

Agricultural Preservation Advisory Board Meeting Minutes

June 26, 2014

Members Present: Miller, Bob (Chair); Anderson, Norm; Ewing, Willie; Hastings, Shelley.

Members Absent: Robinson, Charles

Others Present: O'Connor, Steve - Cecil County Office of Planning & Zoning

Call to Order

Chairman Miller called to meeting to order promptly at 7:00 PM.

Meeting Minutes

Mr. O'Connor provided copies of the meeting minutes from March 15, 2013 & May 17, 2013 for the Board's review and approval. He provided a brief synopsis of the minutes, and asked for the Board's input. Chairman Miller asked the board members if there would be any objection to tabling the matter since there has been a significant gap of time between meetings. The Board unanimously agreed to table the matter till the next meeting.

Future Meeting & Deadline Dates for FY2015

Mr. O'Connor asked the Board of when and how often they would like to meet to conduct business. A proposal of the second Thursday of each month was brought forth. This would allow any applications that require Planning Commission and/or County Council review after the APAB recommendation to be advantageously placed on their respective agendas. Discussion ensued regarding the meeting time at various times of the year, and the process to have application documentation to the board members prior to the meeting. The board agreed that the items on the agenda should be received no later than the last business day of any month for the following month's meeting. Meeting will be conducted on the second Thursday of each month at 7 PM. The Fiscal Year 2015 schedule is attached.

Mr. Anderson asked about conducting site visits on the property. Mr. O'Connor advised that property owners should be notified ahead of time prior to entering any applicants property. Chairman Miller stated that it is possible to do site inspection and that the farm bureau can set that up. He also stated that he would be willing to help facilitate coordination between the board and applicants for any site visit. Ms. Hastings stated that staff has provided as much documentation and maps to the Board with the applications a head of time. Mr. O'Connor stated that he will continue to provide support from the staff as much as possible.

Staff Initiatives

Prioritization of District Properties

The Board was notified that staff has been directed by County Administration to use the current ranking formula to score every property that is currently within a Ag-District. The purpose is to attempt to avoid a hodge-podge of allocating funds that has occurred in the past. Once complete, the ranked listed would be used as a guidance to prioritize the notification property owners of any opportunities not normally facilitated by the County's agricultural preservation program. As of June 2014 there are 38 Districts in Cecil County and approximately 17 have been scored. Staff intends for this project to be completed anywhere between mid-July or early August due to the varied amount of time it takes to complete each one. Mr. O'Connor briefly reviewed the history of the Ag-District and the recent change from a state to a County program. Mr. Anderson had questions about the same owner having multiple districts, which Mr. O'Connor clarified the reasons for multiple districts. Mr. O'Connor explained that set-up an agricultural district is no longer a requirement by regulation. He explained that district program's intended use is to have a relationship between the property owner and the County that will provide the best and every opportunity for preservation.

Public Outreach

The Board was informed that a large amount of misinformation about the agricultural preservation programs in Cecil County is being disseminated. Staff is working on providing a land preservation presentation for the public in August, and hopes to coordinate with other agencies to do an agricultural information fair sometime fall. In addition the agricultural preservation page on the County website will be updated to provide a easier end user experience to acquire information about ag-preservation programs.

Communication & Coordination with State Government

The Board has requested that Mr. O'Connor to provide a bigger role working with State Government officials. Mr. O'Connor commended the state staff he has already worked with, and feels that a good working relationship is underway. Chairman Miller provided insight on how agricultural community opines the request for preservation funds must come from the state. He suggested to see if there can be preservation funds from a private business (ex. Purdue), to supplement state funds, discussion ensued. Additional discussion focused on trying to get the non-agricultural community to provide support for agriculture.

Mr. Anderson inquired if there is more value in acquiring a single large property versus multiple small properties. Chairman Miller explained that small niche farms can work, but a large mass of farms are needed to have successful agricultural business in the County, thus the importance of preserving in clusters. He also emphasized for agricultural preservation that good productive properties need to saved in this program, and that other properties (i.e. environmental preservation), should use other programs.

Purchase of Development Rights (PDR)

Mr. O'Connor informed the board that the next application cycle for the PDR program will be opening in the near future and inquired about their thoughts and concerns. The board stated that they would like to review the applications, maps of the sites, GPS coordinates in advance.

Proposed revisions to scoring

Mr. O'Connor provided a proposed scoring method to begin discussion on reviewing the scoring method for preservation applications. This had been something that the board had requested in previous meetings. Mr. O'Connor went through each of the various scoring methods which the board provided the following input:

- What is the definition of farm as to determining average farm size, operation or parcel size?
- Discussion ensued about a potential Agricultural-Business component to the scoring. The board wanted to take further time to "mull it over", and continue discussion at the next meeting.
- Components to encourage large clusters of farms to apply should be added.
- Questions about subdivision scoring, and determining a balance of preserving farms that have imminent subdivision pressure versus creating large farm blocks was discussed.
- Scoring should include points for implementation of the Soil Conservation Plan.
- While some value to continued efforts to preserve land should be included in scoring 10 percent is too high.

Chairman Miller asked that the board prepare some thoughts on the goals and objective of the program to give a guidance on how the scoring should be further reviewed. He also asked if staff can get some examples of ranking's from other Counties.

Selection of MALPF finalists

Mr. O'Connor provided the ranked list of the applications to sell an easement to MALPF to the board members. He reviewed the application and scoring process. He also stated that MALPF will only accept 8 applications this cycle and that there will not be a cycle for FY2016. Discussion ensued on how offers were made from the state, and potential drawbacks of submitting applications asking for more funds than were available. The board didn't think it was appropriate to make a vote without clarification of the following questions:

1. How much funding is estimated to be available for Cecil County round 1 offers?
2. If the Round 1 offer is rejected by an applicant, will Cecil County funds be lost?
3. If a soil conservation plan is not up-to-date or incomplete will MALPF staff automatically reject the application?

A motion was made by Ewing and seconded by Hastings for staff to acquire these answers, and then continue to selection of applicants via email. Motion passed unanimously.

The meeting adjourned at 9:27 PM.

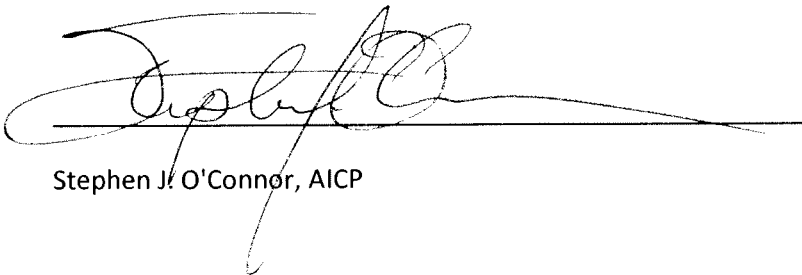
Selection of MALPF finalist - Supplemental

Mr. O'Connor clarified the board's inquiries the morning of June 27 with the following answers:

1. How much funding is estimated to be available for Cecil County round 1 offers?
 - a. **By estimation only, somewhere between \$800,000 and \$1,000,000.**
2. If the Round 1 offer is rejected by an applicant, will Cecil County funds be lost?
 - a. **No. The next highest applicant will be made a round 1 offer. Only if all finalist reject a round 1 offer will the funds not be allocated to Cecil County.**
3. If a soil conservation plan is not up-to-date or incomplete will MALPF staff automatically reject the application?
 - a. **No. This will not affect their application, but if all required plans are not complete on a property that has accepted and offer, then settlement will be delayed.**

A motion was made by Anderson and seconded by Hastings to accept the 8 highest ranked applications as the finalist to be sent to the MALPF offices. Motion passed unanimously on June 27, 2014.

Respectfully Submitted,



Stephen J. O'Connor, AICP

Agricultural Preservation Advisory Board Meeting Minutes

July 10, 2014

Members Present: Miller, Bob (Chair); Anderson, Norm; Hastings, Shelley.

Members Absent: Robinson, Charles; Ewing, Willie

Others Present: O'Connor, Steve - Cecil County Office of Planning & Zoning

Call to Order

Chairman Miller called to meeting to order at 7:09 PM.

Meeting Minutes

A motion was made by Hastings and seconded by Anderson to approve the meeting minutes from March 15, 2013, May 17, 2013 & June 26, 2014. The meeting minutes were unanimously approved.

Application to Establish a Preservation District - Harnish, John & Marcia (Tax Map 16, Parcel 10)

Mr. O'Connor advised the board that an application to establish a preservation district for the lands of John & Marcia Harnish (Tax Map 16, Parcel 10) was submitted for their review and recommendation. In addition to the application the staff's report and proximity and soils maps were provided to the board for review. Discussion ensued regarding soil classifications about how they're determined and the reasoning why certain classes are better than others for agricultural production. Further explanation on the tax credit benefit for both District & MALPF easement properties was provided. A motion was made by Anderson and seconded by Hastings to recommend approval of the preservation district. Motion was approved by unanimous vote.

Response to Board Member Inquiries

TDR

Mr. O'Connor provided clarification on the unanswered questions from the June 26, 2014 meeting regarding the TDR program. First, if development rights are sold through this program, the purchaser would hold those rights until they are utilized, subsequently sold, or in perpetuity. Second, the 50 acre minimum threshold applies to parcel size and not contiguous properties that add up to 50 acres. It was also explained, in such a scenario, properties could consolidate properties through the add-on process to reach the minimum 50 acre threshold. Further discussion ensued on how property owners could have more development rights by leveraging TDR program.¹ Chairman Miller asked staff if sending parcel are preserved in perpetuity or just the development right are sold? Mr. O'Connor stated it is likely in

¹ Section 246 of the Cecil County Zoning Ordinance provides specifics on the TDR program, but in general for every 5 acres preserved in the NAR or 3 acres preserved in the SAR, a development right is granted to the purchaser.

perpetuity, but he would review the ordinance to verify his answer.² The Board also wanted clarification on how development rights are calculated in a Base Density scenario. Mr. O'Connor went through how they are calculated using density and subdivision provisions only, and not necessarily the realities of development yield on the property (e.g. limit perc test approvals.)

Agricultural Census Definitions

Mr. O'Connor included in the information packet a full copy of the definition section from the 2012 Census of Agricultural for the board's edification. He also clarified the definition of farm from the unresolved question in June's meeting.³

Agricultural Preservation Goals

Mr. O'Connor provided copies of the 2000 resolution and excerpts from chapter 7 of the 2010 Cecil County Comprehensive Plan to the board members. These documents provide the established long term land protection goals of Cecil County.

Agricultural Preservation Advisory Board - Goals.

The Board deferred this discussion until a full body of the Board can be convened.

Scoring Method's from Adjoining Counties

Mr. O'Connor presented his findings on the scoring methods from Carroll, Chester, Harford, Lancaster, & New Castle Counties for their preservation programs. In summary, the Pennsylvania counties have their percentages of major scoring categories set by state statute, but some flexibility is provided sub-category scoring that can be specific for their county. For example, Soils must be worth 40%, but that 40% could be broken out into 4 sub-categories worth 5%, 15%, 10%, & 10%. New Castle County relies on the State Program (DALPF) for all of their land preservation efforts. DALPF does appraisals on all interested properties to determine Fair Market Value (FMV). Once FMV is determined, DALPF staff meets with land owners individually to review the appraisal and find out asking prices from land owners. The properties with the largest bargain prices are ranked highest, and then offers are made until funding is used up. Harford & Carroll Counties use a scoring method and cap the amount on the asking price. Harford uses a secondary formula to determine the price cap, whereas Carroll's cap is either 70 or 40

² Sending parcels are preserved in perpetuity per Article XI, Section 246.8(i) states "...the Transfer of Development Rights Conservation Easement and Deed of Transfer of Development Rights shall be recorded in the Office of the Clerk of the Court for Cecil County. The record plats shall not be signed by the Director of Planning & Zoning until the recordation of these documents occurs.

³ **Farm Size** - All farms were classified into size groups according to the total land area in the farm. The land area of a farm is an operating unit concept and includes land owned and operated as well as land rented from others. Land rented to or assigned to a tenant was considered part of the tenant's farm and not part of the owner's. ³

percent depending on either Lump Sum or Installment Purchase Agreement (IPA) payment method. Mr. O'Connor also stated that Kent County did provide their scoring method earlier in the day, but hasn't had a chance to review it. In addition Kent sent over data from other Maryland jurisdictions for a similar project that was completed in 2011. Much discussion ensued comparing Cecil's scoring with the other Counties.

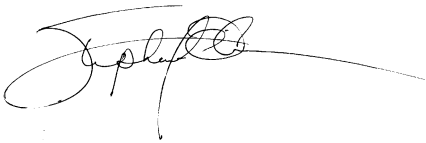
Proposed revisions to ranking formula for future applications.

The board directed staff to work up some scenarios for their review for the next meeting.

Adjournment

A motion was made by Hastings & seconded by Anderson for adjournment. The meeting was adjourned at 8:46 PM by unanimous vote.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Stephen J. O'Connor", with a long horizontal flourish extending to the right.

Stephen J. O'Connor, AICP

Agricultural Preservation Advisory Board Meeting Minutes

August 14, 2014

Members Present: Miller, Bob (Chair); Anderson, Norm; Ewing, Willie; Hastings, Shelley; Robinson, Charles

Others Present: Cable, Michelle - Maryland Agricultural Land Preservation Foundation (MALPF); O'Connor, Steve - Cecil County Office of Planning & Zoning

Call to Order

Chairman Miller called to meeting to order at 6:56 PM. The members of the board welcomed Michelle Cable from MALPF. Michelle stated that she attempts to meet with every local board once a year and is willing to provide her assistance to the local boards as well as the staff.

Meeting Minutes

A motion was made by Anderson and seconded by Hasting to approve the meeting minutes from July 10, 2014. The meeting minutes were unanimously approved.

Request to Change Easement withholding Area - Sandy Bottom Preserve, Lot 3

Mr. O'Connor informed the board that a request to change the one acre building site has been received from Stephen & Sally Zook. Their request to move the location to build a new dwelling that would be suitable for them and six children. The family currently resides in a mobile home dwelling that was on the property when the easement was established, and if the same site is selected the replacement of the septic system would be required. An exhibit prepared by American Engineering & Surveying was provided to show the proposed new dwelling location. Mr. O'Connor also informed the board that he conducted a site visit on or about August 1, and provided photos of the site for the board's review. In addition a GIS analysis was done on the site and found that nearly an acre of Class II soils would be returning to agricultural production and the new dwelling site is dominated by Class III & IV soils.

Discussion ensued about the request with two minor items that would need to be completed. First, MALPF needs a letter informing them of the location, size, & scope of the existing produce stand. Second, the proposed power source of the BAT septic is to be solar panels. Again a letter signed by the owner with the location, size, scope, and range of Kilowatts generated must be submitted during the building permit process for record keeping purposes.

A motion to approve was made by Anderson and seconded by Ewing. The request was approved by unanimous vote.

Proposed Revisions to Priority Preservation Maps

The board was briefed on a July 29, 2014 meeting held by the County Executive and various agriculture community stakeholders on a proposed revision to the Priority Preservation Area (PPA) Maps. Mr.

O'Connor explained due to the Sustainable Growth and Agricultural Preservation act of 2012, commonly known as the septic bill, all areas in PPA's must be in a Tier IV which doesn't allow major subdivisions. Meetings between the State and County over past months has determined that the required refinement to the PPA maps as stated in the Comprehensive Plan must occur promptly¹. Mr. O'Connor explained the methodology used to create the proposed maps, and how the revised PPA map would impact any revised Tier map.

The proposed map showed already preserved and methodically selected parcels within each of the County's Rural Legacy Areas (RLA). The board had questions on how the RLAs were set up and their purpose. Ms. Cable was able to provide insight into the program specifics of location selection, and purpose.

Discussion ensued on how any PPA, and ultimately Tier map, may affect the value of properties, and in turn, the land preservation program as a whole. Ms. Cable stated that the FY2015 application cycle is going to be the first ramification of the septic bill as appraisal methods now have to take the Tier Map into effect.

The board ask Mr. O'Connor to keep them apprised of developments as the map refinement process continues.

Soils Analysis

The board was briefed on a soils analysis completed by the County's GIS coordinator where the percentage of Class I, II and III soils were determined for the entire county, the two rural legacy areas, and by zip code. The Board was impressed that the County as a whole has over 76% of prime soils, with the highest percentage located in the Chesapeake City, Cecilton, & Warwick zip codes. Even the lowest scoring zip codes, such as Conowingo & Colora, still have over two-thirds of those areas in the prime categories.

Purchase of Development Rights (PDR) application cycle

Mr. O'Connor advised the board that landowners with established preservation Districts will be receiving a letter informing them that PDR applications are being accepted. The body of the letter includes deadlines, information to contact soil conservation, requirements for staff assistance, and contact information for the office. Ms. Hasting asked if the proposed land preservation presentation would affect the applications, which Mr. O'Connor stated it did not.

Land Preservation Presentation - August 21

Mr. O'Connor advised the board that the land preservation presentation will occur on the 21st. Questions about advertising, and program purpose arose from the board. Mr. O'Connor stated that the

¹ In Chapter 7 of the Cecil County Comprehensive Plan Policies and Action (Page 7-16) states "1. Refine the Priority Preservation Area map and acreage goals as part of the recertification of the County's agricultural land preservation program."

flyer has been posted County's website & facebook page, the Cecil Whig wrote an article about it on August 1st, and flyer have been distributed through the County. He also stated the purpose of the program is to provide the technical requirements of how to get a farm in to preservation and not a advocacy sales pitch. Mr. Anderson asked if the board needs to attend, which he was informed its optional.

Point Ranking Scenario

Staff has developed a potential point ranking scenario in which the soils calculation would be worth 40% of the scoring, Farm Quality and Potential would be worth 30%, Preservation Status would be worth 20%, and Development Pressure and other factor would be worth 10%. Mr. O'Connor also changes include adding a PPA component to the scoring as a required condition of the County's 2012 certification. A discounting factor was also added.

The board reviewed the scenario, and felt the following changes should be made:

- Removal of points for the number of applications submitted - The concern here is that points are being given to an administrative item rather than a preservation factor. Ms. Cable stated the most of the other Maryland counties have abandoned this factor as well.
- Removal of the unique circumstances, hardship, & young farmer factors - The concern here is that those items could be too subjective for the boards consideration.
- Removal of the Historic Value points - While it may be nice to preserve an historic home, it should not be a factor for agricultural **land preservation**. Ms. Cable stated that appraisals for the MALPF program may note the improvements, they are not a factor in the appraisal as MALPF is paying for the land.

Value Pricing was also discussed in great detail. The proposal uses the median asking price as a factor, but there is much concern that asking prices could be artificially inflated by applicants using that method. This should be revised to be based off of fair market value (FMV). Ms. Cable then explained that some counties would send their finalists, but not provide the final ranking of priorities until after the appraisals were complete, specifically for this factor. She also explained to the board using the 8 finalists for FY2015 as an example, that provided the board has an objective reason, the finalist do not have to be the 8 highest scores. The example provided is that the Board could send the top 6 scores and the 2 lowest asking prices applications, and that would be acceptable. It just cannot be any 8 applications. In addition, she explained that the County could send more than 8 but the County would be billed for any additional appraisal costs. As an example Charles County sent all of their applications in this year, but felt because of the value pricing factors, the savings on the easement justify the \$1500 to \$2000 cost of each additional appraisal. Mr. O'Connor explained that Cecil County didn't have funding for additional appraisals this cycle, but will be considered in the future.

The Board desires that any value pricing factor in the scoring should be based off of FMV, which would mean a change in either the selection of finalists or setting aside funds for additional appraisals. The

board desired to discuss this further at a future date. The board asked staff to send the staff scenario to each of them for their own review and tweaks to proposal for the next meeting. Chairman Miller stated that this may not be finalized until after the PPA maps are finalized as that revision will likely affect scoring.

Ms. Cable withdrew from the meeting after the Point Ranking discussion at 8:45 PM. Cordial exchanges of thanks and safe travels were exchanged.

Request from Cecil Land Trust

Chairman Miller received a request from the Cecil Land Trust (CLT) that he wished to discuss with the board. Specifically, the CLT requested if the Board could add an ex-officio (non-voting) member. Mr. O'Connor advised that a change to the board composition have to be proposed by the County Executive and approved by the County Council.² Discussion ensued about perspectives and opportunities from other preservation agencies. Further work on adding a non-voting member will not be pursued.

Adjournment

A motion was made by Anderson & seconded by Ewing for adjournment. The meeting was adjourned at 9:25 PM by unanimous vote.

Respectfully Submitted,

Stephen J. O'Connor, AICP

underline = amended by addition

~~strikethrough~~ = amended by deletion

² Inadvertently omitted during the meeting, but added to the minutes. The Agriculture Article of the Annotated Code of Maryland §2-504.1 explicitly states " the agricultural preservation advisory board shall consist of five members, at least three of whom shall be owner–operators of commercial farms who earn 50 percent or more of their income from farming." Thus a change in the composition of the board would require a change by the state legislature.

Agricultural Preservation Advisory Board Meeting Minutes

September 11, 2014

Members Present: Miller, Bob (Chair); Anderson, Norm; Ewing, Willie; Hastings, Shelley; Robinson, Charles

Others Present: Rothwell, Jeremy - Cecil Land Trust; O'Connor, Steve - Cecil County Office of Planning & Zoning

Call to Order

Chairman Miller called to meeting to order at 7:05 PM. Chairman Miller introduced Mr. Rothwell of the Cecil Land Trust to the board and he was welcomed by the members.

Meeting Minutes

A motion was made by Anderson and seconded by Ewing to approve the meeting minutes with one amendment from August 14, 2014. The meeting minutes were unanimously approved.

Closed Meetings Orientation

Mr. O'Connor reported that he met with the County Administrator and County Attorney between the previous meeting and this one in regards to the appropriate times to go into closed session for the meetings. He reported that there are only 14 valid reasons in Maryland to enter into closed session, and only three that could be applicable to this Board. He also reported that a one page summary sheet of the closed meeting must be filed after the closed session has occurred. Mr. O'Connor also reported that if there are any doubts if an item is to be in closed session, a best practice would be to defer the item to the next meeting and consult with counsel for appropriateness. Ms. Hastings asked that only the discussion of specific application would be the only reason to go into closed session. Mr. O'Connor confirmed that was true and doesn't foresee any other reason to enter into closed session.

Review of Land Preservation Presentation - August 21

Mr. O'Connor informed the board that the land preservation presentation occurred on August 21st. 35 people came, and a lot of the attendees were citizens that have some involvement and familiarity with Cecil County Land Preservation. He stated that he was disappointed that not a lot of "new customers" attended with the amount of work in advertising the event. Overall, the feedback from the attendees was that they learned so much more from the presentation than they ever knew. Some attendees stated that too much focus was given to the MALPF program, which Mr. O'Connor will try to improve on in future outreach programs. Ms. Hastings asked if the program provided any new property owner interest in land preservation. Mr. O'Connor stated that he did have one inquiry, which the research and advice was provided to the customer. In addition, the power point was amended so it could be posted on the agricultural preservation web page. Ms. Hastings asked if there was a way to know how many people look at the presentation. Mr. O'Connor stated he knows of a way to know how many people

come to the webpage through some analytic tools, but would have to look into tracking how many downloads option.

Continuing Projects Updates

Purchase of Development Rights (PDR) application cycle

Mr. O'Connor informed the board that landowners with established preservation districts received a letter informing them that PDR applications are being accepted. He also informed them that he did send out letters to previous applicants that are not in a district too. Those property owners also received information about establishing a preservation district.

Priority Preservation Maps Update

Mr. O'Connor briefed the board about the meeting that County Administration and the Maryland Department of Planning (MDP) had on August 22, 2014 regarding the revised Priority Preservation Area (PPA) maps. Mr. O'Connor reported that a new draft map which adds all NAR & SAR parcels 155 acres or greater to the draft map presented to the board in August. The map was not to MDP's satisfaction, and further revisions are being worked on by County staff. Chairman Miller asked how the PPA maps would affect land preservation. Mr. O'Connor responded that PPA area would become Tier IV per the septic bill requirements leaving only minor subdivision development rights left to be sold. He stated that if minor subdivision rights are used up by land preservation calculations¹ then it is possible for farm not to qualify for land preservation.

Chairman Miller then asked Mr. Rothwell how the PPA maps & Tier Maps would affect the Cecil Land Trust's preservation efforts. He stated that they have already seen an effect as their application for funds was not forwarded by the Rural Legacy Board for final consideration the week prior. The Board asked that the correspondence regarding their request be forwarded to the County. The Board inquired about how the PPA & Tier Maps would affect the Cecil Land Trust's selection criteria. Mr. Rothwell responded that they do not go through a ranking process like the County, rather eligible properties are selected by the land trust's Board of Directors. In addition, because the funding source is through the Maryland Department of Natural Resources rather than the Maryland Department of Agriculture, there is an emphasis on environmentally sensitive areas rather than farming production. Discussion ensued about MDP's comments to the County on the PPA maps, and comments to the Cecil Land Trust on their grant application. Mr. Anderson summed up the discussion that taking away development rights without paying land owners could threaten all land preservation efforts.

¹ MALPF calculates the number of development rights by starting with the total allowed by zoning then subtracting the a development right per existing dwelling, an possible development right on acreage withheld from the easement, & development rights for lot reservations to get the amount of development rights to be extinguished. A property must have at least one development right remaining to qualify for MALPF.

MALPF application appraisals

Mr. O'Connor informed the board the MDP has sent a letter to MALPF that only minor subdivision development rights may be used for appraisals for the Cecil County finalists. MDP stated in their letter that since the applicants were all in PPA or Rural Legacy Area (RLA) they must be in Tier IV per the septic bill. Mr. O'Connor then sent a response letter to MALPF stating that MDP was incorrect in their determination of development rights. Both letters were presented to the MALPF board which they determined that the Attorney General should decide which one is correct. The Board ask if any other counties were in a similar situation, which Mr. O'Connor responded that he didn't know of any others. Discussion ensued on the possibilities of the outcome from the Attorney General's office.

Recertification Application

Mr. O'Connor informed the Board that the application recertification of the agricultural preservation program will be due. He provided a copy of the checklist provided by MDP of the various requirements for the recertification application. It is one of the board's primary duties to approve or disapprove the application for Certification. The board asked about the benefits and consequences of being a certified county. Mr. O'Connor presented an example of how the agricultural transfer tax is calculated and the money retained by the County with the program. Discussion ensued regarding the inter-relatedness of recertification, PPA, RLA & Tier maps. Mr. O'Connor will follow up with draft copies of the recertification application with the board.

Point Ranking Scenarios

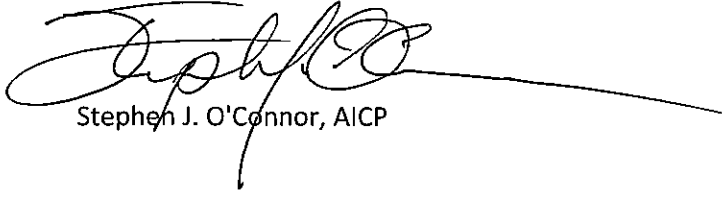
Mr. Anderson presented a draft point ranking scenario with some proposed revisions. In summary his scenario removed the number of years in the program, amount of times applied, and personal need/hardships criteria. The board agreed with the amount of times applied and personal needs/hardship criteria being removed, but wanted to leave the number of years in district in the scoring. Mr. O'Connor also presented the scenario that included the items that the board wanted changed from the August meeting. . Many unanswered questions remain as the impacts of a revised Priority Preservation Area (PPA) map, the agricultural certified County application renewal, and the Tier Map could have voluminous effects to all land preservation programs in Cecil County. The board desired to present the work completed so far to County Administration, but reserve the opportunity to review it again once the issues with MDP are resolved.

A motion was made by Robinson, seconded by Hastings, to present the revised scoring to County Administration as a working draft for comment. The motion passed unanimously.

Adjournment

A motion was made by Robinson & seconded by Hastings for adjournment. The meeting was adjourned at 9:15 PM by unanimous vote.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Stephen J. O'Connor", with a long horizontal line extending to the right.

Stephen J. O'Connor, AICP

underline = amended by addition

~~strikethrough~~ = amended by deletion

Agricultural Preservation Advisory Board Meeting Minutes

October 15, 2014

Rescheduled from October 9, 2014 as quorum was not reached on that date.

Members Present: Miller, Bob (Chair); Ewing, Willie; Hastings, Shelley;

Others Present: O'Connor, Steve - Cecil County Office of Planning & Zoning

Call to Order

Chairman Miller called to meeting to order at 7:07 PM. Mr. O'Connor advised the board that although Mr. Anderson was unable to attend, he did send in his comments on the action items to be included for the record.

Meeting Minutes

A motion was made by Hastings and seconded by Ewing to approve the meeting minutes from September 11, 2014. The meeting minutes were unanimously approved.

Application for Preservation District - Dudkewitz, David & Charlotte

An application to establish a Land Preservation District was received in the Office of Planning & Zoning for the property located at 1777 Appleton Road (Tax Map 14, Parcel 26). Mr. O'Connor reported that the property met the necessary qualifications required by chapter A385-3 of the Code of Cecil County to establish a district. The property is 120.83 acres and adjoins the Fair Hill Natural Resources Management Area. Mr. O'Connor reported that staff recommended approval of the application. A motion was made by Hastings, seconded by Ewing to recommend establishment of a preservation district. The motion passed with a unanimous vote.

Request to Operate Horse Riding Lessons - Riveredge, LLC

This request is for conducting horse riding lessons on a the property encumbered by a MALPF easement. This is use is permitted provided that local preservation board and MALPF staff approve the request with the following conditions:

1. No more than 4% of the easement or 2 acres, whichever is smaller, can be used for parking. Any parking lot must be pervious, with the exception of handicapped parking facilities required by law; and
2. The primary use of land must be for farming operations (including horse breeding, boarding & training).

The 60.842 easement area on the property was inspected on October 6 by County Staff. The riding lessons taking place in the same vicinity of the residence and horse boarding operations. The applicant details that both the indoor and outdoor arena take up 40,200 square feet (0.92 ac) and that lessons do

not take place anywhere else on the property. Staff agrees with this assessment, and has an approximate measure of the parking area to be 0.33 acres whereas the applicant could be allowed up to 2 acres for parking. County staff concludes that 1.25 acres of the 60.842 acre easement is being used for horse riding lessons and the remainder of the easement is being used for horse boarding and training. Staff recommended approval of the applicants request. A motion was made by Ewing, seconded by Hastings, to approve the request. The motion passed with a unanimous vote.

Request to amend development envelope - Glenmede Trust Company, NA

This request is to relocated an already approved building envelope approximately 65' to the northwest of its currently approved location. There are multiple deeds of easements, revisions and reservation that included this parcel that were "cleaned up" in 2013 with a Comprehensive Plan of seven tracts owned by or in part by members of the du Pont family. This is known as tract 4 as part of that plan and corrective easement was completed on June 5, 2013.

The corrective easement specifically states that **"One existing dwelling (or proposed building envelope, as the case may be) on each tract of land must be restricted from being subdivided from the tract, with the exception of Tracts # 5 and #7, which do not have an existing dwelling or building envelope"**

This Tract, #4, did have a one acre building envelope recorded with the 2013 revision. Per the applicant and the surveyor, the original intent was to create a "floating building envelope" until such time that location was determined. This idea was not amenable to MALPF and a building envelope had to be established. Thus a location was determined prior to site details regarding the septic and well location being finalized. The applicant's request is to move the building envelope so that the septic area is downhill rather than uphill from the dwelling and well site.

The aforementioned corrective easement does specifically state that, **"The dwelling and building envelope may be relocated upon written permission of the Grantee (MALPF), and the recording of an Amendment to this corrective easement #4 and a Relocation Agreement reciting the new location of the building envelope."**

Mr. O'Connor reported that the proposed building envelope on the property was inspected on October 6. A construction road which is in the location of the permanent driveway to the building envelope is already on the property. It also appears that some utilities, specifically electric, have already been installed. The building envelope was clearly staked out by the surveyor, and staff agrees with the topography issue assessment. Mr. O'Connor reported that staff has no objection of the applicants request.

Discussion ensued regarding the reasoning for moving the building envelope, and why it wasn't done with the 2013 corrective easements. Mr. O'Connor explained that the error of the building envelope relative to the septic location was not realized because the location was completed prior to any conceptual site design for the proposed dwelling.

A motion was made by Hastings, seconded by Ewing to approve the applicants request. The motion passed with a unanimous vote.

Continuing Projects Update

Purchase of Development Rights (PDR) application cycle

Mr. O'Connor informed the board that ten landowners for a possible 712 acres of preservation have had applications prepared by the Office of Planning & Zoning, and only one has returned. The deadline for submittal is December 31, 2014.

Recertification Application

Mr. O'Connor informed the Board that the draft application for recertification of the agricultural preservation program was submitted to MDP & MALPF on October 1. A copy the draft recertification application was provided to the board for review prior to the meeting, and no comments were not made. Mr. O'Connor informed the board that he is expecting revision comments from MDP & MALPF on the report so that it can be considered by the MALPF Board of Trustees prior to June 30, 2015. Discussion ensued regarding County revenues and expenditures over the last three years on agricultural preservation.

Closed Session

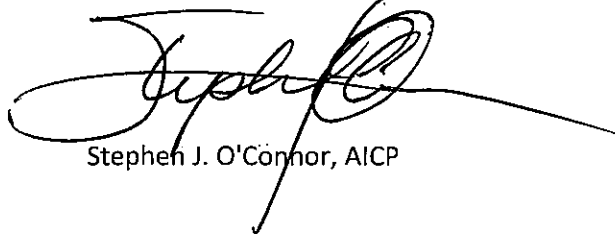
Pursuant to the Annotated Code of MD, State Government, Title 10, Governmental Procedures, subtitle 5.Meetings, Section 10-508 (a) (13) To comply with specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; Annotated Code of Maryland - Agriculture Article 15, Subtitle 15, Chapter 10 - Confidential records to ensure the integrity of the offer and sale process for FY2015 MALPF participants. A motion was made by Hastings, seconded by Ewing to go in to closed session. The motion passed with a unanimous vote. The Board went in to closed session at 8:00 PM.

A motion was made by Hastings, seconded by Ewing to end closed session. The motion passed with a unanimous vote. The Board went ended closed session at 8:50 PM.

Adjournment

A motion was made by Ewing & seconded by Hastings for adjournment. The meeting was adjourned at 8:52 PM by unanimous vote.

Respectfully Submitted,



Stephen J. O'Connor, AICP

Agricultural Preservation Advisory Board Meeting Minutes

November 13, 2014

Members Present: Miller, Bob (Chair); Ewing, Willie; Hastings, Shelley; Anderson, Norm

Others Present: O'Connor, Steve - Cecil County Office of Planning & Zoning; Rothwell, Jeremy - Cecil Land Trust

Call to Order

Chairman Miller called to meeting to order at 7:01 PM.

Meeting Minutes

A motion was made by Hastings and seconded by Ewing to approve the meeting minutes from October 15, 2014. The meeting minutes were unanimously approved.

Easement release request - Williams, David & Tracey

Mr. O'Connor presented this request is to release a building envelope around the existing dwelling, pool house with living quarters, and garage with accessory apartment.

In 1995, while still in a district, the Williams applied for and received MALPF board approval for a One Acre Owners Lot Exclusion. In a letter dated September 27, 1995 the Executive Director of MALPF prepared a statement to be signed by the landowners that acknowledge their understanding of the lot release agreement and conditions. That letter specifically stated "**Final approval of your request is pending the receipt of your signed statement by the Foundation**". There is no records by either the County or MALPF that this statement had been signed.

In 1996, the Williams property went from a preservation district to a preservation easement. As part of that process, various reviews of the file and land title are completed. Since the aforementioned statement was not signed the deed of easement **did include** the one acre. This was not discovered till the summer of 2014.

During the intermediate time, the Williams had applied and received building permits from the County to construct the accessory garage with apartment & pool house with living quarters around 2003/2004. County staff reviewed the easement file and placed the condition that the dwellings be within the one acre release area on the permit. County staff was unaware of the incomplete paperwork and the easement encumbrance.

During the Williams MALPF inspection County and MALPF staff found these dwellings on the property, and also discovered conflicting records. A review of both files found the aforementioned issue, which then the Williams were advised they were in violation of the easement. The Williams have been working diligently over the last few months to resolve the violation which approval of this request would

remedy.

The applicant has provided a signed and sealed survey showing that all the dwellings, pool, well & septic reserve area, if released, would be a total of 43,060 square feet which is 500 square feet less than the potential one acre allowed.

Chairman Miller stated that he remembered this request from the mid nineteen-nineties, and inquired if reasons for the incomplete paperwork were caused by staff. Mr. O'Connor stated that the reasons why it was incomplete in the nineties would be only speculative. Ms. Hastings asked about the current farming use on the property, which Mr. Ewing stated that he has seen hay been cut a couple times this year. The board then inquired about the driveway not being included in the release. Mr. O'Connor stated that since the property is not going to be subdivided the driveway was not required to be included.

Chairman Miller inquired about a land swap with an adjoining property that also occurred around the same time in the nineties. Mr. O'Connor that project was in a similar situation, and both property owners are working with staff towards resolution. Mr. Anderson asked if the board should wait on a decision on this matter, which Mr. O'Connor neither situation is germane to the other, but the board would likely see another request on this property in the near future.

A motion was made by Hastings, seconded by Anderson for approval of the request. The request passed with a unanimous vote.

Continuing Projects Update

Purchase of Development Rights (PDR) application cycle

Mr. O'Connor informed the board that twelve landowners have had applications prepared by the Office of Planning & Zoning, and only two have returned. Mr. O'Connor stated on or about December 1 the landowners of the un-returned applications will be sent a reminder letter to submit. The deadline for submittal is December 31, 2014.

Recertification Application

Mr. O'Connor informed the board that the recertification application is still under review, but some preliminary comments (e.g. formatting issues) have been received.

PPA & Tier Maps

Chairman Miller inquired if there has been any indication of the direction of the PPA & Tier Maps since the recent election. Mr. O'Connor stated that nothing has been brought to his attention, but direction of the preservation program is dependent on the resolution of those maps. Discussion ensued regarding scoring methodologies and appraisal techniques.

Closed Session

Pursuant to the Annotated Code of MD, State Government, Title 10, Governmental Procedures, subtitle 5.Meetings, Section 10-508 (a) (13) To comply with specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; Annotated Code of Maryland - Agriculture Article 15, Subtitle 15, Chapter 10 - Confidential records to ensure the integrity of the property owner's ranking, asking price, and offer by the MALPF program. A motion was made by Anderson, seconded by Ewing to go in to closed session. The motion passed with a unanimous vote. The Board went in to closed session at 7:35 PM.

A motion was made by Anderson, seconded by Ewing to end closed session. The motion passed with a unanimous vote. The Board went ended closed session at 8:40 PM.

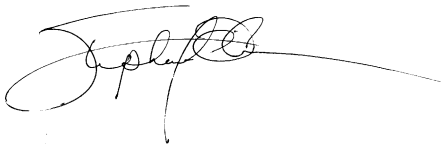
PPA & Tier Maps

A motion was made by Ewing, seconded by Hastings that the Board requests that the Office of Planning & Zoning include Mr. O'Connor in any PPA & Tier Map discussion with MDP as the resolution of those items will affect a property owners rankings, asking price or offer from MALPF. The motion passed unanimously.

Adjournment

A motion was made by Ewing & seconded by Hastings for adjournment. The meeting was adjourned at 8:45 PM by unanimous vote.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Stephen J. O'Connor", with a long horizontal flourish extending to the right.

Stephen J. O'Connor, AICP

underline = amended by addition

~~strikethrough~~ = amended by deletion

Agricultural Preservation Advisory Board Meeting Minutes

December 4, 2014

Members Present: Miller, Bob (Chair); Anderson, Norm; Hastings, Shelley; Robinson, Charles

Others Present: O'Connor, Steve - Cecil County Office of Planning & Zoning;

Call to Order

Chairman Miller called to meeting to order at 7:04 PM.

Meeting Minutes

A motion was made by Anderson and seconded by Hastings to approve the meeting minutes from November 13, 2014. The meeting minutes were unanimously approved.

January 2015 meeting

Mr. O'Connor reminded the board that the Purchase of Development Right applications will be reviewed and January, and for the board to be prepared for a long meeting. In addition he inquired if the Board wanted to set any policy for inclement weather. The Board decided to determine any cancellation on a case by case basis.

Request for 1 acre release from MALPF easement - Quillen, Dennard & Julia

Mr. O'Connor presented this request is to release a **non-subdividable** building envelope around the existing dwelling.

The property was purchased by the Quillen's in 2003 from Bohemia Manor Corp. While the property was under the ownership of Bohemia Manor Corp, Mr. Larre Jones requested an owners lot per the terms of the easement. Mr. Jones' request was approved by the MALPF board on December 14, 1999. Mr. O'Connor explained normally after the MALPF Board approval the owner's lot process continues administratively with MALPF & County staff in a two step process. The first being a preliminary release, which the owner signs the necessary documents and submits reimbursement back to MALPF for the area taken out of the easement. The second step is a final release whereas the owner submits the building permit to the foundation and the property becomes non-transferable for a period of 5 years.

Mr. Jones completed the preliminary release on May 9, 2000, but never submitted the final release to the Foundation. When the property transferred in 2003 a violation of the easement occurred. Prior to 2012 there was no expiration on owner lot requests. This policy changed in 2012 where applicants requesting owner's lots have a three year period to get from board approval to final lot release. MALPF staff has been working across the entire state to facilitate completing situations similar to this one with having owners submit the final release paper work and starting the 5 year ownership period. In this

case, since the ownership of the property is not with the original Grantor of the easement, an owner's lot cannot be created.

The solution agreeable to MALPF staff, County staff & the owner is to complete the final release using the permit from 2000, and the Quillen's rescinding the subdivision of the owners lot, and that their dwelling remains with the property in perpetuity.

Ms. Hastings inquired about the land use, which Mr. O'Connor could not provide an answer as the property was gated and he was unable to inspect.

Chairman Miller stated that to violations have actually occurred because Mr. Jones didn't complete his five year commitment. He also clarified that the Quillen's could have an argument to subdivide the property, and thought this was a best solution in this unique situation to accomplish the program goals.

A motion was made by Anderson, seconded by Hastings to recommend approval of the request. The request passed with a unanimous vote.

Application to establish a Preservation District - Powell, James & Marilyn

Mr. O'Connor presented an application to establish a preservation district on the lands James & Marilyn Powell located on Chandlee Road. The property is 59.47 acres in the 9 election district and is contiguous to 191 + acres of preserved land & 43+ acres of district land. The property has 80.1% of qualifying soils and is outside the Master Water & Sewer Plan area. Mr. O'Connor stated that he did a site inspection and met with the owners. In addition to the agricultural benefits, the owners stated that their home was constructed in 1712. Mr. Robinson provided some additional background on the property and stated that it's being farmed by the adjoining property owners.

A motion was made by Robinson, seconded by Hastings to recommend approval of the request. The request passed with a unanimous vote.

Request for Tenant Dwelling -Miller, Robert & Diane

Chairman Miller rescued himself from discussion and voting on this application.

Mr. O'Connor stated that this request is for a Tenant Dwelling for a Dairy Operation.

The Miller's already have an approved tenant dwelling located on the property, but a second one was discovered during the annual inspection of the property. This request is retroactive per MALPF staff's recommendation .

A tenant dwelling may be permitted on the property for every one-hundred acres under easement. Therefore 0-99.99 acres allows 0 tenant dwellings, 100 to 199.99 acres allows for one tenant dwelling, 200 to 299.99 acres allows for 2 tenant dwellings, et cetra. Also the provisions of the program are more restrictive than County zoning verifying that the people living in the dwellings are not related to the owner.

This property has 192 acres under easement, but the Miller's also have a second easement giving them a total of 247 acres in the program. Although the acreage falls short of the 200 acre threshold for a second tenant dwelling the provisions of COMAR Title 15, Subtitle 15 Chapter 03 Section 03 Subsection B(1) allows for the foundation to grant an exception for a compelling need. The Miller's have outlined the size of their operation and the need to have full time staff on the property at all times.

Acting Chair Hastings asked Mr. Miller about the size of the tenant dwellings and where they were located on the farm. Mr. Miller stated that they were in the farmstead area and the mobile home was approximately 14' x 65'. Mr. Anderson inquired if all other necessary approvals (e.g. building permits, septic, etc.) had been obtained. Mr. Miller provided an affirmative answer, and expanded that he had thought they had already completed second tenant dwelling request prior. Discussion ensued regarding the need to have employees on site to take care of the dairy cows. Acting Chair Hastings asked about the logistics of having a tenant that isn't paying rent. Mr. Miller stated that he hasn't had to deal with any issues with his tenants, but did discuss hypothetical remedies. Mr. Anderson stated he had no issue with the application considering the entire farm is 247 acres, and the 192 acre easement condition was a technicality.

A motion was made by Anderson, seconded by Robinson to recommend approval of the request. The request passed with a unanimous vote.

Continuing Projects Update

Purchase of Development Rights (PDR) application cycle

Mr. O'Connor informed the board that thirteen landowners have had applications prepared by the Office of Planning & Zoning, and three have returned. Mr. O'Connor stated on that a reminder letter went out to on December 2 to all the landowners of the un-returned applications reminding that the deadline for submittal is December 31, 2014. Chairman Miller inquired about the next steps after a recommendation from the board is made in January. Mr. O'Connor stated that the recommend applications will be presented to County Administration for authorization of appraisals. After the appraisal process is complete offers will be made to the selected land owners, which they will have 30 days to accept or reject. Once that process is complete, a final vote from the County Council will be made. He stated that the program is set up to have settlement target date of June 30, but that is not a deadline. Mr. Miller inquired about the calculation of Ag-Value method. Mr. O'Connor stated that the County didn't have a process separate from MALPF's calculation. Discussion ensued about the benefits and drawback of that methodology. The board agreed that further discussion is needed at a future meeting.

Recertification Application

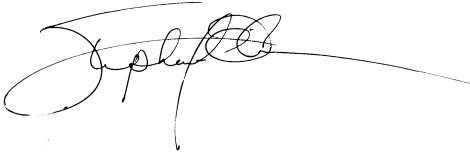
Mr. O'Connor informed the board that comments on the County's recertification application were received from MALPF & MDP in a combination review. Mr. O'Connor stated that a majority of the comments were either formatting or clarification issues, which those revisions were sent earlier in the

week. The largest issue was the revision of the PPA and Tier Maps, which the letter indicated that recertification approval may be difficult if those revisions are not complete prior to June 30, 2015. Discussion ensued regarding the maps.

Adjournment

A motion was made by Robinson & seconded by Anderson for adjournment. The meeting was adjourned at 9:26 PM by unanimous vote.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Stephen J. O'Connor", with a long horizontal flourish extending to the right.

Stephen J. O'Connor, AICP

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