

**Baltimore County Agriculture Advisory Board
Meeting Minutes
(Minutes Approved April 9, 2014)**

MEETING: February 12, 2014 Board Meeting – 4:00pm – 6:30 pm @ The Baltimore County Center for Maryland Agriculture, 1114 Shawan Road, Cockeysville, MD 21030

BOARD MEMBERS PRESENT: Gail Ensor, Harriet McGinnis, John Merryman, David Sparks, Russell Berk

MEMBERS ABSENT: David Martin

OTHERS PRESENT: Ann Jones, Wally Lippincott, Mark Ellerkmann (Landowner), Chris Basista (Columbia/NiSource Representative), Mary Lane & Michael Dubel (Landowners), Diann Churchill (Landowner), Deb Dwyer, W. Ralph Wisner & David Wisner (Landowners), David Johansson (Landowner), Jay Lampart (Brewer for Johansson’s Brewing Co.)

INTRODUCTIONS: The meeting was called to order at 4:00 pm with introductions of the Board members, staff, and landowners.

I. APPROVAL OF MINUTES/ADDITION OR DELETION OF AGENDA ITEMS:

- A.** Approval of Minutes of: December 11, 2013.
Edits: Page 1: John Merryman is the Board member that attended.
Page 4: IV.A.1.Discussion change Malpf to MALPF.
Motion to Approve: Harriet McGinnis
Second: John Merryman
Approved

- B.** Addition or Deletion of Agenda Items.
Additions: Dubel review of approved child’s lot
SB 259 Energy Production on Easements
Motion to Approve: Harriet McGinnis
Second: John Merryman
Approved

II. MALPF Easement Landowner Requests/Issues

- A. Wisner Farms, Inc. #03-98-15AC– Black Rock Road, Upperco (Map 26, parcel 18) ~77.95 +/- acres**

Request for recommendation to the State of a child’s lot for David B. Wisner.

Background

W. Ralph Wisner, Sr., president of Wisner Farms, Inc. is requesting approval for a child's lot on the property for David B. Wisner. Walter Ralph Wisner (father of David B. Wisner) is one of the original grantors of the easement. The farm has one agricultural structure, two barns, and no residential structures. The farm is in cropland. No prior request for family lots have been made.

The location of the proposed (one acre) child's lot is at the NW edge of the property boundary and clustered with other residential lots along Black Rock Road. Access to the lot is via a farm road/right of way. The soils in the proposed lot location are 73% GeC (Class III), and 27% BhD (Class IV).

Once a family lot is approved there is a three year time limit to build the house and then the family member must reside in the dwelling for 5 years before the property can be transferred.

Discussion: The Board discussed the child's lot request.

Motion: The Board recommends approval of the child's lot request for David Wisner in the location shown on the aerial map.

Motion made by: John Merryman Second: David Sparks

Decision: Unanimous Approval

B. Dubel, David & Mary Lane, #03-83-09 – 21328 Millers Mill Rd, Freeland - ~119 Ac.

Request for recommendation to the State of a 10 year extension for a previous child's lot approval for Michael Dubel.

Background

On July 23, 2002, the MALPF Foundation's Board of Trustees approved a request for a 1.515 acre child's lot for Mr. and Mrs. Dubel's son Michael. A preliminary release was granted and Michael Dubel had the lot surveyed, a well drilled, and the lot was transferred and titled in Michael's name. Due to severe financial circumstances, no other work was done to the lot and a house has not yet been constructed. In 2013 Mr. and Mrs. Dubel were informed by MALPF that a new law was passed in 2012 regarding a time limit on preliminary releases for child lot approvals (three years from the recording date of the preliminary release) and that they would need to request an extension. The Dubels feel that this new law is unfair since this provision was not in the deed of easement that they signed in 1986. They have provided a letter requesting a longer time frame than three years for Michael to build his house.

Discussion: The Board discussed the request with Mrs. Dubel and her son Michael.

Motion: The Board recommends approval of a ten (10) year extension to complete the child's lot request for Michael Dubel.

Motion made by: John Merryman Second: David Sparks

Decision: Unanimous Approval

III. Baltimore County Easement/Landowner Requests/ Issues

A. Small, Richard BC # 10-01 –1501 Allison Rd, Monkton, 54.1 acres

Request for consideration of an updated/revised HDD plan for the Columbia Pipeline project. Increase in temporary work space (additional 1. 147 acres) for the horizontal directional drill (HDD) pad for construction of the pipeline for Columbia Gas Transmission, LLC.

Background

Columbia Gas on behalf of Mr. Richard Small is requesting the Board's consideration and recommendation of an increase in the area needed for a temporary work/staging area for construction of the Columbia Gas Transmission pipeline. The proposal is to increase the staging area from 1.08 acres to 2.0947 acres in total. The horizontal directional drill will be used to cross under the Little Gunpowder Falls during the installation of the pipeline. Chris Basista, Contract Supervisor with NiSource/Columbia Gas Transmission, LLC has submitted the materials for the proposed revision for the pipeline right of way project.

Discussion: Chris Basista indicated that the engineers need additional temporary work space for the drilling. More land was requested on the Harford County side.

Motion: The Board recommends approval subject to letter from Mr. Small and Confirmation of approval from the Manor Conservancy (co-holder).

Motion made by: David Sparks Second: John Merryman

Decision: Unanimous Approval

B. Churchill, David & Diann BC# 97-17– 2044 Freeland Road, Freeland, 144.2 acres

Introduction and discussion of landowner's request for consideration of a transfer of a released unimproved child's lot. The Churchill's are subsequent owners of this property which is under a Baltimore County easement.

Background

Mr. and Mrs. Churchill are presenting a request to the Board for consideration of a transfer of a child's lot that was released to Patrick O'Neill (son of the original easement grantors). The lot was transferred to Patrick O'Neill and subdivided in 2007. A well exists on the lot but a dwelling on the child's lot was never constructed. The Churchills would like to purchase the lot from the O'Neills and are proposing three scenarios:

1) Allow a direct transfer of the one (1) acre O'Neill child's lot to their son Ian Churchill. The Churchills would also agree to place an easement on an adjacent 2.37 acre parcel (p. 44) that they own and was not included in the initial easement donation.

2) Allow a transfer the O'Neill child's lot to the easement extinguishing Mr. O'Neill's ownership/lot rights while retaining the ability for the Churchills to request a child's lot somewhere on their property in the future. The Churchills will also consider transfer of the 2.37 acre adjacent parcel 44 to the easement.

3) Extinguish the child's lot for Patrick O'Neill and return the 1 acre lot to the easement.

Discussion: The Churchill's children ages are from 10 to 18. There is concern among Board members for opening up the issue of allowing future owners to have child's lots.

Motion: The Board recommends tabling the request at this time. They also recommend a review of the request by a committee.

Motion: Harriet McGinnis Second Russell Berk

Decision: Unanimous Approval

IV. Baltimore County Zoning/Nuisance Issues

A. Ellerkmann, Richard M. – 3930 Dance Mill Rd, Phoenix, 19.56 acres

Request for consideration of a Rural Accessory Use (Equipment/Tractor Shed) for the property.

Background

Mr. Ellerkmann is requesting the Board's recommendation to the Zoning Office for a rural accessory use/legitimacy of farm determination in order to construct an equipment/tractor shed on his property.

The property is zoned RC-6 and assessed as agricultural use according to Maryland SDAT and is covered by a Long Green Land Trust easement. Mr. Ellerkmann raises livestock on the farm (sheep, goats, horses, chickens, pigs) for sale of meat, products, and sometimes animals. The current outbuildings are old and not sufficient for new farm equipment. He is requesting the structure in order to have a place to store his farm equipment and tractor. The approximate dimensions of the structure are 20'(d) x 40'(w) x 25' (h). It will be connected to existing buildings.

Discussion: Staff reiterated their concern that the building site has a lot of steep topography and that it's very important that the landowner have a Soil Conservation and Water Quality Plan for the builder to consult during construction for sediment and erosion control.

Motion: The Board recommends approval subject to having a SCWQ plan in place for the property.

Motion made by: Harriet McGinnis Second: Russell Berk

Decision: Unanimous Approval

B. Johansson, David & Christine – 21105 S. Ruhl Road, Freeland, 78.9 +/- acres

Request for a tenant dwelling for the property. Landowner has constructed a tenant apartment in barn.

Background

An enforcement citation was referred to the Baltimore County Agricultural Land Preservation Advisory Board regarding a barn that was converted to a dwelling on the property for the use of the landowner's (Mr. Johansson's) son. Mr. Johansson would like to designate the converted barn as a "tenant house".

The property is split-zoned RC-2 and RC-8 and is assessed as agricultural use according to the Maryland SDAT and is leased to Steve Troyer for grain production. There is one current main house on the property, the converted barn which Mr. Johansson would like to designate a tenant dwelling, and one additional farm structure. Mr. Johansson is proposing to start a small scale hops production on part of the property to produce hops primarily for his brewery (Johanssons Brewing Co. in Westminster). Mr. Johansson's son will be managing the hops production which requires labor intensive hand cultivation and harvesting.

Discussion: Mr. Johansson and Jay Lampart his Brewer described the process of producing hops and the use of hops in making beer. Mr. Johansson indicated he has two sons and one is living in the converted barn/garage. That son will be taking care of the hops, which because they will be grown organically, will involve a lot of labor during the growing season. Harvesting is also very labor intensive. The Board expressed concern that nothing is growing now so it's difficult to approve the request when it is uncertain how things will turn out.

Motion: The Board recommends approval pending the construction of the trellis and planting of the hops. Once this is validated the Board will recommend approval.

Motion made by: John Merryman Second: Russell Berk

Decision: Unanimous Approval

V. OLD BUSINESS – Update

- A. **Ensor, Peter - MALPF #03-94-09A: Request for a child's lot.** The request was forwarded to MALPF for their January 28, 2014 Board meeting, but the family requested postponement at this time. Request pulled from the January 28, 2014 MALPF agenda.
- B. **Greene, David & Nancy – MALPF #03-95-05E: Request for solar panels.** This request was approved at the January 28, 2014 MALPF Board meeting.
- C. **Tranquility Manor Farm – MALPF #03-13-06: Request overlay easement for Columbia Pipeline for an additional right-of-way (ROW) to be established on the pending MALPF easement property through a permanent ROW (1.5 acres), temporary construction easement area (0.72 acres), and temporary staging area (9.3 acres).** This request was approved at the January 28, 2014 MALPF Board meeting.

VI. PROGRAM POLICY

A. Baltimore County Agricultural Land Preservation Advisory Board Nominees. Board consideration of nominees/applicants for new Board members. Nominees have submitted resumes for the Board's review and consideration.

Discussion: The Board discussed the nominees and request a meeting w/ Mr. Arnold Jablon of Baltimore County to discuss the nominees.

B. Proposed changes to MALPF's COMAR regulations governing agricultural subdivision/corrective easements. Board review and discussion of the proposed changes to the COMAR regulations regarding agricultural subdivision/corrective easements. This was introduced at the January 28, 2014 MALPF Board meeting.

Discussion: The Foundation is requesting that changes to procedures be retroactive, this proposal also makes it more difficult to subdivide acreage of less than 50 acres, and sets a time limit on approvals. The Board felt the document has become too long and unwieldy. No one can read it and understand it. The proposed time limit is unnecessary and if absolutely necessary - too short- it should be a minimum of 5 years with a reminder after the 1st year. The insertion of an example is trying to back door a requirement. Either ask for it or leave it out. **See letter dated 2/20/14 to Carol West, Director of MALPF with the Board's comments on proposed changes to Agricultural Subdivision Regulations.**

C. Proposed changes to MALPF's "Five year time requirement for Family Lots" COMAR 15.15.06.05(c) – (For the Board's Information). MALPF Foundation staff requested specific authority to use the date of the "Use and Occupancy" permit to start the 5 year time requirement for ownership of Family Lots. This request was approved at the January 28, 2014 MALPF Board meeting.

Discussion: The Board agrees that this proposal is reasonable.

D. Proposed changes to MALPF's "Solar panel request-authority designation"- (For the Board's Information). Request for the Foundation Board to authorize staff to approve solar panel requests. This request was approved at the January 28, 2014 MALPF Board meeting.

Discussion: The Board agrees that this proposal is reasonable.

E. Open Meeting Law Rules and Requirements. Rules and requirements for complying with the "Open Meeting Law".

Discussion: This item was not discussed.

F. FY 2015 Capital Budget.

Discussion: Board recommendation to direct staff to prepare a letter for the Board requesting that the bonds issued be \$3 million for agricultural preservation and \$1million for rural legacy to buy more preservation lands. Agriculture and protection of environmental resources has been something the county has been a leader in and this decline in funding will not maintain the progress. Include percentages. The letter should be from Gail Ensor to the Chair with approval of Board.

G. SB 259 – HB 861: Agriculture – Easements - Renewable Energy Generation Facilities.

Discussion: Ann Jones and the Board members discussed the provisions of SB 259/HB 861. John Merryman reflected on David Greene’s situation (Mr. Greene’s request for a solar energy array for the farm); landowners would no longer need to make requests for approval of proposals such as these. Other questions/concerns raised were: How are renewable energy generation facilities different from a cell tower, scenic issues, locational issues. What is the difference between wind turbines and cell towers – visually there is less of an impact from cell towers. Ask the Assembly to send it to summer study with input from farmers and county board members, administrators and land trusts involved the meetings. Slippery slope. Energy is the hot button, what is the next one.

VII. INSPECTIONS/ UPDATES - None to report.

VIII. STATUS OF EASEMENT TRANSACTIONS/ UPDATES

A. 2014 MALPF Offers: Three more FY ‘13/’14 applicants have received an easement offer from MALPF.

IX. MISCELLANEOUS/ INFORMATION/ CORRESPONDENCE/ NEWS ARTICLES

Discussion of Field Visits: How to determine which Board members attend the field visits? Will the decision be made by who is available and try to vary for each meeting?

X. FUTURE MEETING DATES

Next Meeting Date(s): April 9, 2014

XI. ADJOURNMENT

Meeting adjourned at 6:15 pm