would only be allowed three, based on the size.

Motion made by Orr, seconded by Davis, to approve both applications (Brown and Stoltzfus).

Discussion followed. Mr. Balderston feels the Stoltzfus family should be informed of the new law that would only allow three lots. Mr. Black advised that OPZ will notify them that their property was approved by the Ag Board, and would also send them a copy of the new ruling explaining what they can expect.

Mr. Knutsen called for a vote on the motion. Motion unanimously carried.

**3. Application to Establish an Agricultural Preservation District. Ella Mae Truslow. PROPERTY LOCATION: 1429 Liberty Grove Road, Conowingo, MD, 21918. Tax Map 16, Grid 11, Parcel 50. ACREAGE: 45.16 acres, 6th Election District. PRESENTLY ZONED: Northern Agricultural Residential (NAR).**

Ms. Beland informed the Board that this application meets all the standards. Even though it does not meet the 50-acre criteria, it adjoins an ag district property. This is consistent with the Ag Boards' goals of preserving large blocks of land. Another adjoining property has been submitted to the Planning Commission for the creation of a subdivision, which is very difficult to farm because of the rocky ground and the steep slopes. However, the Truslow property does not have steep slopes. A Board member advised that there is no soil and water conservation plan, therefore perhaps the recommendation should require them to apply for that.

Motion made by Balderston, seconded by Stafford, and unanimously carried to approve the establishment of an Agricultural Preservation District with the recommendation that a soil and water conservation plan be filed.

#### **4. Spray irrigation**

Chris Rogers, URS Corporation, the Town of Cecilton's engineer. They have been working with the town for a couple of years to try to plan for the upgrade to its wastewater treatment plant. A plan they are trying to implement includes spray irrigation of the treated wastewater. The soils on the original property they planned to use were not appropriate and could not accommodate the spray irrigation. The Town contacted Mr. Davis to see if he was interested in allowing his property to be used for spray irrigation. Knowing that his property had a MALPF easement on it, the Town began working with MALPF to adopt a policy to allow them to consider spray irrigation. That has now been completed. One of the criteria within the policy is that the local ag advisory board has to give their support and approval of the use of a MALPF easement land for the use of spray irrigation of wastewater. The Town's wastewater system currently treats 50,000 gallons per day. They want to upgrade it in the first phase to approximately 75,000 gallons per day, ultimately to 100,000 gallons per day. They would like to continue the lagoon treatment process, but instead of discharging the wastewater into Duck Creek, which it does currently, they want to use land application of the treated wastewater. That allows a lot more flexibility for the Town because they will not have to deal with ever increasingly stringent standards for discharging into the stream. With spray irrigation, the nutrients are removed through the treatment process and through the crop uptake. MALPF and Mr. Davis were taken on a tour of other spray irrigation lands on the shore.

This is the first step in the process. They still need to check the soils. Some hydro geologic work needs to be done to make sure there will not be a negative impact on the groundwater table. Typically, they would spray on orchard grass because that has the most nutrient updates and there is not a total removal of the cover crop, so you can spray year round. They will accommodate whatever crop rotation or crop plan Mr. Davis wants to adopt. There is so much land with relatively little wastewater that they can relax the spray irrigation application rates to accommodate crop rotation to accommodate different crops that may not take as much wastewater as orchard grass or canary grass. They would work with Mr. Davis to put together a crop management plan to make sure that the way the spray irrigation is done will conform to what he wants to do with his crops. Generally, they would do center pivots. There is a prohibition of spray irrigating on direct consumption crops. Feed corn, soy, any hay are all suitable crops for spray irrigation.

A Board member asked how this would work in with the nutrient management plan. Mr. Rogers advised that they would do that crop management plan, and they have to show a nutrient balance. Part of the hydrogeology is to make sure there are not too many nutrients going into the groundwater. That is all part of the review process.

If the Ag Advisory Board approves this, then a more formal application would be sent to MALPF. Then they would start dealing with MDE. A tremendous amount of engineering, soils, and hydrogeology goes into the reporting in order for MDE to approve it.

The question was posed, what happens if there is a tremendous amount of rain, such as this year? Are you able to cut back on the amount of spraying? Mr. Rogers stated that in any land application system, a storage lagoon would need to be built. A storage lagoon is built to handle those days that you cannot spray. The size of the storage lagoon is based on weather data for this region. In the case where spraying would occur on more traditional row crops, they would have to build in more storage for those rotation times.

A Board member asked if there would be several center pivot units. Mr. Rogers answered probably.

A member stated if the Board approves this application, it would not be a blanket policy for all of Cecil County. Mr. Black concurred. MALPF's policy is they will consider it with various steps along the way, but they would only consider it on a case-by-case basis.

A Board member asked if the hay could be cut and sold, and would it have an odor or flavor? Mr. Rogers stated this would be treated effluent (lagoon treatment), and instead of going into the stream, it would go on the land and the crop uptake is the final treatment process.

A Board member asked what the nutrient value on this is. Mr. Rogers advised that typically lagoon effluent is about 20-30 milligrams per liter, which is 250-300 lbs. of nitrogen per acre per year.

Mr. Davis thinks it is a good idea. His son is unsure because of the weather conditions. Mr. Rogers advised that there would not be a problem because of the amount of acreage.

Mr. Rogers advised that the cost to install and maintain the pivot systems would be handled by the Town.

Mr. Black asked how much this would help the Town of Cecilton in terms of their projected growth. Will this be adequate to meet Cecilton's needs for ten years, twenty years, fifty years? Mr. Rogers stated that with that low amount of flow, one development could come in use it. The Town will grow in accordance with its Comprehensive Plan. They have to demonstrate to MALPF that the service area will only be priority funding areas because they do not want State money going to encourage growth where they do not want growth to occur. Currently, the Town is nearing its capacity of wastewater.

Motion made by Stafford, seconded by Balderston, and unanimously carried to approve as presented.

#### **4. Term Expiration**

Mr. Black advised that Mr. Davis' and Mr. Knutsen's terms will expire on August 1, 2003. State regulations state that you are only allowed to serve two six-year terms. He thanked the two members for their years of support, guidance and dedication. He advised that he would ask if the Mr. Davis and Mr. Knutsen could be re-nominated to serve as Board members. If not, then David Wilson has advised that he would be willing to serve. Also, a person from the lower part of the County should replace Mr. Davis. Possibly more would be known by the July meeting.

### **General Discussion**

#### **1. Cecil Land Trust**

Ms. Beland advised that the Cecil Land Trust is seeking to create a new source of revenue for land preservation/infrastructure. They met with the County Commissioners today and proposed some ideas. The popular choice at that meeting was to impose a transfer tax. A transfer tax could be very flexible and state that it would not apply to first time homebuyers, or residents who are upgrading their home. A new group would be created to go over the fine details before it is presented to the delegates.

A Board member pointed out that they tried to impose a tax a few years ago, and there was a group "Citizens Against New Taxes" that fought it and it never went through. Ms. Beland stated that impact fees, excise tax, as well as others that were investigated. A transfer tax has the most flexibility and is spread across a large population, and it was felt that it would have the least impact.

There was discussion concerning the Eastern Shore Land Conservancy (ESLC) and the vision for preserving land. Cecil County has signed that agreement. Tony Di Giacomo is working with ESLC on defining land that is preserved, and making it more manageable. If all of Cecil County were developed tomorrow, it would meet the requirement based on the open space that is required in subdivisions. However, that is not the spirit they are looking for.

#### **2. MALPF Easements**

Mr. Black advised that five easement offers were made by the State for this year, even though they have limited funds. Those that have had offers are Woodland Hurtt, Hill Farm, John Russell property, Lorraine Allred, and Robert England, three of which have accepted. Further, the County has decided to pay Floyd Allred from some various funds that the Commissioners have set aside to pay for the State's portion.

A Board member thinks that the Board ought to seek some publicity on easement settlements. He feels they may get more support if the public knows that their taxes are saving land.

Discussion ensued pertaining to Transfer of Development Rights (TDR). Mr. Black explained how TDRs operate and what is required for their success.

With there being no further items to discuss, the meeting adjourned at 9:15 p.m.

NEXT MEETING: July 10, 2003 at 8:00 p.m.