

**AGRICULTURAL PRESERVATION WORK GROUP  
MEETING MINUTES**

*Amended*

**April 18, 2007**

1. **Attendance:** Tom Dernoga, Marilynn Bland, Phil Carr, Boyd Campbell, Daniel Filippelli, Fred Tutman, Debra Naylor, Charles Renninger, Stephanie DeVille-Eugene, William Moore, Torben Agesen

2. **Meeting Agenda:**

I. **Approval of Minutes (February 21, March 21, March 28)**

Meeting minutes were approved with no amendments.

II. **Overview of Regulations on Family Conveyances (Subtitle 24)**

Alan Hirsch of the M-NCPPC Subdivision Section summarized current regulations concerning subdivision plat exemptions for family conveyances (lineal descendant/antecedent) as contained in Subtitle 24 (Section 24-107(c)(3)).

The exemption is as follows:

A conveyance of one-half (1/2) acre or more to a son or daughter or lineal descendant or antecedent of the grantor from a tract retaining five (5) or more acres, or two (2) or more acres for property zoned R-A, provided that any lot so created shall be used solely for a one-family detached dwelling and uses accessory thereto and is in compliance with the provisions of the Zoning Ordinance as described in Section 24-107(d). Pursuant to this exemption, a grantee may only receive one (1) conveyance from the grantor in a ten (10) year time frame. The grantor shall submit a certified list of all previous grants to any person pursuant to this exception. This exemption may not be used to divide a property that was created pursuant to the provisions for private roads and easements contained in Section 24-128(b) of this Subtitle

Margaret Addis of the County Attorney's Office commented that this provision applies to individual to individual transactions, and not trusts.

Debra Naylor inquired as to whether these conveyances are reviewed by Mr. Hirsch's department. Mr. Hirsch responded that the only review by the Subdivision Section would be at permit application and Land Records does not review the deed conveyances for issues at the time of deed recordation. He stated the importance of making the familial relationship clear in the deed information.

In response to Boyd Campbell's question concerning why 10 year time frame was chosen, Tom Dernoga commented that it was chosen to further the policy of limiting conveyances that circumvent the intent of the statute but that provides an allowance for special circumstances.

Stephanie DeVille-Eugene inquired as to what the limitations would be if property is conveyed to a child, and later the child dies. Mr. Hirsch indicated that once the property is conveyed, it can then be transferred anytime. Mrs. DeVille-Eugene also inquired if there had ever been any consideration given to next of kin provisions for those individuals who do not have children.

Mr. Hirsch noted that the minor subdivision process is available for conveyance to nieces, nephews, etc. that do not meet the lineal descendant/antecedent requirements.

Ms. Naylor commented that *as long as the intent of the family conveyance is not abused, such conveyance is not a threat to preserving agricultural land and that recommendations from the Work Group should not eliminate family conveyance.*

In order to limit occurrences of illegal transfers, Tom Dernoga suggested implementing a requirement for submission of an application form to M-NCPPC and the use of a tracking system to monitor conveyances.

Mr. Hirsch commented that it is important to ask what it is that needs to be controlled. He suggested options of creating a structure to track how many family conveyances occur each year, or requiring a final plat of subdivision which must be recorded in Land Records. The final plat process has an associated cost.

Fred Tutman commented that family conveyance is not a user friendly process based on experiences that he has had. Phil Carr noted he had no issues with the process during a conveyance to his son in the middle 1990s.

Boyd Campbell noted that in other states, there is a partnership with the economic development office in promoting economic development through promotion of agricultural businesses and he was curious if there had been any dialogue with the County's Economic Development Corporation. Tom Dernoga indicated that EDC's budget would be coming before the Council within the next couple of weeks and that he would pose this question at that time and also requested that staff send an inquiry to EDC.

William Moore inquired about the goal of agricultural preservation or land preservation. Mr. Moore also informed the Work Group that Howard County has an Agricultural Marketing Specialist who works in their Soil Conservation District and this has been beneficial to their preservation efforts.

### **III. Discussion/Comments from observers in attendance**

Peter Duvall inquired about *the* federal gift tax associated with a family conveyance, *prompted by the musing of Chairman Dernoga in regard to the possible abuse of the family conveyance by some developers.* Ms. Addis commented that family transfers do not involve money so there is no requirement to report to the Internal Revenue Service.

*Harry Ketts commented as to the cost of surveys and appraisals that must be taken into consideration as a possible deterrence to conveyance.*

Randy Phoebus indicated that he had information on agricultural practices for the benefit of grassland birds and suggested this as a topic for discussion by the Work Group.

### **IV. Miscellaneous**

Council Member Bland informed the Work Group that she will be having her annual Rural Tier tour and asked those who would be interested in attending to provide their names on a sign-up sheet that was circulated.

- 3. Next Meeting:** May 2, 2007 at 3:00 p.m.
- 4. Adjourn:** The meeting was adjourned at 5:10 p.m.