



KEVIN KAMENETZ
County Executive

ANDREA VAN ARSDALE, Director
Department of Planning

Baltimore County Agriculture Advisory Board
Meeting Minutes
(Minutes Approved 9/9/15)

MEETING: August 5, 2015 Field Meeting 2:00 pm – 4:00 pm and Board Meeting – 4:30pm – 6:30 pm @ The Baltimore County Center for Maryland Agriculture, 1114 Shawan Road, Cockeysville, MD 21030

FIELD MEETING INTRODUCTION: The field meeting commenced at 2:30 pm.

Motion: Russell Berk Second: John Merryman Decision: Unanimous Approval

BOARD MEMBERS PRESENT: Gail Ensor, John Merryman, Russell Berk, Scott Welsh

MEMBERS ABSENT: David Martin, Ann Jones

OTHERS PRESENT: Wally Lippincott, Carmela Iacovelli, Juston Pray (landowner at the field meeting), Christopher Parsons (landowner at the field meeting)

RECESS: The meeting was recessed at 2:31 pm.

MEETING RECONVENED: The meeting was reconvened at 2:45 pm by Gail Ensor, Chair.

Heggie, Carolyn – 3300 Whitesworth Rd., Phoenix, 18.35 +/- acres

Request – For a tenant dwelling for the property.

Discussion: The Board and staff members visited this property during the field meeting and met with Juston Pray (grandson-in-law of the owner) on site. Staff (Wally Lippincott) presented the owners' request for a tenant house for the property. It will be in the field closest to Whitesworth Road in the area that is zoned RC6. The Board members discussed the current agricultural operation with Juston Pray who will be the tenant farmer. He will be renovating the property and buildings as well as planting a stand of 25-30 dwarf fruit trees. He is currently clearing overgrown portions of the fields, repairing fences and buildings, and caring for livestock that is on the farm.

RECESS: The meeting was recessed at 2:52 pm.

MEETING RECONVENED: The meeting was reconvened at 3:10 pm by Gail Ensor, Chair.

Parsons, Christopher & Tera – 15831 Irish Avenue, Monkton, 15.123 acres

Request – Zoning verification of a "legitimacy of a farm use" for the property and current agricultural buildings.

Discussion: The Board and staff members visited this property during the field meeting and met with Christopher Parsons onsite. Wally Lippincott discussed the owner's request to designate the property a "farm"

in order to allow the outbuildings to remain in front of the proposed new dwelling. Mr. Parsons discussed the history of the property and his proposal to build a new house in the rear of the property as well as extending the access road through the center of the property. The Board discussed the current farming operation (leased fields for hay production) as well as the proposed new dwelling and access road with Mr. Parsons. They asked whether there would be any problems with working the fields on either side of the proposed driveway. Mr. Parsons stated that the farmer will be able to cross into each side of the field via the driveway without problem. The property is currently assessed as agricultural according to the Maryland SDAT.

RECESS: The meeting was recessed at 3:20 pm.

MEETING RECONVENED: The meeting was reconvened at 4:00 pm by Gail Ensor, Chair.

Whipperman, Billy & Kristy – Oakland Rd, Freeland, 20.33 acres

Request – Zoning verification of a “legitimacy of a farm use” on the property to construct a barn.

Discussion: The Board and staff members visited this property during the field meeting. Wally Lippincott presented an overview of the Whipperman’s horse operation. The Whipperman’s raise and breed Arabian show horses. The horses are currently stabled on the family’s neighboring farm. The Whipperman’s recently purchased the 20 acre neighboring property to move the horse operation to a farm of their own. They are constructing fencing and will move the horses as soon as possible.

RECESS: The meeting was recessed at 4:04 pm.

BOARD MEETING AT THE BALTIMORE COUNTY CENTER FOR MARYLAND AGRICULTURE

BOARD MEMBERS PRESENT: Gail Ensor, John Merryman, Russell Berk, Scott Welsh, Ann Jones

MEMBERS ABSENT: David Martin

OTHERS PRESENT: Wally Lippincott (Staff), Carmela Iacovelli (Staff), Carolyn Heggie and Juston Pray (landowner and grandson-in-law), Charles Orwig (landowner) and Bob Wilson (Engineer for Mr. Orwig), Billy and Kristy Whipperman (landowners), Christopher Parsons (landowner)

INTRODUCTION: The meeting was reconvened at 4:35 pm by Gail Ensor, Chair.

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

A. Approval of Minutes of: June 10, 2015.

DISCUSSION: Gail Ensor presented a clarification to the minutes of June 10, 2015 to the Orwig request (II. C.) pg.5, Request #2:

“Following the discussion, the Chair asked for a motion on the request by Mr. and Mrs. Orwig to recommend the division of the main farm house and surrounding buildings on 2 acres as ag subdivision. No motion was made which indicated the Board did not want to make a decision to approve as ag subdivision at that time.”

Motion: To approve the minutes of June 10, 2015 as corrected.

Motion by: Russell Berk

Second by: Scott Welsh

Decision: Unanimous

B. Addition or Deletion of Agenda Items.

II. MALPF EASEMENT LANDOWNER REQUESTS/ISSUES

A. Orwig, Charles & Grace (#03-83-07) – 2139 Gibson Rd., White Hall, 166.5 +/- acres

Request – to request recommendation of the subdivision of the up to two (2) acre release of an existing dwelling as an Ag Subdivision.

Background

The Orwig’s are asking that the Board find the request is for agricultural purposes. Below are the criteria for the Board’s review for a general exemption for an agricultural subdivision. The alternative will be for the Orwig’s to divide off the home site through a minor subdivision.

The criteria for a “General Exemption” for an agricultural subdivision of a property are:

- The request is for Agricultural Purposes
- No new roads or streets
- The request meets Zoning Regulations

DISCUSSION: Mr. Bob Wilson addressed the Board. He stated that there is nothing additional to add to the discussion of June 10, 2015 except that if this request is not approved as an agricultural subdivision then it will have to go through the full subdivision process which will require forest conservation/buffers on the farm and have a major

impact to the farm operation. Wally Lippincott stated that although it is not required, that the Orwig's consider giving a future buyer of the farm property the right of first refusal to purchase the dwelling and 2 acre exclusion.

Motion: The Board recommends approval of the release of the 2 acres as a "General Exemption" for agricultural purposes.

Motion by: John Merryman

Second by: Russell Berk

Decision: Unanimous approval

B. Pineau, A. Leonard & Patricia (#03-86-05AE) – 4115 Worthington Ave., Glyndon, 60 +/- acres

Request – to request recommendation of the subdivision of the two children's lots as an Ag Subdivision.

Background

The Pineau's are asking that the Board find that the request for two children's lots that was made at the June 10, 2015 meeting is for agricultural purposes. Below are the criteria for the Board's review for a general exemption for an agricultural subdivision.

The criteria for a "General Exemption" for an agricultural subdivision of a property are:

- The request is for Agricultural Purposes
- No new roads or streets
- The request meets Zoning Regulations

DISCUSSION: None

Motion: The Board recommends the request for the two children's lots to be released as a "General Exemption" for an agricultural subdivision.

Motion by: Russell Berk

Second by: John Merryman

Decision: Unanimous approval

III. BALTIMORE COUNTY EASEMENT/LANDOWNER REQUESTS/ ISSUES

A. Heggie, Carolyn – 3300 Whitesworth Rd., Phoenix, 18.35 +/- acres

Request – For a tenant dwelling for the property.

Background

Mrs. Heggie is requesting the Board's consideration and recommendation of a tenant house for the property.

Mrs. Heggie stated in the request letter that she needs her family's help on the farm in order to operate and maintain the farm for care of livestock, mowing, landscaping, fence maintenance, building repair and other activities. This property is assessed as agricultural, is zoned RC5 and RC6, and underwent a subdivision in 1987.

DISCUSSION: Wally Lippincott gave the Board an overview of the County's requirements to approve a tenant house and a history of the property. To be considered for a tenant house the "tenant farmer" (not the owner of the farm) must work full time on the farm, be the person that will occupy the tenant dwelling, and the scale of the farm and operation must justify the request. Does the farm require full time help to operate? Examples are operations with a large number of animals such as a large horse operation or dairy farm and is typically a commercial operation. The Heggie farm is a small property (~18 acres) in Jacksonville and is surrounded by homes. The property was subdivided in 1987 and is zoned RC5 and RC6. The area of the proposed tenant dwelling is on the RC6 area of the property.

The Board discussed the current farm operation and future operational plans with Mrs. Heggie and Juston Pray and the proposed location of the tenant dwelling in the front field.

Motion: The Board recommends approval for a tenant dwelling for the Heggie property at the location shown on the aerial map.

Motion by: Russell Berk Second by: John Merryman

Decision: Russell Berk, John Merryman voted: Aye; Scott Walsh voted: Nay; (No Majority)

Chair voted Aye: Motion carries

B. Whipperman, Billy & Kristy – Oakland Rd, Freeland, 20.33 acres

Request – Zoning verification of a “legitimacy of a farm use” on the property to construct a barn.

Background

Mr. and Mrs. Whipperman are requesting the Board’s consideration and recommendation of a Legitimacy of a Farm Use/Reduced Acreage Farm designation for their property in order to construct a barn. The Whippermans current operation is Infinity Egyptian Stud, LLC which is an Arabian horse breeding operation and they have 20 horses.

The barn will be approximately 36’ x 80’ and will be used as a stable and for storage of farm machinery/equipment. The farm is being converted to pasture and fencing is being installed for keeping horses. The farm will also be growing hay. The owners are currently operating on the adjoining farm. The property is assessed as an agricultural property according to the Maryland SDAT.

DISCUSSION: Wally Lippincott presented an overview of the Whipperman’s request. They are requesting a recommendation for the legitimacy of a farm use on the 20 acre property to add acreage to their horse operation that they are currently conducting on the adjoining family farm. The Board visited the property during their field visit and saw the fencing being installed. The Whipperman’s addressed the Board’s questions about their horse operation. They are in the process of setting up the property for a horse farm and are establishing pastures and constructing fences. They are under contract to build a barn if they receive the Board’s recommendation. They are planning to build a house and access road in the future. The Board recommended that the Whipperman’s obtain a soil conservation/water quality (SCWQ) plan.

Motion: The Board recommends approval of the Whipperman’s request for a pole barn and verifies the farm use on the property located on Oakland Road.

Motion by: John Merryman

Second by: Russell Berk

Decision: Unanimous approval

C. Parsons, Christopher & Tera – 15831 Irish Avenue, Monkton, 15.123 acres

Request – Zoning verification of a “legitimacy of a farm use” for the property and current agricultural buildings.

Background

Mr. and Mrs. Parsons are requesting a farm use designation for the outbuildings on the property. They are preparing to build a home on the property that they have owned since 2013. The proposed dwelling will be built behind the current outbuildings which is the reason for the request. The alternative is to request a zoning variance. The property is currently leased to Erik deKozlowski who grows hay and uses the barns for storage. The Parsons’ are also proposing to eventually refurbish the bank barn to accommodate horses and to create a fenced pasture. The remainder of the cropland will continue to be leased for production. The property is assessed as an agricultural property according to the Maryland SDAT.

DISCUSSION: Wally Lippincott presented an overview of the Parson's request. This is a request for determination of the legitimacy of a farm use-to allow the existing barns to remain in the location in front of the proposed new dwelling. The Board and staff visited the property during the field visit and spoke with Mr. Parsons. The proposed new dwelling is to be built behind the barns to allow the front field to continue to be farmed for hay use. The County's RC (rural conservation) zones are treated as residential and typically don't allow barns/outbuildings in front of a primary dwelling. A request can be made either for a variance to the zoning code or if it is determined that a property is an agricultural operation through the Rural Accessory Uses "Legitimacy of a farm use" application:A-17.

Motion: The Board verifies the legitimacy of a farm use on the property located at 15831 Irish Avenue and recommends approval of the Parsons' request to designate the barns on the property as agricultural structures.

Motion by: Russell Berk

Second by: John Merryman

Decision: Unanimous approval

IV. BALTIMORE COUNTY ZONING/NUISANCE ISSUES

None to Discuss

V. PROGRAM POLICY

A. Review and discussion of the proposed changes for the FY 16 Ranking Criteria for the Land Evaluation Site Assessment (LESA) and the LESA Evaluation Ranking Sheet.

DISCUSSION: Wally Lippincott reviewed the some of the recent changes made to the MALPF program. The discussion points included the following:

- the easement application round is now every two years
- the 80,000 acre goal for preservation in Baltimore County is still realistic and there is enough unpreserved land remaining to reach that goal
- changes made at the state level (ie. The tier law) have reduced density/value of properties state wide
- the State has implemented a cap of 75% of fair market value for easement prices for the FY 15/16 applicants
- the County would still like to use discounting which could use this cap as a basis
- want to review the LESA (land evaluation/site assessment) scoring sheet to emphasize the APPA (agricultural priority preservation area)
- need to get the LESA reapproved and any changes sent to the State by November for the 2016 application round that will be in May of 2016

The Board and staff discussed questions regarding the above points. The main goal is to get the best farms for the money. Is it more important to get the farms next to an active operation/easement or those at the edge of a farm area? Those priorities should be reviewed. It was also stated that outreach to property owners that are potential easement applicants will be important.

VI. OLD BUSINESS – Updates:

Wisner Farms, Inc. (#03-87-24c) – Extension of the preliminary release for Larry Wisner's child's lot.

Ensor, Peter (03-94-09) – MALPF approval of withdrawal of child's lot request/request for refund of payback.

Elligson, John & Timothy (03-80-04B) – Adjustment of easement boundary line. (Subdivision vs. boundary line adjustment).

Orwig, Charles & Grace (03-83-07) – MALPF administrative approval of the request to exclude the existing dwelling and 2 acres.

DISCUSSION: Brief discussion of the above issues that went to the State.

VII. STATUS OF EASEMENT TRANSACTIONS/ INSPECTIONS/ UPDATES

- A. Update for the MALPF FY 13/14 properties that have not yet settled.**
- B. MALPF inspections for FY '15 have been completed. Baltimore County inspections and MALPF inspections for FY'16 are underway.**

VIII MISCELLANEOUS/ INFORMATION/ CORRESPONDENCE/ NEWS ARTICLES

- A. Correspondence to County Executive Kamenetz regarding approval of recertification application for Baltimore County.**

IX. FUTURE MEETING DATES

Next scheduled meeting date(s) will be September 9, 2015

X. ADJOURNMENT

Motion: To Adjourn

Motion by: Russell Berk

Second by: John Merryman

Decision: Unanimous

Time: Meeting adjourned at 6:10 pm